



**GOVERNMENT OF GHANA**

**[INSERT NAME OF MINISTRY]**

**[INSERT NAME OF AUTHORITY]**

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**REQUEST FOR QUALIFICATION**

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**SELECTION OF A PRIVATE PARTY FOR THE [INSERT  
NAME OF AUTHORITY]**

**FOR**

**THE DEVELOPMENT OF [INSERT NAME OF PROJECT  
ASSET] AT [INSERT NAME OF PROJECT LOCATION]  
UNDER A PUBLIC-PRIVATE PARTNERSHIP (PPP)  
ARRANGEMENT**

**IN THE**

**[INSERT NAME OF AUTHORITY]**

**EMPLOYER**

[INSERT NAME OF AUTHORITY]

[INSERT ADDRESS OF AUTHORITY]

## Letter of Invitation

### REQUEST FOR QUALIFICATION: PUBLIC PRIVATE PARTNERSHIP (PPP) OPPORTUNITY FOR DEVELOPMENT OF [INSERT NAME OF PROJECT], [INSERT NAME OF PROJECT LOCATION]

Dear Sir/Madam,

1. The [Insert name of Ministry] and the [Insert name of Authority] (the “Authority”) intends to undertake the development of [Insert name of Project] (the “Project”) within the [Insert name of Project Location] through Public Private Partnership (PPP) arrangement. The Authority intends to engage a private partner to [design, finance, build, operate and transfer] the Project within an agreed period under the conditions and terms agreed in a project agreement to be entered into between the Authority and the private partner. The engagement of the private partner is to be undertaken under a two-stage international competitive bidding process.
2. The Authority now invites interested ‘persons’ or a ‘company’ to submit prequalification documents indicating their capacity to undertake the Project to be qualified by the Authority to submit an offer pursuant to a Request for Proposal to be issued by the Authority for the Project. Interested ‘persons’ or a ‘company’ are to indicate the specific [Insert name of Project Assets] projects out of the [Insert total number of projects in figures and words] listed [Insert name of Project Assets] that the person or company is interested in and each person or company may indicate up to [Insert maximum number of projects which can be selected by bidder in figures and words] [Insert name of Project Assets] of interest among the [Insert total number of projects in figures and words].
3. The full procurement process to be followed by the Authority for the award of the Project is described in the RFQ.
4. This RFQ comprises the following documents:
  - (a) Disclaimer
  - (b) Introduction and Background
  - (c) Project Description
  - (d) Brief Description of the Bidding Process
  - (e) Bidder’s Instruction
  - (f) Information Requested from and about the Prospective Bidders
  - (g) Evaluation Process

(h) Annexure: Application Forms

5. The Authority reserves the right to amend or alter this RFQ and is entitled to reject any all documents submitted or curtailed the process without assigning any reason.
6. Any request for clarification on this RFQ should be directed to the underlisted address in accordance with the terms stated in this RFQ:

*[Insert name, address, telephone number, email, etc. of responsible Authority's representative].*

7. The place, date, and time for submission of Proposals is as indicated in the RFQ and the Authority shall not accept any prequalification document submitted after the date and time indicated.
8. Please note that the costs of preparing the prequalification documents, including any visits are not reimbursable.

Thank You.

Yours Sincerely,

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(Title)

CC: 1. [Insert Designation of Authorized official]  
[Insert name of Ministry]

2. The Chief Director  
Ministry of Finance  
Attn: Director of Public Investment and Asset Division (PIAD)

3. The Head of Public Private Partnership (PPP) Unit  
Ministry of Finance

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## DISCLAIMER

The information contained in this Request For Qualification (the RFQ) or subsequently provided to Prospective Bidder(s), whether verbally or in documentary or any other form by or on behalf of the Authority or any of their employees, consultants or advisors is provided to Prospective Bidders on the terms and conditions set out in this RFQ and such other terms and conditions subject to which such information is provided.

This RFQ is neither an agreement nor an offer to the Prospective Bidders or any other person. The purpose of this RFQ is to provide interested parties with information that may be useful to them in preparing and submitting their prequalification documents for qualification to be invited pursuant to Request for Proposal to be issued by the Authority. This RFQ includes statements, which reflect various assumptions and assessments arrived at by the Authority in relation to the project. Such assumptions, assessments and statements do not purport to contain all the information that each Prospective Bidder may require. The assumptions, assessments, statements, and information contained in this RFQ, may not be complete, accurate, adequate, or correct. Each Prospective Bidder should, therefore, conduct its own investigations and analysis and should check the accuracy, adequacy, correctness, reliability and completeness of the assumptions, assessments, statements, and information contained in this RFQ and obtain independent advice from appropriate sources.

Information provided in the RFQ is on a wide range of matters, some of which may depend upon interpretation of law. The information given is not intended to be an exhaustive account of legal or statutory requirements and should not be regarded as a complete or authoritative statement of law.

The Authority, its employees, consultants and advisors make no representation or warranty and shall have no liability to any person, including any prospective bidder or bidder under any law, status, rules or regulations or tort, principles of restitution or unjust enrichment or otherwise for loss, damages, costs or expense which may arise from or be incurred or suffered on account of anything contained in this RFQ or otherwise including the accuracy, adequacy, correctness, completeness or reliability of the RFQ and any assessment, assumption, statement or information contained therein or deemed to form part of this RFQ or arising in any way in this Bid Stage.

The Authority also accepts no liability of any nature whether resulting from negligence or otherwise howsoever caused arising from reliance of any Bidder upon the statement contained in this RFQ. The Authority may in its absolute discretion, but without being under any obligation to do so, update, amend or supplement the information, assessment or assumption contained in this RFQ.

The release of this RFQ does not imply that the Authority is bound to select a bidder or to appoint the selected bidder as the case may be, for the project and the Authority reserves the

right to reject all or any of the Prospective Bidders or prequalification documents without assigning any reason whatsoever.

The Prospective Bidder shall bear all costs associated with or relating to the preparation and submission of its prequalification documents including but not limited to preparation, copying/reproduction, postage, delivery fees, expenses associated with all demonstrations or presentations which may be required by the Authority or any other cost incurred in connection with or relating to its documentations. All such costs and expenses will remain with the Prospective Bidder and the Authority shall not be liable in any manner whatsoever for the same or for any other costs or expenses incurred by a bidder in preparation for submission of the prequalification document, regardless of the conduct or outcome of the bidding process.

Each Bidder shall comply with the requirements of the RFQ. In no event shall a Prospective Bidder be allowed to modify the RFQ requirements, even if in its opinion, it offers improved terms to the Authority than that required herein.

This RFQ is provided solely for the purpose set out in this notice and is not intended to form any part or basis of any investment decision by Prospective Bidders. The recipient should not consider this document as an investment recommendation by the Authority or any of its officials, officers, employees, or advisers. Each person to whom this document (and other later documents) is made available must make his, her or its own independent assessment of the Project after making such investigation and taking such professional advice as he, she or it deems necessary. Neither the receipt of this document or any related document by any person, nor any information contained in the documents or distributed with them or previously or subsequently communicated to any Prospective Bidder or its advisers, is to be taken as constituting the giving of investment advice by Authority or its officials, officers, employees or advisers.

## **1. INTRODUCTION AND BACKGROUND**

### **1.1 Introduction**

The [Insert name of Authority], is an agency under the aegis of [Insert name of the Ministry]. In line with [Insert details of legal mandate document], the Authority is mandated to [Insert details of the mandate]. The functions of [Insert name of Authority] are outlined in the [Insert name of charter document]. Such functions include: [Include additional details here].

In executing its mandate, [Insert name of Authority] intends to develop [Insert name of Project]. The Authority intends to develop the following [Insert name of Project Assets] within the Project:

- a. [Insert the Project Components]
- b. [Insert the Project Components]

### **1.2 Public Private Partnership**

The Authority has in consultation with the Government of Ghana acting through the [Insert name of the Ministry] decided to undertake the development of the [Insert name of Project] through a public private partnership arrangement in accordance with the Public Private Partnership Act, 2020 (Act 1039) on PPPs under the oversight of the Public Investment and Assets Division (PIAD) of the Ministry of Finance (MoF).

In that respect, the Authority has registered the Project with the PIAD, and has engaged a Transaction Advisor to prepare the required Feasibility Studies Report on the implementation of the Projects under a PPP arrangement. The Feasibility Report has been submitted by the Transaction Advisors to [Insert name of Authority] and has been approved as per the processes required under the Public Private Partnership Act, 2020 (the “PPP Act”).

The Authority intends to engage a private partner through an [National / International] Competitive Bidding process for the implementation of the projects under a PPP arrangement. In the light of this, the Authority has adopted the procurement process as described below for the engagement of the private partner. As indicated in the procurement process, a two-stage process, a prequalification process, and a request for proposal, shall be used to engage the private partner. This document is a request for prequalification for interested private partners to submit document for prequalification for the next stage of the procurement process in accordance with the PPP Act.



## 2. PROJECT DESCRIPTION

[Insert brief description of each project under this section in addition to the table below. The description should cover the current state of the Project Asset, location, etc.]

### 2.1 [Insert name of Project Asset]

[Insert details here]

### 2.2 [Insert details of Project Asset]

[Insert details here]

### 2.3 ...

...

### 2.4 Development Objective

The table below indicates the area of the [Insert name of Project], the current catchment population and the projected catchment population. In addition, an indicative project cost, which is subject to change at the RFP stage, is provided to guide bidders:

No.	Name	Details of the Project	[Any other detail]	Indicative Project Cost
1.	[Insert name of Project]			
2.	...	...		

[Insert name of Authority] intends to engage the private partner to undertake the development, operation and maintenance of each of the [Insert name of Project] project through a PPP arrangement based on the [Design, Finance, Build, Operate and Transfer (DFBOT)] model under the PPP Act and in accordance with terms to be agreed under a Project Agreement to be entered into between the Authority and the private partner.

The selected Bidder, who is either a person or a company incorporated under the [The Companies Act, 2019, Act 992] or undertakes to incorporate as such prior to execution of the proposed project shall be responsible for designing, financing, construction, operation and maintenance of the Project under, and in accordance with, the provisions of terms stated in the agreement to be entered into between the Authority and the private partner in the form provided by the Authority as part of the RFP.

The scope of work for each [Insert name of Project] will broadly include [Insert names of components of Project Assets] etc. and the management, operation, and maintenance thereof.

Indicative capital cost of the Project (the "Estimated Project Cost") will be revised and specified in the RFP. The assessment of actual costs, however, will have to be made by The Prospective Bidders.

The Authority shall receive Applications pursuant to this RFQ in accordance with the terms set forth herein as modified, altered, amended and clarified from time to time by the Authority, and all Applications shall be prepared and submitted in accordance with such terms on or before the date specified in Clause 3.13 for submission of Applications (the "Application Due Date").

### **3. BRIEF DESCRIPTION OF THE BIDDING PROCESS**

- 3.1 The Authority has adopted a two-stage bidding process (collectively referred to as the "Bidding Process") for selection of the Prospective Bidder for award of the Project. The prequalification stage (the "Qualification Stage") of the process involves qualification of interested parties/ consortia who make an Application in accordance with the provisions of this RFQ (the "Prospective Bidder") which expression shall, unless repugnant to the context, include the Members of the Consortium. Prior to making an Application. The Prospective Bidder shall pay to the Authority a sum of GH¢ [\*\*\*] as the cost of the RFQ process. At the end of this stage, the Authority expects to announce a short-list of suitable pre-qualified bidders who shall be eligible for participation in the second stage of the Bidding Process (the "Proposal Stage") comprising Request for Proposals (the "Request for Proposal or "RFP")

This Request for Qualification describes the Project, the process, procedures and requirements for the preparation and submission of the Application by the Prospective Bidder and the process to be followed by the Authority in its evaluation of the Applications and the appointment of pre-qualified bidders.

The documents that describe the Project and the processes to be followed for pre-qualification are:

- a. This Request for Qualification (RFQ) together with all its Annexes, Schedules and Appendices;
  - b. The Project Information Memorandum (PIM); and
  - c. Any Addendum / Clarification issued by the Authority from the date of the first publication of the RFQ until the RFQ Submission Date.
- 3.2 The Authority shall be entitled to disqualify a Prospective Bidder for breach of any of the instructions stated in this RFQ.
- 3.3 In the Qualification Stage, Prospective Bidder are required to furnish all the information specified in this RFQ as expressly indicated in clause 5 below. Only those Prospective Bidders that are pre-qualified and short-listed by the Authority shall be invited to submit their Bids for the Project. In accordance with the PPP Act, not more than 6 (Six) Prospective Bidders shall be pre-qualified and Shortlisted by the Authority. The Prospective Bidders are, therefore, advised to visit the site and familiarize themselves with the Project.
- 3.4 In the Bid Stage, The Prospective Bidders will be called upon to submit their financial offers (the "Bids") in accordance with the RFP and other documents to indicate their technical capability to the Authority (collectively the "Bidding Documents"). The Bidding Documents for the Project will be provided to every

Bidder on payment of a process fee for RFP which will be not less than [Insert number in figures and words] times but not more than [Insert number in figures and words] times of the amount specified in Clause 3.1 above. The Bid shall be valid for a period of not less than [Insert number of days] days from the date specified in Clause 3.13 for submission of Bids (the "Bid Due Date").

- 3.5 In terms of the RFP, a Prospective Bidder will be required to deposit along with its Bid, a bid security equivalent to about [Insert percentage in figures and words] of the Estimated Project Cost (the "Bid Security") redeemable no later than [Insert number of days in figures and words] days from the Bid Due Date, except in the case of the selected Bidder whose Bid Security shall be retained till it has provided a Performance Security under the Project Agreement. The Prospective Bidders will have an option to provide Bid Security in the form of insurance bond, demand draft or a bank guarantee acceptable to the Authority. In case an insurance bond or bank guarantee is provided, its validity period shall not be less than [Insert number of days in figures and words] days from the Bid Due Date and may be extended as may be mutually agreed between the Authority and the Prospective Bidder from time to time. In case a demand draft is provided, its validity shall not be less than [Insert number of days in figures and words]<sup>1</sup> days from the Bid Due Date for the purposes of encashment thereof by the Authority. The Bid shall be summarily rejected if it is not accompanied by the Bid Security.
- 3.6 Generally, the most economically evaluated bidder shall be the selected Bidder. The remaining Bidders shall be kept in reserve and may, in accordance with the process specified in the RFP, be invited for negotiation in case such selected Bidder withdraws or is not able to reach agreement for any reason in accordance with terms indicated in the RFP. The Authority may, in its discretion, invite fresh Bids from the remaining Bidders or annul the Bidding Process, as the case may be.
- 3.7 During the Bid Stage, Bidders are invited to examine the Project in greater detail, and to carry out, at their cost, such due diligence studies as may be required for submitting their respective Bids for award of the project including implementation of the Project.
- 3.8 As part of the Bidding Documents, the Authority will provide a draft Project Agreement and the approved feasibility report prepared by the Authority/ its consultants and other information pertaining/ relevant to the Project available with it.

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<sup>1</sup> Please include the validity in alignment with regulations; if not specified, 90/120 days

- 3.9 Bids will be invited for the Project on the basis of Technical and Financial Capabilities and the highest premium by a Prospective Bidder for implementing the Project. A Prospective Bidder shall receive an [Annual Service Payment/ Grant (the “Grant”) or pay a premium in the form of upfront payment (the '**Premium**')]² to the Authority for award of the project. The concession period shall be pre-determined and will be indicated in the draft Project Agreement forming part of the Bidding Documents.
- 3.10 The Bidder shall, in consideration of its investment and services, be entitled to [Levy and collect a pre-determined user fee and/or Annual Service payment].
- 3.11 Details of the process to be followed at the Bid Stage and the terms thereof will be spelt out in the Bidding Documents.
- 3.12 Any queries or request for additional information concerning this RFQ shall be submitted in writing by speed post/ courier/ special messenger and by e-mail so as to reach the officer designated in Clause 2.13.3 by the specified date. The envelopes/ communications shall clearly bear the following identification/ title:

*"Queries/ Request for Additional Information: RFQ for [Project Name] Project".*

### 3.13 Schedule of Bidding Process

The Authority shall endeavour to adhere to the following schedule:

	<b>Event Description:</b>	<b>Date</b>
	<b><u>Qualification Stage</u></b>	
	Advertisement or Date of Issue of RFQ	[To be Specified]
1.	Last date for receiving queries	[35 days from date of RFQ]
2.	Pre-Application Conference	[35 days from date of RFQ]
3.	Authority's response to queries latest by	[38 days from date of RFQ]
4.	Application Due Date	[45 days from date of RFQ]
5.	Announcement of short-list	Within 15 days of Application Due Date

<sup>2</sup> In case User Fee, Premium/Grant shall be the bid parameter and in Authority pay model, Annual service fee may be retained. The Bid parameter may vary based on the Sector and nature of the Project.

	<b><u>Bid Stage</u></b>	<b>Estimated Date</b>
	Advertisement or Date of Issue of RFP	[To be Specified]
1.	Sale of Bid Documents	[From date of RFP advertisement]
2.	Last date for receiving queries	[15 days from date of RFP]
3.	Pre-Bid Conference -1	[20 days from date of RFP]
4.	Authority response to queries latest by	[30 days from date of RFP]
5.	Pre-Bid Conference – 2	[To be specified]
6.	Bid Due Date	[45 days from date of RFP]
7.	Opening of Bids	On Bid Due Date
8.	Selection of Preferred Bidder	Within [30] days of Bid Due date
9.	No objection period	Within [10] days after selection of preferred Bidder
10.	Letter of Award (LOA)	Within [30] days after selection of preferred Bidder
11.	Validity of Bids	[180] days of Bid Due Date
12.	Signing of Project Agreement	Within [30] days of award of LOA

## **4. BIDDER'S INSTRUCTION**

### **4.1 Instructions to the Prospective Bidders**

The Prospective Bidder, in submitting a prequalification document, will be deemed to do so on the basis that it acknowledges and accepts the terms of this RFQ.

### **4.2 Non-eligible Persons**

Any Application including the involvement of:

- (a) Any person disqualified from any procurement process in Ghana or elsewhere within the last [Insert number of years in figures and words] years.
- (b) Any person disqualified from being a director under the Companies Act, 2019 of Ghana.
- (c) A not-for-profit entity
- (d) Entity, which
  - a. is insolvent or in receivership or bankrupt or be in the process of being wound up or any equivalent or analogous proceedings under the law of the jurisdiction in which such company or corporation is incorporated or any jurisdiction in which such company or corporation carries on business
  - b. subject to legal proceedings that materially affect the capacity of the bidder into a contract
  - c. has failed to fulfil the obligations of the bidder to pay taxes and social security contributions and any paid compensation sure, or damages caused to property
  - d. has director or officers who have been
    - i. convicted of any offence relating to professional conduct, false statements, or misrepresentations as to qualifications to enter into a public private partnership contract, within a period of ten years proceeding the date of this RFQ; or
    - ii. disqualified pursuant to administrative proceedings or disbarment proceedings
  - e. Fails to meet the requirements specified for eligible entities under Article 40 of the PPP Act.

### **4.3 Pre-qualification of the Prospective Bidder**

The Prospective Bidder is hereby invited to submit an Application to be considered as a Pre-Qualified Bidder.

- 4.3.1 Only that/ those Bidder(s) selected as Pre-Qualified Bidder(s) shall be entitled to bid for the Project in terms of the RFP.
- 4.3.2 No person, lender or advisor to a person may be a member of, or in any way participate in or be involved with (either directly or indirectly) more than one Bidder in respect to a specific project at any stage during the procurement process without the prior written consent of Authority, which may be granted or refused in its sole and absolute discretion.
- 4.3.3 No person (including both artificial and natural persons) currently employed by either the Authority or any member of the Project Team may advise The Prospective Bidder or its Equity Members. The Prospective Bidder warrants by virtue of it making an Application that no such person has advised The Prospective Bidder or its Equity Members or is a member of such Bidder.
- 4.3.4 Subject to the prior written consent of the Authority, persons not previously forming part of a Bidder, or forming part of a Prospective Bidder not selected as a Pre-Qualified Prospective Bidder, may be permitted to join a Pre-Qualified Bidder.
- 4.3.5 At any time after a Prospective Bidder has been appointed as a Pre-Qualified Bidder, if any of the target levels committed to in terms of criteria stated herein is reduced below that target level, it may result in the disqualification of The Prospective Bidder, which disqualification shall be solely at discretion of the Authority.

#### **4.4 Acknowledgement of Law**

Each Prospective Bidder is required to be fully acquainted with the PPP Act, other laws of Ghana and policy related to PPPs and the subject matter of the Project, and that it will comply with such laws.

#### **4.5 Legal Personality of Prospective Bidder and Subcontracting Arrangements**

- 4.5.1 While it is acknowledged that for the purposes of submitting an Application and for the purposes of submitting a bid under the RFP, a Prospective Bidder may constitute a consortium or joint venture, it is assumed that such consortium shall convert into a SPV, with the various consortium members becoming Equity Members of the SPV.
- 4.5.2 No change is permitted to the organizational structure of any Prospective Bidder (including its Equity Members and Subcontractors) after submission of its Application without the prior written consent of the Authority.
- 4.5.3 In the event that the Prospective Bidder (or its Equity Members and Subcontractors) undergoes a change in its membership, composition or Control post submission of the Application, it shall immediately following such change and in any event not later than [7 (seven)] Days following such change, notify the Authority in writing. The Authority reserves the right to require the relevant Prospective Bidder to resubmit any



qualification documents or provide such information with regard to the proposed change. Should any Prospective Bidder fail to advise the Authority of any change in composition or Control within [7 (seven)] Days of it becoming aware of such change, the Authority may in its sole discretion disqualify such Prospective Bidder from the Bidding Process.

#### **4.6 Pre-Qualified Bidders by the Authority.**

Should the composition or Control of a Prospective Bidder or its Equity Members change without the prior written consent of the Authority, the Authority shall be entitled in its sole discretion to disqualify The Prospective Bidder from participating in any further stage of the procurement process, or to allow The Prospective Bidder to continue in the procurement process, subject to such conditions as the Authority determines appropriate.

#### **4.7 Confidentiality**

4.7.1 In submitting an Application, The Prospective Bidder and its Equity Members agrees to keep its RFQ Application confidential from third parties other than the Authority, its officials (including [Insert name of Ministry] and PID) and the Project Team who are required to review same for the purposes of procurement of the Project.

4.7.2 All information and data submitted by The Prospective Bidder shall become the sole property of the Authority, with the exception of copyrighted material, trade secrets or other proprietary information clearly identified as such by The Prospective Bidder.

4.7.3 The provisions of this paragraph shall not apply to any information which is made available as required by any law or any regulatory authority, or which is or becomes public knowledge, other than by way of breach of this paragraph or which was in the possession of such party prior to its disclosure or which is received from a third party who lawfully acquired such information and is under no obligation restricting its disclosure.

#### **4.8 Corrupt Gifts and Payments**

4.8.1 Neither The Prospective Bidder, its Equity Members, nor any of their employees, agents, lenders or advisors shall directly or indirectly offer or give to any person in the employment of the Authority or any other Government official or any of the Project Team any gift or consideration of any kind as an inducement or reward for appointing or recommending the appointment of The Prospective Bidder as a Pre-Qualified Bidder, or for showing or omitting to show favor or disfavor to any of The Prospective Bidder, its Equity Members or the Subcontractors in relation to the Project.

4.8.2 In the event that any of the prohibited practices contemplated under this RFQ is committed, Authority shall be entitled to terminate that Pre-Qualified Bidder's status and to prohibit such Bidder, its Equity Members, its Subcontractors and their agents,

lenders and advisors from participating in any further part of the procurement of the Project.

#### **4.9 No collusion**

4.9.1 In submitting an Application, each of The Prospective Bidder and its Equity Members certifies that it's Application:

- (a) has been prepared without consultation, communication, or agreement for restricting competition with any other Bidder, member of another Bidder, or any other competitor or potential competitor;
- (b) has not been disclosed by it, nor will it be disclosed by it to any other Bidder, member of another Bidder, or any competitor or potential competitor; and
- (c) no attempt has been made or will be made by it to induce any other person not to submit an Application for the purpose of restricting competition.

4.9.2 Any Bidder found to violate the above conditions will be subject to disqualification, which decision shall be in the sole discretion of the Authority.

#### **4.10 Non-compliance**

4.10.1 Any material failure on the part of a Bidder to comply with the terms of this RFQ, read together with all Briefing Notes, may result in its Application being treated as non-compliant.

4.10.2 the Authority reserves the right to reject any non-compliant Applications without further evaluation and undertakes to follow a procedurally fair process in reaching this decision.

4.10.3 Any Application received without all information or data requested in terms of this RFQ, or with insufficient information for substantive evaluation thereof, will be marked as incomplete and may, in the Authority's sole and absolute discretion, be rejected.

4.10.4 The Authority shall disqualify a Prospective Bidder and its Application who submits a document containing false information for purposes of prequalification.

4.10.5 The Authority may disqualify a Prospective Bidder and its Application if it is determined that the information submitted concerning the qualifications of a private part was materially inaccurate or materially incomplete.

#### **4.11 Consortium**

In the event that an Application is made by a consortium, the Application is to be signed by the Lead Member who is duly authorized to do so by the other consortium members. Such authorization must be submitted as part of the prequalification documents.

#### **4.12 Further Information**

4.12.1 The Authority reserves the right to seek additional information from the Prospective Bidder, as it may in its sole discretion determine, whether such information has been requested under this RFQ or otherwise, and may require the Prospective Bidder to make oral presentations for clarification purposes or to present supplementary information if so required.

4.12.2 The Authority may issue additional information regarding this RFQ on an ad hoc basis, which information shall be provided in the form of Briefing Notes.

4.12.3 The Prospective Bidder requiring any clarification on the RFQ may notify the Authority in writing as per the schedule mentioned in Clause 4.12.3. The Authority shall endeavor to respond to the queries within the period specified therein, but no later than [7(seven)] days prior to the Application Due Date.

4.12.4 [Deleted]

#### **4.13 Close Date for Applications**

Each Prospective Bidder's Application is to be submitted by not later than 5:00 pm on the \_\_\_\_ day of \_\_\_\_\_ 20xx (Application Due Date) to:

The Tender Box

Located

For the attention of:

clearly marked as follows:

Project: The Authority [Insert name of Project Assets] PPP Project

The Prospective Bidder's contact details must be on the reverse of the bid submission envelope/ package to facilitate its return in the event of its late submission.

The Authority may in its sole discretion extend the Application Due Date and time for the submission of Applications at least [Insert number of days in figures and words] Business Days prior to the Application Due Date. In such an event, the terms, and conditions of this RFQ shall be subject to the new deadline as extended and The Prospective Bidder will be advised accordingly.

Applications received after the Close Date and time will be marked as late and may, in the Authority's sole and absolute discretion, be rejected.

#### **4.14 Application copies**

Each Application is required to be delivered by way of:

- (a) a hard copy consisting of one master Application and [Insert number of copies in figures and words] copies thereof; and
- (b) a soft copy consisting of one master Pen drive and [Insert number in figures and words] additional Pen drives, and the documents contained therein to be in [Microsoft Word format, except for spreadsheets and project plans which are to be in Microsoft Excel and Microsoft Project formats, respectively]. Where the documents or spreadsheets cannot be accessed by Microsoft Word, Microsoft Excel, or Microsoft Project, respectively, the documents must be provided in an Adobe Acrobat PDF format. [Note: only MS Word, MS Project, MS Excel, or Acrobat PDF formats may be used;]
- (c) each marked as either "master" or "copy", as the case may be.

## **5. INFORMATION REQUESTED FROM AND ABOUT THE PROSPECTIVE BIDDER**

### **5.1 Introduction**

- (a) The Authority has established the following Minimum Qualification Requirements in clause 6.2 below that Prospective Bidders must meet (or surpass) in order to Pre-Qualify. Evaluation of Prospective Bidders' credentials against the Minimum Qualification Requirements will be strictly on a pass/ fail basis. In the event a Prospective Bidder fails to meet any of the Minimum Qualification Requirements, their Application will not be considered further, and such Prospective Bidder will have failed to Pre-Qualify for subsequent stages.
- (b) The technical and financial qualifications of the Prospective Bidders meeting the or surpassing the Minimum Qualification Requirements shall be aggregated as per the Evaluation Criteria specified in Clause 6.3 and up to 6 (Six) Prospective Bidders shall be prequalified.
- (c) The Prospective Bidder or a Qualifying Equity Member may, where permitted, use the experience or credentials of its Affiliate(s) or Contractors, provided such Affiliate(s), and Contractors fall comply with all requirements under this RFQ.
- (d) The Authority reserves the right to disqualify the Successful Bidder and rescind the Letter of Award or terminate the Project Agreement, as the case may be, if (i) any named Qualifying Equity Member fails to hold at least ten percent (10%) shareholding in the Project Company, or (ii) the Lead Member does not hold at least twenty six percent (26%) shareholding in the Project Company until the expiry of the lock-in-period.
- (e) (i) Qualifying Equity Member and Contractors of the same Consortium who have worked together on the same Eligible Project may use such Eligible Project in their experience statements provided that such a project will only be counted once towards the Qualification Requirements of one of them.  
(ii) Two Consortium Members of competing Prospective Bidders who have worked together on the same Eligible Project may both use such Eligible Project in their Application.  
(iii) An Eligible Project may qualify as one or more of an Eligible PPP Project, an Eligible Construction Project, and an Eligible O&M Project.

The information requested under this clause will be used to evaluate The Prospective Bidder as per the evaluation process set out in clause 6 below.

### **5.2 Qualification Documents (Application)**

The objective of this section is to solicit information about the intended structure of The Prospective Bidder and requests information about The Prospective Bidder, its Equity

Members, and other Subcontractors, each of their corporate information and any legal proceedings that they may have.

The Prospective Bidder shall, in pursuance of this RFQ, submit the Application consisting of the following documents:

- a) Notarized Application to Pre-Qualify, using the form in Annex QD-1A.
- b) Notarized Authority to Apply to Pre-Qualify and designate an Authorized Representative.
  - 1) If the Prospective Bidder is a single Prospective Bidder, it must submit a Notarized Authority using the form in Annex QD-1B.
  - 2) If the Prospective Bidder is a Consortium, each Consortium Member must submit a Notarized Authority to Participate in Consortium jointly and severally and apply to Pre-Qualify, and designate the Lead Member and other Consortium Members of the Consortium, using the form in Annex QD-1C. The Lead Member shall submit a Notarized Authority using the form in Annex QD-1B in favour of its authorized representative. Provided however, the Consortium shall be required to submit a joint bidding agreement executed between all Consortium Members for the purposes of jointly participating in the Bidding Process for the Project at the RFP stage.
- c) Business structure, using the form in Annex QD-2A for a single Prospective Bidder and Annex QD-2B for Consortium.
  - 1) The Business Structure (in both Annex QD-2A and QD-2B) must also indicate the Qualifying Entity proposed to satisfy each and every Minimum Qualification Requirement set out in Section 4.
  - 2) With reference to Annex QD-2B, the Prospective Bidder must show the Lead Member, all Consortium Members, proposed Qualifying Equity Member(s) and their Affiliates, Subsidiaries, and Contractors. A copy of the consortium agreement setting out the relationship and the proposed shareholding of the Consortium Members in the Project Company shall also be enclosed with Annex QD-2B. The total percentage interest of all Consortium Members must be one hundred percent (100%).
- d) Basic Information Sheet, using the form in Annex QD-3.
  - 1) The Basic Information Sheet must be submitted by all Entities identified in the Business Structure.
  - 2) Required attachments for each of the Entities in the Business Structure include the (i) Copy of the Certificate of Incorporation or an equivalent document issued by the appropriate authority in that country, evidencing legal existence of such Entity; and (ii) a letter from the Entity's authorized representative, to the effect that the Entity is not insolvent, in receivership, bankrupt or in the process of being wound up.
  - 3) A copy of the authorization given by the Entity in favour of the authorized representative signing the Application shall be provided where such Entity is other than the Prospective Bidder / Qualifying Equity Member.
- e) Technical capability  
The following must be provided by an Entity proposed to meet the Technical

Qualification Experience requirements to meet the Minimum Qualification Requirement:

- 1) PPP and/or Construction Experience
  - i. Documentary Evidence for each Eligible PPP and/or Construction Project that the construction of such Eligible PPP Project has been completed and accepted by the project owner and specifying the date of completion and acceptance of such Eligible PPP Project (e.g. completion certificate); and
  - ii. Information as per Annex QD-4 for each Eligible PPP Project; Eligible Construction Project experience as perform in Annex QD-5
- 2) O&M Experience.
  - i. Certification for the Eligible O&M Project that has been (or continues to be) operated and maintained by that Entity in the ten (10) years preceding the RFQ Submission Date and that the period for which that Entity has to operate and maintain the Eligible O&M Project is not less than five (5) years; and
  - ii. Information as per Annex QD-6 for each Eligible O&M Project;
- f) Certified Statement of Financial Qualification, using the form in Annex QD-7 by the Prospective Bidder. If the Prospective Bidder is a Consortium, a copy of the Last 3 years Audited Financial Statements, must be submitted by each Qualifying Equity Members proposed as meeting the Financial Qualification Requirements. In the event such Audited Financial Statements are in a language other than English, the same shall be accompanied by an accurate English translation of such document duly translated into English by a translator who shall certify the translation as true and genuine.
- g) Financial letter of support in the form provided at Annex QD-8 by each of the Affiliate(s) whose experience / credentials have been relied upon by the Prospective Bidder or the Qualifying Equity Member to satisfy Technical or the Financial Qualification Requirements. Where the experience or credentials of an Affiliate is used by the Prospective Bidder or a Qualifying Equity Member, a copy of the Last 3 years Audited Financial Statements of such Affiliate shall be submitted together with a summary table providing an aggregate of its Net Worth.
- h) Certification of Absence of Unsatisfactory Performance Record using the Annex QD-9 by a single Prospective Bidder and all Consortium Members, Affiliates, Eligible SPVs and Contractors.
- i) Other information, using the form in Annex ID-1.
  - 1) For information purposes only, Prospective Bidders shall provide the names of the key team members (and their employers) who are intended to be involved in the management of the Bid
  - 2) Project Awareness and Comprehension Report

## **6. THE EVALUATION PROCESS**

### **6.1 Assessment of the Prequalification Applications - Selection of Prequalified Bidders**

The bid evaluation committee (established by the Authority) shall assess the prequalification applications and determine prequalified bidders for the Project. The evaluation shall be based on determining following criteria:

- (a) legal capacity of the entity to undertake the PPP Project;
- (b) adequate technical experience meeting the Technical Qualification Requirements in accordance with 6.2 (a);
- (c) adequate financial capacity meeting the Financial Qualification Requirements in accordance with 6.2 (b);
- (d) no unsatisfactory Performance Record and/or involvement in litigation or dispute that could materially affect the ability to carry out the PPP Project.

### **6.2 Minimum Qualification Requirements<sup>3</sup>**

#### **6.2.1 TECHNICAL QUALIFICATION REQUIREMENTS**

##### **6.2.1.1 PPP and Construction Experience**

The Prospective Bidder shall demonstrate that in the five (5) years preceding the RFQ Submission Date, it has experience of undertaking

- a) Minimum of [four (4)] Eligible PPP or Construction Projects where
  - 1) Eligible Construction Project means an Infrastructure Project carried out by the Prospective Bidder or a Qualifying Equity Member, in each case as the main or principal contractor, in which construction has been completed in the ten (10) years preceding the Application Due Date, with a capital value of at least [25% of the project cost];
  - 2) Eligible PPP Project means an Infrastructure Project with a capital value of at least [25% of the project cost] procured as a PPP design, construct, finance, operate and maintain project having been in operation (post-construction completion) as on date of Application Due Date in which the Prospective Bidder or a Qualifying Equity Member or their Affiliate held a minimum 10 percent (10%) shares in the project company responsible for the Eligible PPP Project at any time during the five (5) year period preceding the Application Date;

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<sup>3</sup> Qualification requirements may be set by Contracting Authority pursuant to the PPP Act 2020



*Provided further* that the Entity whose Eligible PPP Project is proposed as counting towards these Eligible PPP Projects must provide documents evidencing that it holds or has held a share of not less than ten percent (10%) in the project company responsible for the Eligible PPP Project.

- 3) The Entity proposed to meet the experience may be any of the following, holding the minimum share as stated in (i) above:
  - i. The Prospective Bidder itself or Affiliate(s); or
  - ii. A Qualifying Equity Member or Affiliate(s) if the Prospective Bidder is a Consortium; or  
*Provided further* that such Affiliate(s) of the Prospective Bidder or the Qualifying Equity Member, as the case may be, shall also comply with the requirements under clause 5.2 (f).
  - iii. For construction experience, Construction Contractor(s), provided that the number of Construction Contractors shall not exceed two (2).

#### **6.2.1.2 O&M Experience**

##### b) Operation & Maintenance Experience

- 1) The Prospective Bidder shall demonstrate Eligible O&M Project experience such that the aggregate [Particulars of the size for e.g. in case of housing Dwelling units or area of project] of Eligible O&M Projects under operation, maintenance and management of the Prospective Bidder in the ten (10) years preceding the Application Date shall be not less [equivalent to the Particulars of the size for e.g. in case of housing Dwelling units or area of project]
- 2) Prospective Bidders may demonstrate O&M Experience by any of the following Entities, acting strictly as main or principal contractor:
  - i. The Prospective Bidder itself, or its Affiliates;
  - ii. A Qualifying Equity Member if the Prospective Bidder is a Consortium; or
  - iii. The O&M Contractor.

#### **6.2.2 FINANCIAL QUALIFICATION REQUIREMENTS**

- a) A Prospective Bidder shall demonstrate Net Worth of not less than [30% of the Project Cost], as per its Latest Audited Financial Statements.
- b) The Entity proposed to meet the Net Worth requirements may be any of the following:
  - 1) The Prospective Bidder itself or its Affiliate(s); or
  - 2) A Qualifying Equity member itself or Affiliate(s) (being other than Subsidiaries), if the Prospective Bidder is a Consortium,
  - 3) Provided that such Affiliate(s) of the Prospective Bidder or the Qualifying Equity Member, as the case may be, shall comply with the requirements under clause 5.2 (f)

### 6.2.3 OTHER QUALIFICATION REQUIREMENTS

a) Where a Prospective Bidder or a Qualifying Equity Member has relied upon its Affiliate(s) to satisfy the Technical Qualification or Financial Qualification, the Prospective Bidder shall submit to Authority as a part of the Application a signed financial letter of support in the form at Annex QD-8 from each such Affiliate confirming that the Affiliate shall extend all necessary support to the Prospective Bidder or the Qualifying Equity Member in meeting the equity commitment of such Prospective Bidder or the Qualifying Equity Member, as the case may be, in the Project SPV; provided however that a letter of support shall not be required to be provided by an Affiliate whose experience or credentials have only been used towards meeting the Technical Experience. A copy of the authorization in favour of the authorized representative of the Affiliate signing the financial letter of support shall be provided together with the financial letter of support.

b) Where a Prospective Bidder or an Equity Member(s) shall provide details of Legal proceedings

Please state in respect of The Prospective Bidder and each of its Equity Members and Subcontractors whether:

- 1) any order of a court or proceedings for that entity's winding up has been granted. If so, please advise whether same has been for the purposes of bona fide reconstruction or amalgamation or not;
- 2) that entity has ever been or is currently subject to judicial management, liquidation, or insolvency proceedings, and if so, please provide details thereof, including the current status and the outcome of such proceedings;
- 3) that entity, or any officer or employee thereof is currently being prosecuted for or has been convicted of a criminal offence related to the conduct of its business or profession and if so, details thereof as well as the outcome or current status thereof;
- 4) that entity is currently or has been engaged in any disputes in respect of the provision of services with any supplier and/or client within the last three years and if so, please furnish details of the nature of such dispute as well as the current status or outcome thereof;
- 5) that entity has suffered a deduction for liquidated or ascertained damages in respect of any Government contract within the last [Insert number of years in figures and words] years and if so, please furnish details of the reasons for such deductions; and
- 6) that entity has had any Government contract cancelled or not renewed, for failure to perform in accordance with the terms thereof;

For the purpose of this Clause 6, following terms shall be have meaning herein below:

**[Infrastructure Project** means construction, development, rehabilitation, operation or management of an asset or facility in the following sectors: [relevant sector for instance in case of Housing sector may include Housing, Real estate, industrial parks/ estates,

building or similar vertical infrastructure, and may exclude any asset or facility relating to linear infrastructure].

**Qualifying Equity Member** is Equity Member of the Consortium who undertake to hold at least 10% of the stake in the Project SPV and whose experience has been claimed for meeting said requirement.

**Eligible O&M Project** means an Infrastructure carried out by the Prospective Bidder or a Qualifying Equity Member or its Affiliates or an O&M Contractor under a performance based O&M contract in respect of Infrastructure Projects, in each case as the main or principal contractor, with an operation and maintenance period of not less than five (5) years (post-construction completion), ongoing or completed in the ten (10) years preceding the Application Due Date.

**Affiliate** means, in relation to a Prospective Bidder or a Consortium Member, any person having Control of that Prospective Bidder or Consortium Member, or any person over which such Prospective Bidder or Consortium Member has Control or is under the common Control with such person. For the avoidance of doubt, a Subsidiary of a Prospective Bidder or a Consortium Member is also an Affiliate.

**Net Worth** means:

(i) where the Prospective Bidder is an Entity, the amount by which the total assets of such an Entity and its Affiliates exceed its total liabilities based on its Latest Audited Financial Statements; Provided however, that only an Affiliate whose Net Worth exceeds [15% of the Project Cost] shall be considered as counting towards Minimum Financial Requirements;

(ii) where the Prospective Bidder is a Consortium, the amount by which the aggregate assets of the Qualifying Equity Member and their Affiliates exceed their aggregate liabilities based on their Latest Audited Financial Statements; Provided however, only a Qualifying Shareholder or Affiliate whose net Worth exceeds [15% of the Project Cost] shall be considered as counting towards the Minimum Financial Requirements;

(iii) with reference to a Prospective Bidder or a Qualifying Equity Member or an Affiliate which is a closed investment fund, the available funds which have yet to be committed to projects shall be provided as evidence of Net Worth together with a declaration by its authorised representative that the anticipated investment in the Project by such investment fund falls within the investment fund's country and sectoral limits, taking into account investments held as on the Application Due Date. Certified copy of its charter documents should be provided as a true and correct copy by its authorized representative.

However, if in the Financial Statements of an Entity the Net Worth of its Affiliate has already been considered and consolidated, then for the purposes of calculating the Net

Worth of such Entity, the Net Worth of the Affiliate equal to the percentage of shareholding of such Entity in the Affiliate will not be counted towards calculation of Net Worth.

### 6.3 Evaluation and Scoring Criteria

#### 6.3.1 Technical Scoring Criteria

Prospective Bidder	Equity Commitment to the Consortium	Particulars	Number of Eligible PPP or Construction Projects	Number of Eligible O&M Projects	Scoring Criteria	Technical Score (Weighted Average Score of A and B)
[Name of the Prospective Bidder or Qualifying Equity member]		Self			<b>A. Eligible Construction or PPP Experience - Weightage – [80%]</b> <ul style="list-style-type: none"> <li>Every Eligible Construction or PPP Project claimed beyond minimum experience of Eligible Construction or PPP Projects required under Clause 6.2.1.1 – [●] marks subject to maximum of 100 marks</li> </ul> <b>B. Eligible O&amp;M Experience - Weightage – [20 %]</b> <ul style="list-style-type: none"> <li>Every Eligible O&amp;M Project claimed beyond minimum experience of Eligible O&amp;M Project required under Clause</li> </ul>	
		Affiliate				
		Construction or O&M Contractor				
[Name of the Prospective Bidder or Qualifying Equity member]		Self				
		Affiliate				
		Construction or O&M Contractor				
[Name of the Prospective Bidder or		Self				
		Affiliate				
		Construction or O&M Contractor				

Qualifying Equity member]					6.2.1.1 – [●] marks subject to maximum of 100 marks	
<b>Total Technical Score (T<sub>t</sub>)</b>						

### 6.3.1 Financial Scoring Criteria

Prospective Bidder	Equity Commitment to the Consortium	Particulars	Net Worth (Ghanaian Cedi)	Scoring Criteria	Financial Score
[Name of the Prospective Bidder or Qualifying Equity member]		Self		<b>Net worth</b> <ul style="list-style-type: none"> <li>Meeting the minimum requirement for Net Worth as under Clause 6.2.2 – [80] marks</li> <li>Additional marks for every additional [●] Ghanaian Cedi of Net Worth – [●] marks subject to overall ceiling of 100 marks</li> </ul>	
		Affiliate			
		Affiliate...			
[Name of the Prospective Bidder or Qualifying Equity member]		Self			
		Affiliate			
		Affiliate...			
[Name of the		Self			
		Affiliate			

Prospective Bidder or Qualifying Equity member]		Affiliate...			
<b>Total Financial Score (T<sub>f</sub>)</b>					

### 6.3.3 Aggregate Qualification Score

The formula for determining the Aggregate Qualification Score (T<sub>q</sub>) of all prospective is calculated as following:

The weights given to the Technical Score (T<sub>t</sub>) and Financial Score (T<sub>f</sub>) Score are:

Technical Score Weightage (T) = \_\_\_\_\_ [Insert weight]<sup>4</sup>,

Prospective Bidders are ranked according to their Aggregate Qualification Score as following:  $T_q = T_t \times T\% + T_f \times (1-T\%)$

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<sup>4</sup> Technical Score weight (T) shall be contingent on the complexity and/or uniqueness of the project.

7. ANNEXURE: APPLICATION FORMS

**Annex QD-1A  
NOTARIZED APPLICATION FOR PRE-QUALIFICATION**

*[Letterhead]*

Date: [●]

To,  
[...=

TENDER NO: [...]

**PRE-QUALIFICATION FOR [PROJECT NAME]**

I, (name), (citizenship), of legal age, with the office address at (address), acting as the authorized representative of (name of single Prospective Bidder/Lead Member), a (company, partnership, or corporation) having its registered office at (address) , being the Prospective Bidder / Lead Member of [name of the Consortium] comprising of name of all Consortium Members) (organized and existing under the laws of [State and Country] / organized by an agreement among the Consortium Members], as indicated by the authorization certificate attached as QD-1B being the notarized authority to apply to Pre-Qualify and designate the authorized representative (and QD-1C being the Consortium Member's notarized authority to participate in Consortium and apply to Pre-Qualify, and designation of Lead Member and Qualifying Equity Member/s<sup>5</sup>], after having been duly sworn according to law, hereby declare and certify for and on behalf of (name of Prospective Bidder) that:

Capitalized terms used but not defined herein will have the meaning assigned to such term in the Request for Qualification ("RFQ").

1. The Application to Pre-Qualify to Bid for the [Project Name] are hereby submitted after fully reviewing and understanding the contents of the RFQ and the Application.
2. The Application are unqualified and unconditional.
3. All statements made and the information and documents provided by us, being the Prospective Bidder [and all the Consortium Members/Qualifying Equity Member, Affiliates, and Contractors of the Prospective Bidder and Qualifying Equity Member] in or as any part of the Application, are true and correct and any misrepresentation or false statement made therein shall be a ground for our disqualification from the Bidding Process.

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<sup>5</sup>For a Consortium only, to be submitted by each Consortium Member.



4. We, the Prospective Bidder, authorize the Authority to make enquiries to authenticate the statements, documents and information submitted in our Application, and to seek clarification from us and, as applicable, from our board of directors / partners, Consortium Members, Affiliates, Contractors, advisors, clients or bankers regarding any legal, technical and financial aspects.
5. We acknowledge the right of the Authority to reject our Application and to cancel the Bidding Process at any time in accordance with [governing legislation], without incurring any liability, and accept all the terms and conditions of the RFQ.
6. We, the Prospective Bidder, [including any of the Consortium Member/ Qualifying Equity Member(s)/, Affiliate(s), and Contractors named in the Application as complying with the Minimum Qualification Requirements under this RFQ], have not at any time engaged in any Corrupt, Fraudulent or Dishonest, Coercive, Undesirable or Restrictive Practices.
7. We, the Prospective Bidder [all the Consortium Members/Qualifying Equity Members, the Affiliates or Contractors of the Prospective Bidder/ Qualifying Equity Members] are neither Prohibited Persons nor do we have any Conflict of Interest.
8. We, the Prospective Bidder, confirm and warrant that:
  - (a) the Application have been prepared without consultation, communication, or agreement for restricting competition with any other Prospective Bidder (including the Consortium Members/ Qualifying Equity Members, Affiliates or Contractors of such other Prospective Bidder or Qualifying Equity Member(s));
  - (b) the Application have not been disclosed, nor will they be disclosed to any other Prospective Bidder, or Consortium Member of any other Prospective Bidder, or any of their Affiliates or Contractors;
  - (c) no attempt has been made nor will be made by us to induce any other person to submit or not to submit their Application;
  - (d) we (including any Consortium Member /Qualifying Equity Members, the Affiliates and Contractors)) have not hired and engaged or been advised by or consulted with, including by way of gratuitous consultations, any person who is (i) currently in the employment of the Transaction Advisor or of Authority; or (ii) was in the employment of the Transaction Advisor or of Authority and was involved in the Project in any manner or capacity in the last 3 years preceding the Application Due Date.
9. We, the Prospective Bidder [and all the Consortium Members, Affiliates and Contractors of the Prospective Bidder or the Qualifying Equity Members undertake to indemnify the Authority and hold it harmless from any loss, damage, liabilities, claims, actions, proceedings, demands, costs, charges or expenses of whatsoever nature suffered by the Authority for its refusal to disclose materials marked as being

copyright material, trade secrets or other proprietary information to any person seeking the disclosure of such materials.

10. We, the Prospective Bidder [and all the Consortium Members/Qualifying Equity Members, Affiliates and Contractors of the Prospective Bidder and the Qualifying Equity Members] confirm that the Application shall remain valid for a period of [no of days] Days after the relevant Application Due Date.
11. We, the Prospective Bidder being a single Prospective Bidder undertake that in the event the we become the Successful Bidder and are asked to execute the Project Agreement, we shall, pursuant to the provisions of the [relevant legislation], establish a Project Company in accordance with the Companies Act, 2019, as amended or substituted from time to time and we shall comply with all other requirements under the RFQ and shall be the Project Company's sole be soveer for the duration of the Lock-In Period .OR

We, the Prospective Bidder being a Consortium undertake that in the event the Consortium becomes the Successful Bidder and is asked to execute the Project Agreement we shall, pursuant to the requirements of the [relevant legislation], establish a Project Company in accordance with the [relevant legislation], as amended or substituted from time to time, and the Lead Member recognised as such in these Application shall hold a minimum of no less than twenty-six percent (26%) of the shares of the Project Company for the duration of the applicable Lock-In Period and that the Qualifying Equity Members named as such in these Application shall hold a minimum of no less than ten percent (10%) of the shares of the Project Company for the duration of the applicable Lock-In Period and we shall comply with all other requirements under the RFQ.

For and on behalf of (*Name of Prospective Bidder/ Lead Member together with all other Consortium Members mentioned in the attached list*)

(Signature of authorized representative)

(Name)

(Designation)

[(Name of Entity / Lead Member), Lead Member of (name of Consortium)]

SUBSCRIBED AND SWORN TO before me this (\_\_) day of (month and year) at (place), each affiant exhibiting to me his/her (proof of identity acceptable under the applicable laws) issued at (city) on (date) in support of his identity.

Notary Public

*Note: Please insert, the information, as applicable, in the ( ) or { } or [ ] parenthesis. Where any information is not relevant, the irrelevant part or the whole of the text within the parenthesis/ brackets should be deleted.*

**Annex QD-1B**  
**NOTARIZED Authority TO APPLY TO PRE-QUALIFY AND DESIGNATE AN**  
**AUTHORIZED REPRESENTATIVE**

To be submitted by a Prospective Bidder which is a single Prospective Bidder or by the Lead Member

[Letterhead]

Date: [●]

To:  
[...]

[Location]

**TENDER NO:** [...]

**PRE-QUALIFICATION FOR THE [Project Name]**

I, *(name of authorized representative)*, hereby depose and state on behalf of *(name of Prospective Bidder)* that:

1. I am a citizen of *(state and nationality)*, of legal age and a resident of *(address)*;
2. *(Name of single Prospective Bidder/Consortium)* (the "Prospective Bidder"), is a *(provide the legal structure i.e. Company, partnership or corporation/Consortium)* (duly organized and existing under the laws of *(State and Country/ organized by an agreement among the Consortium Members)* (of which *[name of Lead Member]* is the Lead Member);
3. At a meeting of the *(board of directors/partners)* of the *(single Prospective Bidder/ Lead Member)*, held on *(date)* at *(place)*, in which meeting a quorum was present throughout, the following Resolutions were unanimously passed and approved:

**NOW IS IT HEREBY RESOLVED**

- 3.1 that *(name of single Prospective Bidder /Lead Member)* is, authorized to apply for Pre-Qualification as *(a single Prospective Bidder /Lead Member of the [name] Consortium)* for the *[Project Name]* "the Project"; and
- 3.2 that *(name of representative and designation)* is hereby appointed as the authorized representative of the *(Prospective Bidder/Lead Member)* to make submissions/statements, commit, undertake, declare, execute, sign, certify, submit the Application / Bid and receive any requests for clarification, additional information, authentication or verification and otherwise act in the name of, the *(Prospective Bidder/Lead Member and the Prospective Bidder)* in relation to the Pre-Qualification; and

3.3 that any and all acts performed by (*name of representative*) under and by virtue of this Resolution are hereby confirmed and ratified.

4. These resolutions have not been revoked, amended, or modified and remain valid and binding on the Prospective Bidder; and
5. The above resolutions are in accordance with the records of the (Prospective Bidder/Lead Member).

Capitalized terms used herein but not defined herein will have the meaning assigned to such term in the Request for Qualification, for Tender No: [to be inserted] ("RFQ"),  
*Place, Date of Execution.*

(Signature of authorized representative)

(Name)

(Designation)

(Name of Entity)

SUBSCRIBED AND SWORN TO before me this (\_\_) day of (month and year) at (place), each affiant exhibiting to me his/her (proof of identity acceptable under the applicable laws) issued at (city) on (date) in support of his identity.

Notary Public

*Note: Fill in the complete description/ strike out the non-applicable text, as applicable, so as to provide sufficient explanation mentioned within the ( ) or [ ] parenthesis / brackets.*

**Annex QD-1C**  
**CONSORTIUM MEMBER'S NOTARIZED Authority TO PARTICIPATE IN**  
**CONSORTIUM AND APPLY TO PRE-QUALIFY, AND DESIGNATE LEAD MEMBER**  
**AND OTHER CONSORTIUM MEMBERS**

For a Prospective Bidder which is a Consortium; to be submitted by each Consortium Member.

[Letterhead]

To:  
 [...]

[Location]

**TENDER NO:** [...]

**PRE-QUALIFICATION FOR THE [Project Name]**

I, (*name of authorized representative*), after having been duly sworn according to law, hereby depose and state that:

1. I am a citizen of (*state and nationality*), of legal age and a resident of (*address*);
2. I am duly appointed authorized representative of (*name of Consortium Member*), a (*provide the legal structure i.e. Company, partnership, or corporation*) organized and existing under and by virtue of the laws of (*the place of incorporation/registration*);
3. At a meeting of the (*board of directors/partners*) of (*name of Consortium Member*), held on (*date*) at (*place*), in which meeting a quorum was present throughout, the following resolutions were unanimously passed and approved:

RESOLVED, AS IT IS HEREBY RESOLVED, that the (*name of Consortium Member*) be, and is, authorized to participate in the Bidding Process as a Consortium Member and apply for Pre-Qualification for the [Project Name] (the "Project") through a Consortium consisting of the following Consortium Members;

Name of all Consortium Members	Nationality	Role  [i.e. Lead Member/ Qualifying Equity Member/ Others (please specify)]	Proposed percentage (%) of shareholding in the Project Company, if any

RESOLVED, FURTHER, that the (name of Consortium Member) in exercise of its interest in the Consortium hereby designates (name of Lead Member of Consortium) as Lead Member of the Consortium with the authority to represent the Consortium on all matters whatsoever during the Pre-Qualification Stage and the Bid Stage for the Project, with the power to appoint and sub-delegate any powers herein to any of its director, partner, officer or employee to act as the authorized representative of the Consortium and who shall have the authority to make submissions/statements, commit, undertake, declare, execute, sign, certify, submit the Application/Bid and receive any requests for clarification, additional information, authentication or verification and otherwise act on our behalf and in the name of the Consortium.

RESOLVED, FURTHER, that any and all act done or performed by (name of Lead Member of Consortium) and its authorized representative under and by virtue of this resolution be, as they are hereby, confirmed, and ratified.

RESOLVED, FURTHER, that in the event the Consortium is declared as the Successful Bidder, the (name of Consortium Member) will cooperate with the other Consortium Members to register the Project Company as per the PPP Act, as amended or substituted from time to time, for implementation of the Project and shall hold ( %) shares in the Project Company.

RESOLVED, FURTHER, that (name of the Consortium Member) binds itself jointly and severally for all the obligations of the Prospective Bidder under the RFQ.

RESOLVED, FINALLY, that (name of the authorized representative of the Consortium Member) be and is hereby authorized to sign and issue all documents on behalf of (name of the Consortium Member) as may be required as a Consortium Member for submission of or in relation to the Application.

4. These resolutions have not been revoked, amended, or modified and remain valid and binding on the (Consortium Member); and
5. The above resolutions are in accordance with the records of the (name of the Consortium Member).

Capitalized terms used herein but not defined herein will have the meaning assigned to such term in the Request for Qualification, for Tender No: [...] ("RFQ"),

*Place, Date of Execution.*

(Signature of authorized representative)

(Name)

(Designation)

(Name of Entity)

SUBSCRIBED AND SWORN TO before me this (\_\_) day of (month and year) at (place), each affiant exhibiting to me his/her (proof of identity acceptable under the applicable laws) issued at (city) on (date) in support of his identity.

Notary Public

Note: Fill in the complete description/ strike out the non-applicable text, as applicable, so as to provide sufficient explanation mentioned within the ( ) or [ ] parenthesis / brackets.



**Annex QD-2A**  
**BUSINESS STRUCTURE (FOR A PROSPECTIVE BIDDER WHICH IS A SINGLE PROSPECTIVE BIDDER)**

1. Single Prospective Bidder who will satisfy the PPP or Construction Experience Requirement

a. Name of the Entity being the Prospective Bidder	
b. Net worth in Ghanaian Cedi as per the Latest Audited Financial Statements	
c. Address	
d. Website	
e. Contact person	
i. Telephone	
ii. Fax	
iii. Email	

2. Affiliate of Prospective Bidder, if any, who will satisfy the PPP or Construction Experience Requirement

a. Name of the Affiliate	
b. Net worth in Ghanaian Cedi as per the Latest Audited Financial Statements	
c. Address	
d. Website	
e. Contact person	
i. Telephone	
ii. Fax	
iii. Email	

[Note: If more than one Affiliate fulfils the Experience Requirement, replicate table above.]

3. Construction Contractor, proposed by the Prospective Bidder as fulfilling the Construction Experience Requirement

a. Name of the Construction Contractor	
b. Average annual turnover from construction activities in the last 3 years prior to the Application Due Date in Ghanaian Cedi	
c. Address	
d. Website	
e. Contact person	
i. Telephone	
ii. Fax	
iii. Email	

[Note: If more than one Construction Contractor(s) fulfils the Construction Experience Requirement, replicate table above.]

4. Single Prospective Bidder who will satisfy the O&M Experience Requirement

a. Name of Entity	
b. Address	
c. Website	
d. Contact person	
i. Telephone	
ii. Fax	
iii. Email	

5. O&M Contractor proposed by the Prospective Bidder as fulfilling the O&M Experience Requirement

a. Name of Entity	
-------------------	--

b. Address	
c. Website	
d. Contact person	
i. Telephone	
ii. Fax	
iii. Email	

6. Prospective Bidder who will fulfil the Financial Qualification Requirement

a. Name of Entity	
b. Net worth in Ghanaian Cedi as per the Latest Audited Financial Statements	
c. Address	
d. Website	
e. Contact person	
i. Telephone	
ii. Fax	
iii. Email	

7. Affiliate of the Prospective Bidder proposed as fulfilling the Financial Qualification Requirement

a. Name of Entity	
b. Net worth in Ghanaian Cedi as per the Latest Audited Financial Statements	
c. Shareholding of the Affiliate in the Prospective Bidder if any	
d. Shareholding of the Prospective Bidder in the Affiliate if any	
e. Address	

f. Website	
g. Contact person	
i. Telephone	
ii. Fax	
iii. Email	

[Note: If more than one Affiliate is proposed to fulfil the Financial Qualification Requirement, replicate table above.]

For and on behalf of (Name of Prospective Bidder)

(Signature of authorized representative)  
(Name, Title, and Date)

*Note: Fill in the complete description/ strike out the non-applicable text, as applicable, so as to provide sufficient explanation mentioned within the ( ) or [ ] parenthesis / brackets.*

**Annex QD-2B**  
**BUSINESS STRUCTURE (FOR A PROSPECTIVE BIDDER WHICH IS A**  
**CONSORTIUM)**

1. Consortium Members

Name of Consortium Member				
Proposed shareholding in the Project Company				
Role in Consortium (such as Lead Member/Consortium Member/ Qualifying Equity Member whose credentials or experience is used/ any other,)				

2. Contact Information of Consortium Members

a. Name of Consortium Member)	
b. Address	
c. Website	
d. Contact (Name and Designation)	
i. Telephone	
ii. Fax	
iii. Email	

[Note: Replicate table above for all Consortium Members.]

3. Qualifying Equity Member which fulfils the PPP /Construction Experience Requirement

a. Name of Qualifying Equity Member	
b. Net Worth in Ghanaian Cedi as per the Latest Audited Financial Statements	
c. Proposed shareholding in the Project Company	

d. Address	
e. Website	
f. Contact (Name and Designation)	
i. Telephone	
ii. Fax	
iii. Email	

[Note: If more than one Qualifying Equity Member fulfils the PPP/Construction Experience Requirement, replicate table above

4. Affiliates, if any, of the Qualifying Equity Member(s) nominated to satisfy the PPP/ Construction Experience Requirement

a. Name of Affiliate	
b. Qualifying Equity Member with whom It Is Affiliated	
c. Net Worth in Ghanaian Cedi as per the Latest Audited Financial Statements	
d. Address	
e. Website	
e. Contact (Name and Designation)	
i. Telephone	
ii. Fax	
iii. Email	

[Note: If more than one Affiliate fulfils the PPP/ Construction Experience Requirement, replicate table above.

5. Construction Contractor, if any, nominated by the Prospective Bidder to satisfy the Construction Experience Requirement

a. Name of the Construction Contractor	
b. Average annual turnover from the construction activities over the last 3 years	

prior to the Application Due Date in Ghanaian Cedi	
c. Address	
d. Website	
e. Contact person	
i. Telephone	
ii. Fax	
iii. Email	

[Note: If more than one Construction Contractor fulfils the Construction Experience Requirement, replicate the table above.]

7. Qualifying Equity Member(s), if any, which fulfil/s the O&M Experience

a. Name of Qualifying Equity Member	
b. Proposed share holding in the Project Company	
c. Address	
d. Website	
e. Contact (Name and Designation)	
i. Telephone	
ii. Fax	
iii. Email	

[Note: If more than one Qualifying Equity Member fulfils the O&M Experience Requirement, replicate table above.]

8. O&M Contractor, if any, nominated by the Prospective Bidder to satisfy the O&M Experience Requirement

a. Name of the O&M Contractor	
b. Address	
c. Website	
d. Contact person	

i. Telephone	
ii. Fax	
iii. Email	

9. Qualifying Equity Member(s) which fulfils the Financial Qualification Requirements

a. Name of Qualifying Equity Member	
b. Net Worth in Ghanaian Cedi as per the Latest Audited Financial Statements	
c. Proposed share holding in the Project Company	
d. Address	
e. Website	
f. Contact (Name and Designation)	
i. Telephone	
ii. Fax	
iii. Email	

[Note: If more than one Qualifying Equity Member fulfils the Financial Qualification Requirement, replicate table above.]

12. Affiliates, if any, of the Qualifying Equity Member(s) nominated to satisfy the Financial Qualification Requirement

a. Name of Affiliate	
b. Qualifying Equity Member with whom It Is Affiliated	
c. Net Worth in Ghanaian Cedi as per the Latest Audited Financial Statements	
d. Shareholding of the Affiliate in the Qualifying Equity Member if any	



e. Shareholding of the Qualifying Equity Member in the Affiliate if any	
f. Address	
g. Website	
f. Contact (Name and Designation)	
i. Telephone	
ii. Fax	
iii. Email	

[Note: If the experience of more than one Affiliate fulfils the Financial Qualification Experience Requirement, replicate table above.]

Required Attachments:

- 1) Enclose/attach a copy of the consortium agreement, clearly setting out the relationship between the Consortium Members and the proposed shareholding in the Project Company of each of the Consortium Member.

For and on behalf of (Name of Lead Member), Lead Member of (name of Consortium))

(Signature of authorized representative)

(Name, Title, and Date

*Note: Fill in the complete description/ strike out the non-applicable text, as applicable, so as to provide sufficient explanation mentioned within the ( ) or [ ] parenthesis / brackets.*

**Annex QD-3**  
**BASIC INFORMATION SHEET**

To be submitted by every Entity listed in the Business Structure (Form QD-2A or QD-2B)

1. Name of Entity	
2. Single Prospective Bidder?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Consortium Member?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Qualifying Equity Member?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Affiliate of the Prospective Bidder	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Affiliate of the Qualifying Equity Member	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Construction Contractor	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. O&M Contractor	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Place of Incorporation or Registration	
10. Year of Incorporation or Registration	

Shareholder/s or Partner/s Information

Name of Shareholder/s, or Partner/s of the Entity	Nationality	Total percentage shareholding or partnership interest
1.		
2.		
3.		
4.		

5.		
----	--	--

(Insert rows as necessary)

Required attachments:

For an Entity copy of the Certificate of Incorporation or an equivalent document issued by the appropriate authority in that country evidencing legal existence of such Entity and a letter from the Entity’s authorized representative to the effect that the Entity is not insolvent, in receivership, bankrupt or in the process of being wound up.

A copy of the authorization given by the Entity in favour of the authorized representative signing the Application shall be provided where such Entity is other than the Prospective Bidder/Qualifying Equity Member.

For and on behalf of (Name of Entity)

(Signature of authorized representative)

(Name, Title, and Date)

For and on behalf of (Name of Prospective Bidder/if Consortium, Name of Consortium and Lead Member)

(Signature of authorized representative\*)

(Name, Title, and Date)

*Note: Fill in the complete description/ strike out the non-applicable text, as applicable, so as to provide sufficient explanation mentioned within the ( ) or [ ] parenthesis / brackets.*

*\* Authorized representative of the Lead Member shall sign in case of a Consortium.*

**Annex QD-4  
PPP EXPERIENCE**

To be submitted by each Entity proposed as fulfilling the PPP Experience Requirement, as identified in the Business Structure (Annex QD-2A or QD-2B).

Name of Prospective Bidder	
----------------------------	--

Name of the Entity proposed as fulfilling PPP Experience Requirement	Relationship to the Prospective Bidder <i>(i.e. single Prospective Bidder itself/ Qualifying Equity Member/ Affiliate)</i>

**List of Eligible PPP projects**

Ref #	Name of Entity meeting the PPP Experience	Name of project	Capital Value Ghanaian Cedi
1.			
2.			
3.			
4.			

(Insert rows as necessary if additional projects provided)

**Description of each Eligible PPP project**

Ref #	
Name of project	
Country	
Description	
Name of contracting authority	
Name and contact details of contracting authority's contact person	
Name of Entity undertaking the project	

Percentage shareholding by single Prospective Bidder/ Qualifying Equity Member/ Affiliate in the Project Company	
Capital Value in Ghanaian Cedi	
For any project not originally denominated in Ghanaian Cedi, details of the exchange rate, reference date and source of the exchange rate used	
Date of PPP contract	
Date of Completion of Construction	

[Note: For each project submitted, replicate table above.]

Required Attachments:

- a. Documentary evidence for each Eligible PPP Project that the construction of such Eligible PPP Project has been completed and accepted by the project owner and specifying the date of completion and acceptance of such Eligible PPP Project (e.g. completion certificate).
- b. Certification from the authorized representative of the Entity for correctness of the information furnished in Annex QD-4, which should be done in the manner provided below.

**Certificate from the authorized representative**

This is to certify that the abovementioned information provided by \_\_\_\_\_  
(*Details of the Entity*) are true and correct based on the authenticated record of the  
(Company/Corporation/Partnership).

Name:

Seal/stamp (if any):

Date:

(Signature)

For and on behalf of:

(Name of Entity)

For and on behalf of (Name of Prospective Bidder/if Consortium, Name of Consortium and Lead Member)

(Signature of authorized representative)  
representative\*)

(Name, Title, and Date)

(Signature of authorized

(Name, Title, and Date)

Note: *Fill in the complete description/ strike out the non-applicable text, as applicable, so as to provide sufficient explanation mentioned within the ( ) or [ ] parenthesis / brackets.*

\* *Authorized representative of the Lead Member shall sign in case of a Consortium.*

**Annex QD-5  
CONSTRUCTION EXPERIENCE**

To be submitted by each Entity proposed as fulfilling the Construction Experience Requirement, as identified in the Business Structure (Annex QD-2A or QD-2B).

Name of Prospective Bidder	
----------------------------	--

Name of Entity meeting the Construction Experience	Relationship to the Prospective Bidder <i>(i.e. single Prospective Bidder itself/ Qualifying Equity Member/ Construction Contractor)</i>

**List of Eligible Construction Project**

Ref #	Name of Entity(ies) meeting the Construction Experience	Name of project	Capital Value		
1.					
2.					

(Insert rows as necessary if additional projects provided)

**Description of each Eligible Construction Project**

Ref #	
Name of project	
Country	
Description	
Name of contracting authority	
Name and contact details of contracting authority's contact person	

Name of Entity/ which completed the Project (i.e. single Prospective Bidder/Qualifying Equity Member/ Construction Contractor)	
Date of Certificate of Completion or alike	

[Note: If more than one project is submitted, replicate table above.]

**Exchange rate, reference date and source of the exchange rate for the currency used.**

Month end exchange rate	Financial Year ( ) (please mention the year)	Financial Year ( ) (please mention the year)	Financial Year ( ) (please mention the year)
Month end 1			
Month end 2			
Month end 3			
Month end 4			
Month end 5			
Month end 6			
Month end 7			
Month end 8			
Month end 9			
Month end 10			
Month end 11			
Month end 12 (equals Financial Year end)			

Required Attachments:

- a. Documentary evidence for each Eligible Construction Project that the construction of such Eligible Construction Project has been completed and accepted by the project owner specifying the date of completion and acceptance of such Eligible Construction Project (e.g. completion certificate).



- b. Copies of Audited Financial Statements of last 3 (three) years preceding the Application Due Date of each Entity duly certified by the authorized representative of the Entity
- c. Certification from the authorized representative of the Entity for correctness of the information furnished in Annex QD-5, which should be done in the manner provided below.

<b>Certificate from the authorized representative</b>
<p>This is to certify that the abovementioned information provided by _____  <i>(Details of the Entity)</i> are true and correct based on the authenticated record of the            (Company/Corporation/Partnership).</p> <p>Name:</p> <p>Seal/stamp (if any):</p> <p>Date:</p> <p>(Signature)</p>

For and on behalf of:

(Name of Entity)

For and on behalf of (Name of Prospective Bidder/if Consortium, Name of Consortium and Lead Member)

(Signature of authorized representative)  
 (Name, Title, and Date)

(Signature of authorized representative\*)  
 (Name, Title, and Date)

*Note: Fill in the complete description/ strike out the non-applicable text, as applicable, so as to provide sufficient explanation mentioned within the ( ) or [ ] parenthesis / brackets.*

**Annex QD-6**  
**OPERATIONS AND MAINTENANCE EXPERIENCE**

To be submitted by the Entity proposed as fulfilling the O&M Experience Requirement, as identified in the Business Structure (Annex QD-2A or QD-2B).

Name of Prospective Bidder	
----------------------------	--

Name of the Entity proposed as fulfilling the O&M Experience Requirement	Relationship to the Prospective Bidder <i>(i.e. single Prospective Bidder itself/ Qualifying Equity Member/ / O&amp;M Contractor)</i>

**List of Eligible O&M projects**

Ref #	Name of Entity proposed as meeting the O&M Experience	Name of project	Units	Area developed
1.				
2.				
3.				
Sum of				

(Insert rows as necessary)

**Description of each Eligible O&M project**

Ref #	
Name of Project	
Location	
Description of scope of work	
Name of Contracting Authority	

Name and contact details of Contracting Authority's contact person	
Name of Entity which is Operating and Maintaining the Project <i>(i.e. single Prospective Bidder/Qualifying Equity Member/ O&amp;M Contractor)</i>	
Project Size	
Area developed under the Project	
Start Date of O&M Period	
End Date of O&M Period	

[Note: If more than one project is submitted, replicate table above.]

Required Attachments:

- 1) Certification for the Eligible O&M Project that the project is being or has been operated and maintained by the Entity within the last ten (10) years preceding the Application Due Date with an operation and maintenance period of not less than five (5) years (post-construction completion) or a copy thereof accompanied by a statement issued by the authorized representative of the Entity which fulfils the O&M Experience Requirement that such copy is a true and correct reproduction of the original certificate.
- 2) Certification from the authorized representative of the Entity for correctness of the information furnished in Annex QD-6, which should be done in the manner provided below:

<b>Certificate from the authorized representative</b>
This is to certify that the abovementioned information provided by _____ <i>(Details of the Entity)</i> are true and correct based on the authenticated record of the <i>(Company/Corporation/Partnership)</i>
Name: Seal /stamp (if any):
Date:
(Signature)

For and on behalf of:

(Name of Entity)

For and on behalf of (Name of Prospective Bidder/if Consortium, Name of Consortium and Lead Member)

(Signature of authorized representative)  
(Name, Title, and Date)

(Signature of authorized representative)  
(Name, Title, and Date)

Note: Fill in the complete description/ strike out the non-applicable text, as applicable, so as to provide sufficient explanation mentioned within the ( ) or [ ] parenthesis / brackets.

*\* Authorized representative of the Lead Member shall sign in case of a Consortium.*

**Annex QD-7**  
**FINANCIAL QUALIFICATION**

**CERTIFIED STATEMENT OF FINANCIAL QUALIFICATION**

To be submitted by each Entity proposed to fulfil the Financial Qualification Requirement, as identified in the Business Structure (Annex QD-2A or QD-2B).

Name of Prospective Bidder	
Single Prospective Bidder or Consortium	
Name of the Entity proposed to fulfil the Financial Qualification Requirements <i>(i.e. single Prospective Bidder or its Affiliate / Qualifying Equity Member(s) in case of Consortium or their Affiliate(s))</i>	1. 2. 3. 4.  (and so on)

I, *(name)*, *(citizenship)*, of legal age, with an office address at *(address)*, as the *(position/designation)* of *(name of Qualifying Equity Member(s)/ Affiliate meeting the Financial Qualification Requirement)*, a *(provide the legal structure i.e. Company, partnership, or a corporation)* organized and existing under and by virtue of the laws of *(place of incorporation/registration)* hereby declare for and on behalf of *(name of Entity/Qualifying Equity Member(s)/ Affiliate meeting the Financial Qualification Requirement)* that the information stated in this Statement of Financial Qualification Requirement is true and that the attached documents are genuine and true copies of the original.

1. The *(name of Prospective Bidder/Qualifying Equity Member(s)/ Affiliate meeting the Financial Qualification Requirement)* has a minimum unrestricted Net Worth equivalent to at least \_\_\_ (Ghanaian Cedi) or its equivalent as of its Latest Audited Financial Statements for the period not earlier than 15 months preceding the Application Due Date, a copy of which, is attached to this certificate.
2. The *financial summary of (name of Entity) which is the Prospective Bidder itself / Qualifying Equity Member(s) / Affiliate meeting the Financial Qualification Requirements is as follows:*

<b><i>Financial Information (in Ghanaian Cedi)</i></b>	<b><i>Financial Year ( )</i></b> <i>(please mention the year)</i>	<b><i>Provide the Exchange rate, reference date and source of the exchange rate for the currency used.</i></b>

(indicate last day of accounting year)		
1. Total Assets		
2. Total Liabilities		
3. Total Net Worth		

[3. The available funds which are yet to be committed to projects of the (name of Prospective Bidder / Qualifying Equity Member(s)) being an investment fund is as follows:

<b><i>Committed but undrawn funds (in Ghanaian Cedi)</i></b>	<b><i>Financial Year ( ) (please mention the year)</i></b>	<b><i>Provide the Exchange rate, reference date and source of the exchange rate for the currency used.</i></b>
<i>(indicate last day of accounting year)</i>		

4. I declare on behalf of the (name of the investment fund) (being the Prospective Bidder/Qualifying Equity Member(s)) that the anticipated investment in the Project by the investment fund falls within the Investment Fund's country and sectoral limits, taking into account investments held as on the Application Due Date. A copy of the charter documents of (name of the Investment fund) is provided herewith.]\*\*

*Date and Place of Execution.*

For and on behalf of (Name of Entity))

(Signature of authorized representative)

(Name)

(Designation)

For and on behalf of (Name of Prospective Bidder/if Consortium, Name of Consortium and Lead Member)

(Signature of authorized representative\*)

Required Attachments:

1. The Prospective Bidder shall also provide a summary table providing aggregate of the Net Worth of all Entities relied on for Financial Qualification Requirement with the total aggregate Net Worth given at the bottom of the table in **BOLD** figures and shall also provide the Exchange rate, reference date and source of the exchange rate for the currency used.
2. Copy of the Latest Audited Financial Statements.
3. Where the experience or credentials of an Affiliate is used by the Prospective Bidder or a Qualifying Equity Member to satisfy the PPP/Construction Experience requirements, a copy of the last 3 years Audited Financial Statement of such Affiliate shall be submitted which shall be certified by the Affiliate's authorized representative signing the financial letter of support to be furnished.
4. The investment fund shall provide a copy of its charter documents as evidence that the anticipated investment in the Project by such investment fund falls within the permitted activities and limits.

Note: 1. Replicate this Annex if the Net Worth credentials of more than one Entity (either as a Qualifying Equity Member and/ or Affiliate) is being relied on to meet the Financial Qualification Requirements.

2. *Fill in the complete description/ strike out the non-applicable text, as applicable, so as to provide sufficient explanation mentioned within the ( ) or [ ] brackets.*

\* Authorized representative of the Lead Member shall sign in case of a Consortium.

\*\* The details under Sr. No. 3 and 4 are only required in case of an Entity being an investment fund. The same shall be deleted where the Prospective Bidder/ Qualifying Equity Member is not an investment fund.

## Annex QD-8: FINANCIAL LETTER OF SUPPORT

Dear Sir,

We, *(name of the Affiliate)*, a *(company/partnership/corporation)* registered under the laws of *(state and country)* and having our registered place of business at *(address)*, being an Affiliate of *(name of the Prospective Bidder/Qualifying Equity Member)* whose experience and credentials are relied upon by *(name of the Prospective Bidder / Qualifying Equity Member)* to meet the *(PPP/Construction Experience requirements specified in 6.2)/ (Net Worth Requirements specified under Section 6.3)*, having gone through and understood the requirements of the RFQ for the ["Design, Construction, Financing, Operation and Maintenance of the [Project Name]"] and the Addendums and Clarifications issued, do hereby declare and undertake in terms of the requirements under the RFQ as follows:

1. We have studied the RFQ Document carefully and are fully aware of the obligations placed upon us as an Affiliate to the *(Prospective Bidder / Qualifying Equity Members)* under the RFQ.
2. We undertake to provide all necessary financial support to *(name of the Prospective Bidder or the Qualifying Equity Member)*, being the *(Prospective Bidder / Qualifying Equity Member in the Consortium, being the Prospective Bidder)* in meeting its equity commitment to the Project Company.

Sincerely yours,

(Signature of the authorized representative of the Affiliate)

(Name)

(Designation)

Required Attachments:

1. The Affiliate shall also provide a summary table providing aggregate of its Net Worth and provide a copy of the last 3 years Audited Financial Statements. The Exchange rate, reference date and source of the exchange rate for the currency shall also be provided.

Notes:

- *Fill in the complete description/ strike out the non-applicable text so as to provide sufficient explanation mentioned within the ( ) or [ ] parenthesis / brackets.*

A copy of the authorization in favour of the authorized representative of the Affiliate signing this letter shall be provided together with this letter.



**Annex QD-10 CERTIFICATION OF ABSENCE OF UNSATISFACTORY  
PERFORMANCE RECORD**

Note: To be submitted by a single Prospective Bidder / each Qualifying Equity Members, Affiliates, and Contractors which fulfil any of the Qualification Requirements, as identified in

Name of Prospective Bidder	
Name of Entity which fulfils any Qualification Requirement	
Qualification Requirement being met	
Relationship to the Prospective Bidder	<i>(i.e. Prospective Bidder itself/ Qualifying Equity Members/ Affiliate of Prospective Bidder or Qualifying Equity Member, Prospective Bidder or Qualifying Equity Member/ Construction Contractor/ O&amp;M Contractor)</i>

the Business Structure (Annex QD-2A or QD-2B).

**Certification of Absence of Unsatisfactory Performance Record**

I, *(name of authorized representative)*, *(citizenship)*, of legal age, with office address at *(address)*, as the *(position/designation)* of *(name of Entity represented)*, a *(the legal structure i.e. Company, partnership, or corporation ) [organized and existing under and by virtue of the laws of (name of State and Country)]* do hereby certify, for and on behalf of *(name of Entity represented)*, that *(name of Entity represented)* does not have any record of Unsatisfactory Performance, as defined in the Request for Qualification.

Date and Place of Execution

For and on behalf of (Name of Entity)

(Signature of authorized representative)

\_\_\_\_\_

(Name of authorized representative)

(Designation)

Note: *Fill in the complete description/ strike out the non-applicable text, as applicable, so as to provide sufficient explanation mentioned within the ( ) or [ ] parenthesis/ brackets.*

**Part B: Legal proceedings**

Please state in respect of The Prospective Bidder and each of its Equity Members and Subcontractors whether:

- 7) any order of a court or proceedings for that entity's winding up has been granted. If so, please advise whether same has been for the purposes of bona fide reconstruction or amalgamation or not;
- 8) that entity has ever been or is currently subject to judicial management, liquidation, or insolvency proceedings, and if so, please provide details thereof, including the current status and the outcome of such proceedings;
- 9) that entity, or any officer or employee thereof is currently being prosecuted for or has been convicted of a criminal offence related to the conduct of its business or profession and if so, details thereof as well as the outcome or current status thereof;
- 10) that entity is currently or has been engaged in any disputes in respect of the provision of services with any supplier and/or client within the last three years and if so, please furnish details of the nature of such dispute as well as the current status or outcome thereof;
- 11) that entity has suffered a deduction for liquidated or ascertained damages in respect of any Government contract within the last [Insert number of years in figures and words] years and if so, please furnish details of the reasons for such deductions; and
- 12) that entity has had any Government contract cancelled or not renewed, for failure to perform in accordance with the terms thereof;

**Annex ID-1  
PROJECT MANAGEMENT**

FOR INFORMATION PURPOSES ONLY

1. Provide the names and designations of the key team members who are to be involved in the Project.

<b>Role</b>	<b>Name and Designation</b>	<b>Name of Organisations (full title)</b>
Prospective Bidder's authorised representative		
Affiliate No.1* authorised representative <i>(please mention name of the Consortium member)</i>		
Consortium Member No.1* authorised representative <i>(please mention name of the Consortium member)</i>		
Construction Contractor No.1* authorised representative <i>(please mention name of the Construction Contractor)</i>		
O&M Contractor* authorised representative <i>(please mention name of the O&amp;M Contractor)</i>		
Designers and technical advisors		

<b>Role</b>	<b>Name and Designation</b>	<b>Name of Organisations (full title)</b>
Legal advisor(s), if appointed		
Financial advisor(s) if appointed		
Others (please specify role)		

\*Please add rows, as necessary where there are more than one Consortium Member / Affiliate / Construction Contractor / Advisor.

2. Please provide Project Awareness and Comprehension report ensuring:
  - 1) The Prospective Bidder must demonstrate an understanding of the PPP concept;
  - 2) The Prospective Bidder must demonstrate a keen comprehension of the key challenges facing the Project and an understanding of the complexities and demands entailed in undertaking the Project;
  - 3) The Prospective Bidder is required to satisfy itself of Authority's authority to procure the Project.
  - 4) The Prospective Bidder must demonstrate insight concerning its general approach to PPPs. The Prospective Bidder should also demonstrate its willingness to assume appropriate risk in furtherance of a primary requirement of a PPP, namely, to provide Value for Money within the Affordability level of the end-users.