

**German Financial Cooperation with the Republic of Kosovo  
Ministry of Economy,  
City of Pristina**



**Energy Efficiency Measures in Public Buildings at the  
Municipality Level in Kosovo  
BMZ-NO. 200765941**

**PRE-QUALIFICATION DOCUMENTS**

for

**Bundle Procurement of**

Procurement of Energy Efficiency Measures in Public  
Buildings at the Municipality Level in Kosovo

BMZ No. 200765941  
KfW Procurement No. 509623  
MoE Ref.,. No. 26880

Project financed by:

**KfW**  
(April 2023)

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# **PART 1 – Prequalification Procedures**

# Section I. Instructions to Applicants

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## Section I. Instructions to Applicants

### A. General

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| <b>1. Scope of Application</b>             | 1.1 In connection with the Invitation for Prequalification indicated in Section II, Prequalification Data Sheet (PDS), the Employer <sup>1</sup> , as defined in the <b>PDS</b> , issues this Prequalification Document (“Prequalification Document”) to prospective applicants (“Applicants”) interested in submitting applications (“Applications”) for prequalification to bid for the Works described in Section VII, Scope of Works. In case the Works are to be bid as individual contracts (i.e. the slice and package procedure), these are listed in the <b>PDS</b> . The International Competitive Bidding (“ICB”) number corresponding to this prequalification is also provided in the <b>PDS</b> . |
| <b>2. Source of Funds</b>                  | 2.1 The Employer as indicated in the <b>PDS</b> has applied for or received financing (hereinafter called “funds”) from KfW Development Bank (hereinafter called “KfW”) towards the cost of the project named in the <b>PDS</b> . The Employer intends to apply a portion of the funds to eligible payments under the contract(s) resulting from the bidding for which this prequalification is conducted. The prerequisites for disbursements for this assignment are not yet finalized. Any contractual commitment related to this tender procedure is subject to the conclusion of the loan and financing agreements and to the readiness of disbursement of funds for this assignment.                      |
| <b>3. Corrupt and Fraudulent Practices</b> | <p>3.1 KfW requires compliance with its policy in regard to corrupt and fraudulent practices as set forth in Section VI.</p> <p>3.2 In further pursuance of this policy, Applicants shall permit and shall cause its agents to provide information and permit KfW or an agent appointed by KfW to inspect on site all accounts, records and other documents relating to the submission of the Application, bid submission (in case prequalified), and contract performance (in the case of award), and to have them audited by auditors or agents appointed by KfW.</p>   |
| <b>4. Eligible Applicants</b>              | 4.1 An Applicant may be a firm that is a private entity, a government-owned entity — subject to Section V - or a combination of such entities in the form of a joint venture (“JV”) under an existing JV Agreement or with the intent to enter into such an agreement supported by Declarations of Association. In the case of a JV, all members shall be jointly and severally   |

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<sup>1</sup> Instead of Employer, the term Project Executing Agency or Contracting Authority might be used interchangeably.

liable for the execution of the Contract in accordance with the Contract terms. The Applicant shall nominate an authorized representative who shall have the authority to conduct all business for and on behalf of the Applicant and any and all its members, if the Applicant is a JV, during the prequalification process, bidding (in the event the Applicant submits a bid) and during contract execution (in the event the Applicant is awarded the Contract). Unless specified in the **PDS**, there is no limit on the number of members in a JV.

- 4.2 A firm may apply for prequalification both individually, and as part of a JV, or as a subcontractor. If prequalified, it will not be permitted to bid for the same contract both as an individual firm and as a part of the joint venture. However, a firm may participate as a subcontractor in more than one bid, but only in that capacity. Bids submitted in violation of this procedure will be rejected.
- 4.3 KfW's eligibility criteria for prequalification are described in Section V – Eligibility Criteria.
- 4.4 Applicants shall not have a conflict of interest. Any Applicant found to have a conflict of interest shall be disqualified. An Applicant may be considered to have a conflict of interest for the purpose of this prequalification process, if the Applicant:
  - (a) Directly or indirectly controls, is controlled by or is under common control with another Applicant; or
  - (b) Receives or has received any direct or indirect subsidy from another Applicant; or
  - (c) Has the same legal representative as another Applicant; or
  - (d) Has a relationship with another Applicant, directly or through common third parties, that puts it in a position to influence the application of another Applicant, or influence the decisions of the Employer regarding this prequalification process; or
  - (e) Any of its affiliates participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of the prequalification; or
  - (f) Any of its affiliates has been hired (or is proposed to be hired) by the Employer as Engineer for the Contract implementation; or

- (g) Has a close business or family relationship with a professional staff of the Employer (or of the project implementing agency, or of a recipient of a part of the loan) who: (i) are directly or indirectly involved in the preparation of the prequalification documents or specifications of the contract, and/or the prequalification evaluation process; or (ii) would be involved in the implementation or supervision of such contract unless the conflict stemming from such relationship has been resolved in a manner acceptable to KfW throughout the procurement process and execution of the contract.
- 4.5 An Applicant shall not be under suspension from bidding by the Employer as the result of the execution of a Bid–Securing Declaration.
- 4.6 An Applicant shall provide such evidence of eligibility satisfactory to the Employer, as the Employer shall reasonably request.
- 5. Eligible Materials, Equipment, and Services**
- 5.1 The materials, equipment and services to be supplied under the Contract and financed by KfW may have their origin in any country subject to the restrictions specified in Section V - Eligibility criteria, and all expenditures under the Contract will not contravene such restrictions.

## **B. Contents of the Prequalification Documents**

- 6. Sections of Prequalification Documents**
- 6.1 These Prequalification Documents consist of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 8.

### **PART 1 Prequalification Procedures**

- (a) Section I. Instructions to Applicants (ITA);
- (b) Section II. Prequalification Data Sheet (PDS);
- (c) Section III. Qualification and Evaluation;
- (d) Section IV. Application Forms;
- (e) Section V. Eligibility Criteria;
- (f) Section VI. KfW Policy – Corrupt and Fraudulent practices – Social and Environmental Responsibility;

### **PART 2 - Works Requirements**

- (g) Section VII. Scope of Works.

- 6.2 Unless obtained directly from the Employer, the Employer accepts no responsibility for the completeness of the Prequalification Documents, responses to requests for clarification, or Addenda in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Employer shall prevail.
- 6.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Documents and to furnish with its Application all information or documentation as is required by the Prequalification Documents.
- 7. Clarification of Prequalification Documents**
- 7.1 A prospective Applicant requiring any clarification of the Prequalification Documents shall contact the Employer in writing at the Employer's address indicated in the **PDS**. The Employer will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. The Employer shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Documents directly from the Employer, including a description of the inquiry but without identifying its source. If so indicated in the **PDS**, the Employer shall also promptly publish its response at the web page identified in the **PDS**. Should the Employer deem it necessary to amend the Prequalification Documents as a result of a clarification, it shall do so following the procedure under ITA 8 and in accordance with the provisions of ITA 17.2.
- 8. Amendment of Prequalification Documents**
- 8.1 At any time prior to the deadline for submission of Applications, the Employer may amend the Prequalification Documents by issuing an Addendum.
- 8.2 Any Addendum issued shall be part of the Prequalification Documents and shall be communicated in writing to all prospective Applicants who have obtained the Prequalification Documents from the Employer. The Employer shall promptly publish the Addendum at the Employer's web page identified in the **PDS**.
- 8.3 To give prospective Applicants reasonable time to take an Addendum into account in preparing their Applications, the Employer may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.
- C. Preparation of Applications**
- 9. Cost of Applications**
- 9.1 The Applicant shall bear all costs associated with the preparation and submission of its Application. The Employer will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification



process.

**10. Language of Application**

10.1 The Application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Employer, shall be written in the language specified in the **PDS**. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the language specified in the **PDS**, in which case, for purposes of interpretation of the Application, the translation shall govern.

**11. Documents Comprising the Application**

11.1 The Application shall comprise the following:

- (a) The Application Submission Sheet, indicating the Applicant's name, address, telephone, fax and email. If the Applicant is an association, the Application Submission Sheet shall also describe the form of association and list the association members;
- (b) A Power of Attorney authorizing the representative of the Applicant, designated in accordance with ITA 4.1 to submit the Application on behalf of the Applicant. If the Applicant is a JV, the Power of Attorney shall be provided by the Lead Member nominated in the JV Agreement or in the Declarations of Association, submitted in accordance with ITA 4.1. If the representative of the Applicant is the owner, member or director of the Applicant or the Applicant's Lead Member, if so nominated in accordance with ITA 4.1, a Power of Attorney shall not be necessary.
- (c) Presentation of the Applicant (maximum 10 pages, no brochures). If the Applicant is a single entity, the Presentation shall describe the Applicant's type of entity, ownership structure and organization chart, as well as its main business areas as they apply to the project. If the Applicant is a JV, the Presentation shall provide this information about each JV member as well as a description of the intended form of collaboration of the members within the JV. Where the Applicant's qualifications to carry out the assignment have been acquired as a result of a merger or acquisition, the presentation must include a detailed business history of the Applicant.
- (d) Statements and Declarations: False information provided in the following Statements and Declarations by the Applicant or in the case of an JV by any of the JV members shall lead to the exclusion of the Applicant from the tender process:
  - (l) If the Applicant is an existing JV, the Applicant shall submit a proof of the existing Association Agreement, indicating the Lead Member. If the Applicant is a JV, which the members intend to form for the purpose of

executing the contract, each member of the association shall submit a Declaration of Association, indicating the Lead Member, in the format provided in Annex Section IV, Application Forms.

- (II) Declaration of Undertaking in the format provided in Section IV, Application Forms. If the Applicant is a JV, only one Declaration of Undertaking must be submitted, i.e. the representative of the JV can sign on behalf of the JV subject to a power of attorney.
  - (III) Financial Capacity Statement in the format provided in Section IV, Application Forms and supported by the Applicant's Balance Sheets and Profit and Loss Statements. If the Applicant is a JV, separate statements, including the supporting Balance Sheets and Profit and Loss Statements, shall be provided by each member of the JV. All Balance Sheets and Profit and Loss Statements shall be certified by a reputable auditor.
  - (IV) List of project references in the format provided in Section IV, Application Forms. Unless otherwise stated in the **PDS** the references shall be limited to a maximum of 10 projects carried out during the 5 years preceding the publication of this prequalification document. The Employer reserves the right to contact the clients indicated in the references to ascertain the information provided by the Applicant.
  - (V) List of Available Expertise and Human Resource Capacity in the format provided in Section IV, Application Forms.
- (e) All Application forms and required attachments, provided in Section IV, Application Forms. If the Applicant is a single entity, in accordance with ITA 4.1, it should not include form ELI 1.2 in its Application.
  - (f) Any other documents required in the **PDS**.

11.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.

## **12. Application Submission Form**

12.1 The Applicant shall complete an Application Submission Form as provided in Section IV, Application Forms. This Form must be completed without any alteration to its format.

## **13. Documents Establishing the Eligibility of the Applicant**

13.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete and sign the Declaration of Undertaking as provided in Section IV, Application Forms without any alteration to its format and furnish supporting documentation as specified in Forms ELI 1.1, ELI 1.2(a) and ELI

- 1.2(b).
- 14. Documents Establishing the Qualifications of the Applicant**
- 14.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification and Evaluation, the Applicant shall provide the information requested in the corresponding Forms included in Section IV, Application Forms.
- 15. Signing of the Application and Number of Copies**
- 15.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV, designated in accordance with ITA 4.1, on behalf of the JV.
- 15.2 The Applicant shall submit copies of the signed original Application, in the number specified in the **PDS**, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

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

- 16. Sealing and Identification of Applications**
- 16.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:
- (a) bear the name and address of the Applicant;
  - (b) be addressed to the Employer, in accordance with ITA 17.1; and
  - (c) bear the specific identification of this prequalification process indicated in the **PDS** 1.1.
- 16.2 The Employer will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.
- 17. Deadline for Submission of Applications**
- 17.1 Applicants may either submit their Applications by mail or by hand. Applications shall be submitted in accordance with the instructions, including the address and deadline, stipulated in the **PDS**.
- 17.2 The Employer may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification Documents in accordance with ITA 8, in which case all rights and obligations of the Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.
- 18. Late Applications**
- 18.1 Late Applications received after the deadline indicated in

ITA 17.1 will be rejected.

### **19. Opening of Applications**

- 19.1 The Employer shall open all Applications at the date, time and place specified in the **PDS**. Late Applications shall be treated in accordance with ITA 18.1.
- 19.2 The Employer shall prepare a record of the opening of Applications, which shall include, as a minimum, the name of the Applicant and whether the Application has been received in time.

## **E. Procedures for Evaluation of Applications**

### **20. Confidentiality**

- 20.1 Information relating to the Applications, their evaluation and result shall not be disclosed to Applicants or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 28.
- 20.2 From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Employer on any matter related to the prequalification process (except as specified in 20.1 above), may do so only in writing.

### **21. Clarification of Applications**

- 21.1 To assist in the evaluation of Applications, the Employer may, at its discretion, ask an Applicant for a clarification of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Employer and all clarifications from the Applicant shall be in writing.
- 21.2 If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Employer's request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

### **22. Responsiveness of Applications**

- 22.1 The Employer shall reject an Application that is not substantially responsive to the requirements of this prequalification document. An Application shall be considered as responsive if the following documents are submitted:

Responsiveness criteria
1. Declaration of Undertaking (ITA 11.1 d) (II)

2. Financial Capability Statements and supporting documentation (ITA 11.1 d) (III))
3. Application Submission Form (ITA 11.1 a)
4. Power(s) of Attorney authorizing the representative of the Applicant (ITA 11.1 b)
5. If the Applicant is an association, either proof of the existing Association Agreement or a Declaration of Association (ITA 11.1 d) (I))

**23. Domestic Bidder Price Preference** 23.1 A margin of preference for domestic bidders shall not apply in the bidding process resulting from this prequalification unless otherwise specified in the **PDS**.

**24. Subcontractors** 24.1 Unless otherwise stated in the **PDS**, the Employer does not intend to execute any specific elements of the Works by subcontractors selected in advance by the Employer (nominated subcontractors).

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

## **F. Evaluation of Applications and Prequalification of Applicants**

**25. Evaluation of Applications** 25.1 The Employer shall evaluate the responsive Applications using the factors, methods, criteria, and requirements defined in Section III, Qualification and Evaluation, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used.

25.2 Only the qualifications of the Applicant shall be considered. In particular, the qualifications of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 4.1 shall not be considered.

25.3 In case of multiple contracts, Applicants should indicate in their Applications the individual contracts in which they are interested. The Employer shall prequalify each Applicant for

the maximum combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements. The Qualification and Evaluation are mentioned in Section III.

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

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

**27. Prequalification  
of Applicants**

27.1 The Employer shall assess the responsive Applications in terms of the Eligibility and Qualification Criteria and methods set out in Section III, Qualification and Evaluation.

27.2 The Employer shall determine the fulfillment of minimum requirements on a pass/fail basis as per Section III, Qualification and Evaluation.

27.3 The Employer shall assign a numeric score to each of the sub-criteria, for which a maximum score is provided in accordance with ITA 27.1. All Sub-criteria Scores shall be summed to determine the Applicant's Pre-Qualification Score.

27.4 For the purposes of scoring individual Qualification Criteria in accordance with 27.3 the Employer shall apply the following qualitative approach:

- (a) 100% of the max. score: Excellent, if the Application substantially exceeds the requirement in accordance with the respective sub-criterion. No errors or omissions are noted.
- (b) 75% of the max. score: Good, if the Application meets or marginally exceeds the requirement in accordance with the respective sub-criterion. Minor errors or omissions noted;
- (c) 50% of the max. score: Unsatisfactory, if the Application marginally falls short of the requirement in accordance with the respective sub-criterion. Major errors or omissions noted;
- (d) 25% of the max. score: Poor, if the Application substantially deviates from or indicates misunderstanding of the requirement in accordance with the respective sub-criterion. Major errors or omissions are noted comprising the fulfillment of the sub-criterion;
- (e) 0 % of the max. score: Insufficient / Fail, if the Application does not meet the requirement at all in accordance with the respective sub-criterion, or does not provide any information regarding the requirement.

- 27.5 An Applicant shall be considered prequalified if:
- (a) its Application is considered responsive in accordance with ITA 22.1 and;
  - (b) its Application has met the pass/fail requirements in accordance with ITA 27.2 and;
  - (c) the Application scored at least 70 points out of 100 points in accordance with ITA 27.3.

**28. Notification of Prequalification**

- 28.1 The Employer shall notify all Applicants in writing of the names of those Applicants who have been prequalified. In addition, those Applicants who have been disqualified will be informed separately.
- 28.2 Applicants that have not been prequalified may write to the Employer to request, in writing, the grounds on which they were disqualified.

**29. Invitation for Bids**

- 29.1 Promptly after the notification of the results of the prequalification, the Employer shall invite bids from all the Applicants that have been prequalified.
- 29.2 Bidders may be required to provide a Bid Security acceptable to the Employer in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security as specified in the Bidding Documents.

**30. Changes in Qualifications of Applicants**

- 30.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to bid (including, in the case of a JV, any change in the structure or formation of any member thereto) shall be subject to the written approval of the Employer prior to the deadline for submission of bids. Such approval shall be denied if (i) as a consequence of the change, the Applicant no longer meets the qualification criteria set forth in Section III, Qualification and Evaluation; or (ii) in the opinion of the Employer, the change may result in a substantial reduction in competition. Any such change should be submitted to the Employer not later than fourteen (14) days after the date of the Invitation for Bids.

## Section II. Prequalification Data Sheet

### A. General

**ITA 1.1**

The Employer is:

**Ministry of Economy**  
**"Zahir Pajaziti" Square, No. 36**  
**10000 Pristina, Republic Of Kosovo**

The list of contracts (lots) consists of:

**Lot 1: Ferizaj Municipality**

- "Bilall Shala" school - Lloshkobare, Ferizaj (1420 m<sup>2</sup>)
- "Dituria" school - Dardani, Ferizaj (1330 m<sup>2</sup>)

**Lot 2: Gjilan Municipality**

- "Ibrahim Uruqi" school - Bresalc, Gjilan (2900 m<sup>2</sup>)
- "Liria" school - Pogradje, Gjilan (2555 m<sup>2</sup>)

**Lot 3: Prishtina Municipality**

- "Ismail Qemali" (6090 m<sup>2</sup>)
- "Hasan Prishitna" (6740 m<sup>2</sup>)

**Lot 4: Gjakova Municipality**

- "Hysni Zajmi" school – Gjakove (3300 m<sup>2</sup>)
- "7 Shtatori" school - Gërçin, Gjakove (1180 m<sup>2</sup>)

The Consultant, engaged by MoE and acting as Tender Agent, is:

Consortium GOPA Infra / ALB Architect

The Works will be contracted applying FIDIC Conditions of Contract for Construction, Multilateral Development Bank Harmonised Edition, June 2010 ("Pink Book"). For further information regarding the Works, please refer to Section VII (Scope of Works).

Applicants can bid for one, several or all lots depending on the choice and capacities of the Bidder.

ICB name and number are:

**BMZ No. 200765941**

**KfW Procurement No. 509623**

**MoE Ref. No. 26880**



<b>ITA 2.1</b>	<p>The name of the Project is:</p> <p><b>Energy Efficiency Measures in Public Buildings at the Municipality Level in Kosovo</b></p> <p>Source of Funds: KfW Development Bank, Frankfurt (KfW), Loan and Grant</p> <p><b>BMZ-NO. 200765941</b></p>
<b>ITA 4.2</b>	<p>Maximum number of members in the JV shall be:</p> <p><b>Maximum 3 (three) including the JV leading member</b></p>
<b>B. Contents of the Prequalification Documents</b>	
<b>ITA 7.1</b>	<p>For <b>clarification purposes</b>, the Employer's address is:</p> <p>Ministry of Economy Attention: Naim Zeqiri Address: "Zahir Pajaziti" Square, No. 36 City: Prishtina, ZIP Code: 10 000 Country: Republic of Kosovo Electronic mail address: <a href="mailto:akee@rks-gov.net">akee@rks-gov.net</a>; <a href="mailto:Naim.R.Zeqiri@rks-gov.net">Naim.R.Zeqiri@rks-gov.net</a></p> <p>And the Tender Agent address is:</p> <p>GOPA Infra Attention: Rainer Riha Address: Hindenburgring 18 61348 Bad Homburg Germany Electronic mail address: rainer.riha@gopa-infra.de</p> <p>The Tender Agent will respond in writing to any request for clarification, provided that such request is received no later than 15 days before submission of the application at 15:00 (CET).</p> <p>The request for clarification purpose and the responses shall be done preferably by electronic mail.</p>
<b>ITA 7.1 &amp; 8.2</b>	<p>Web page:</p> <p><a href="https://me.rks-gov.net/">https://me.rks-gov.net/</a></p>

<b>C. Preparation of Applications</b>	
<b>ITA 10.1</b>	<p>The Application as well as all correspondence shall be submitted in English.</p> <p>Language for translation of supporting documents and printed literature is English.</p>
<b>ITA 11.1 (d)</b>	The Applicant shall submit with its Application, the following additional documents: <i>Not applicable</i>
<b>ITA 15.2</b>	<p>In addition to the <b>original</b>, the number and type of <b>copies</b> to be submitted with the Application is:</p> <ul style="list-style-type: none"> <li>- three hard copies</li> <li>- scanned electronic copy in <i>searchable</i> PDF format provided on a USB-Stick</li> </ul> <p>The scanned electronic copy shall be a true and complete color copy in a single unalterable file to include all documents and scans of the original and shall be clearly ordered and indexed in the same manner as the original.</p>
<b>D. Submission of Applications</b>	
<b>ITA 17.1</b>	<p>The Original Application (including all requested copies) shall be submitted not later than</p> <p><b>Date: 10 November 2023</b>  <b>Time: 12:00 (CET)</b></p> <p>at the following address, which shall be the controlling address for the purposes of the timely submission of the Application:</p> <p>Ministry of Economy  Attention: Naim Zeqiri  Address: "Zahir Pajaziti" Square, No. 36  City: Prishtina,  ZIP Code: 10 000  Country: Republic of Kosovo  Electronic mail address: <a href="mailto:akee@rks-gov.net">akee@rks-gov.net</a>;  <a href="mailto:Naim.R.Zeqiri@rks-gov.net">Naim.R.Zeqiri@rks-gov.net</a></p> <p>One (1) digital copy (CD or flash drive) of the Application shall be submitted not later than:</p> <p><b>Date: 10 November 2023</b>  <b>Time: 12:00 (CET)</b></p> <p>at the following address:</p> <p>GOPA Infra  Hindenburgring 18  61348 Bad Homburg, Germany  E-Mail: <a href="mailto:rainer.riha@gopa-infra.de">rainer.riha@gopa-infra.de</a></p>

<b>ITA 19.1</b>	<p>The opening of the Applications shall be at</p> <p>Date: 13 November 2023 Time: 12:00 (CET)</p> <p>Ministry of Economy Address: "Zahir Pajaziti" Square, No. 36 City: City: Prishtina, ZIP Code: 10 000 Country: Republic of Kosovo</p> <p>If by any means the opening of the Applications cannot be performed in form of a public session due to the COVID-19 pandemic, the opening will be organized in form of a video conference call.</p> <p>No minimum number of Applications is required in order to proceed to Applications opening.</p>
<b>E. Procedures for Evaluation of Applications</b>	
<b>ITA 23.1</b>	A margin of preference <b>shall not apply</b> .
<b>ITA 24.1</b>	At this time the Employer <b>does not intend</b> to execute certain specific parts of the Works by subcontractors selected in advance (nominated subcontractors).
<b>ITA 27.2</b>	The Employer shall determine the fulfilment of requirements on a pass/fail basis or as else defined in Section III, Qualification and Evaluation. The evaluation committee has the discretion to allocate a conditional "pass" in the case of a minor deviation, reservation or omission in the sense of the KfW Procurement Guidelines clause 2.5.5.

## **Section III. Qualification and Evaluation**

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

Criteria			Requirements				Documentat ion Requiremen ts / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
<b>1. Eligibility</b>							
1.1	<b>Nationality</b>	Nationality in accordance with ITA 4.3	Must meet requirement	N/A	Must meet requirement	N/A	Forms ELI-1.1, 1.2(a) and 1.2(b), with attachments
1.2	<b>Conflict of Interest</b>	No conflicts of interest in accordance with ITA 4.4	Must meet requirement	N/A	Must meet requirement	N/A	Application Submission Form
1.3	<b>KfW Eligibility</b>	Not being ineligible for KfW financing, as described in ITA 4.3	Must meet requirement	N/A	Must meet requirement	N/A	Declaration of Undertaking
1.4	<b>Government-Owned Entity</b>	Meet conditions of ITA 4.3	Must meet requirement	N/A	Must meet requirement	N/A	Forms ELI-1.1, 1.2(a) and 1.2(b), with attachments
<b>2. Historical Contract Non-Performance</b>							
2.1	<b>History of Non-Performing Contracts</b>	Termination of a contract did not occur as a result of contractor's default in the past five (5) years	Must meet requirement	N/A	Must meet requirement	N/A	Form CON-2
2.2	<b>Suspension Based on Execution of Bid Securing</b>	Not under suspension based on execution of a Bid Securing Declaration pursuant to ITA 4.5	Must meet requirement	N/A	Must meet requirement	N/A	Application Submission Form

Criteria			Requirements			Documentation Requirements / Forms	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member		One Member
	<b>Declaration by the Employer</b>						
2.3	<b>Pending Litigation</b>	All pending litigation shall in total not represent more than one hundred percent (100%) of the Applicant's net worth and shall be treated as resolved against the Applicant	Must meet requirement	N/A	Must meet requirement	N/A	Form CON-2
<b>3. Financial Situation and Performance</b>							
3.1	<b>Financial Capabilities: Liquidity<sup>2</sup></b>	<p>(i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as</p> <p><b>Lot 1: Ferizaj Municipality (250,000 EUR)</b></p> <ul style="list-style-type: none"> <li>"Bilall Shala" school - Lloshkobare, Ferizaj</li> <li>"Dituria" school - Dardani, Ferizaj</li> </ul> <p><b>Lot 2: Gjilan Municipality (400,000 EUR)</b></p> <ul style="list-style-type: none"> <li>"Ibrahim Uruqi" school - Bresalc, Gjilan</li> <li>"Liria" school - Pogragje, Gjilan</li> </ul> <p><b>Lot 3: Prishtina Municipality (950,000 EUR)</b></p> <ul style="list-style-type: none"> <li>"Ismail Qemali" school</li> <li>"Hasan Prishitna" school</li> </ul> <p><b>Lot 4: Gjakova Municipality (320,000 EUR)</b></p>	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN-3.1 with attachments and FIN-3.3

<sup>2</sup> If an applicant bids for several lots, the applicant must show the cumulative value of the multiple lots in order to participate in more than one or all lots.

Criteria			Requirements			Documentat ion Requiremen ts / Forms	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member		One Member
		<ul style="list-style-type: none"> <li>"Hysni Zajmi" school – Gjakove</li> <li>"7 Shtatori" school - Gërçin, Gjakove</li> </ul> <p>for the subject contract(s) net of the Applicants other commitments</p>					
3.2	<b>Financial Capabilities: Other Sources of Finance</b>	(ii) The Applicant shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.	Must meet requirement	Must meet requirement	N/A	N/A	Forms FIN-3.1 and FIN-3.4
3.3	<b>Financial Capabilities: Financial Position</b>	<p>(iii) The audited balance sheets or, if not required by the laws of the Applicant's country, other financial statements acceptable to the Employer, for the last 3 years (2019 -2021) shall be submitted and must demonstrate the current soundness of the Applicant's financial position based on the following criteria:</p> <p>a) Average Liquidity ratio <math>\geq 1.1</math></p> $\frac{\text{Current Assets}}{\text{Current Liabilities}} \geq 1.1$ <p>considering a minimum liquidity ratio <math>\geq 0.9</math> for one year out of three</p> <p>b) Average Indebtedness ratio <math>\leq 80\%</math></p> $\frac{\text{Total Liabilities} * 100}{\text{Total Assets}} \leq 80\%$ <p>considering a maximum Indebtedness ratio <math>\leq 100\%</math> for one year out of three</p>	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN-3.1 with attachments

Criteria			Requirements				Documentation Requirements / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
3.4	<b>Average Annual Construction Turnover<sup>3</sup></b>	<p>Average annual construction turnover for the last 3 years (2019 - 2021), calculated as total certified annual payments received for contracts in progress and/or completed as follows:</p> <p><b>Lot 1: Ferizaj Municipality (1,500,000 EUR)</b></p> <ul style="list-style-type: none"> <li>"Bilal Shala" school - Lloshkobare, Ferizaj</li> <li>"Dituria" school - Dardani, Ferizaj</li> </ul> <p><b>Lot 2: Gjilan Municipality (2,500,000 EUR)</b></p> <ul style="list-style-type: none"> <li>"Ibrahim Uruqi" school - Bresalc, Gjilan</li> <li>"Liria" school - Pogragje, Gjilan</li> </ul> <p><b>Lot 3: Prishtina Municipality (6,500,000 EUR)</b></p> <ul style="list-style-type: none"> <li>"Ismail Qemali" school</li> <li>"Hasan Prishitna" school</li> </ul> <p><b>Lot 4: Gjakova Municipality (2,000,000 EUR)</b></p> <ul style="list-style-type: none"> <li>"Hysni Zajmi" school – Gjakove</li> <li>"7 Shtatori" school - Gërçin, Gjakove</li> </ul>	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN-3.2
<b>4. Construction Experience</b>							
4.1	<b>General Construction Experience</b>	<p>Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor within the last 5 years, starting 1<sup>st</sup> January 2017.</p> <p>Minimum 5 project references required.</p>	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP-4.1

<sup>3</sup> If an applicant bids for several lots, the applicant must show the cumulative value of the multiple lots in order to participate in more than one or all lots.



Criteria			Requirements			Documentation Requirements / Forms	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member		One Member
4.2 (a)	<b>Specific Construction &amp; Contract Management Experience</b>	<p>Similar<sup>4</sup> contracts, satisfactorily and substantially<sup>5</sup> completed as a prime contractor, joint venture member<sup>6</sup>, management contractor or subcontractor<sup>4</sup> between 1<sup>st</sup> January 2017 and 1<sup>st</sup> January 2022 of minimum value as follows:</p> <p><b>Lot 1: Ferizaj Municipality (650,000 EUR)</b></p> <ul style="list-style-type: none"> <li>"Bilall Shala" school - Lloshkobare, Ferizaj</li> <li>"Ditura" school - Dardani, Ferizaj</li> </ul> <p><b>Lot 2: Gjilan Municipality (1,000,000 EUR)</b></p> <ul style="list-style-type: none"> <li>"Ibrahim Uruqi" school - Bresalc, Gjilan</li> <li>"Liria" school - Pogragje, Gjilan</li> </ul> <p><b>Lot 3: Prishtina Municipality (2,500,000 EUR)</b></p> <ul style="list-style-type: none"> <li>"Ismail Qemali" school</li> <li>"Hasan Prishitna" school</li> </ul> <p><b>Lot 4: Gjakova Municipality (800,000 EUR)</b></p> <ul style="list-style-type: none"> <li>"Hysni Zajmi" school – Gjakove</li> <li>"7 Shtatori" school - Gërçin, Gjakove</li> </ul> <p>Supporting documentation shall also be submitted to prove successful completion of specific experiences which may include, but is not limited to, the following: A copy of a taking-over/completion certificate, acceptance report indicating that the client has paid the final invoice, or project-related reference letters from the client.</p>	Must meet requirement	Must meet requirement	N/A	N/A	Form EXP-4.2 (a)
4.2	<b>Constructi</b>	For the above or any other contracts completed and	Must meet	Must meet	N/A	N/A	Form EXP-

<sup>4</sup> The similarity shall be based on the physical size, complexity, methods/technology and/or other characteristics described in Section VII, Scope of Works. Summation of number of small value contracts (less than the value specified under requirement) to meet the overall requirement will not be accepted.

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

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

Criteria			Requirements			Documentation Requirements / Forms	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member		One Member
(b)	<b>on Experience in key activities</b>	<p>under implementation as prime contractor, joint venture member<sup>4</sup>, management contractor or subcontractor<sup>4</sup> on or after the first day of the calendar year during the period stipulated in 4.2(a) above, a minimum construction experience in the following key activities successfully completed<sup>7</sup>:</p> <ul style="list-style-type: none"> <li>• Construction services in the field of energetic renovation of public and private buildings.</li> <li>• Applicants shall provide at least 5 references within the last 10 years to renovate and modernize public and private buildings in terms of energy efficiency.</li> <li>• References with mixed construction management can be submitted, in which case the reference will be evaluated separately for each required construction work. Of which are at least:                             <ul style="list-style-type: none"> <li>- 2 references for structural work, including civil works</li> <li>- 1 reference for electrical works and electrical installations</li> <li>- 1 reference for installation of energy-efficient heating and cooling systems</li> <li>- 1 reference in the field of facade insulation and insulation of the building envelope, including the installation of energy-efficient windows and exterior doors</li> </ul> </li> <li>• Supporting documentation shall also be submitted to prove successful completion of key experiences which may include, but is not limited to, the following:</li> <li>• A copy of a taking-over/completion certificate,</li> </ul>	requirement	requirement			4.2 (b)

<sup>7</sup> Volume, number, or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period. The rate of production shall be the annual production rate for the key construction activity (or activities).

Criteria			Requirements				Documentat ion Requiremen ts / Forms
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member	One Member	
		acceptance report indicating that the client has paid the final invoice, or project-related reference letters from the client. <ul style="list-style-type: none"> <li>The number of references could be reduced accordingly if 2 or all 4 conditions listed above are met in one contract.</li> </ul>					
<b>5. Environmental and Social and Health and Safety (ESHS) Experience and Capacity</b>							
5.1	<b>Certificate s</b>	Availability of a valid ISO certification as below or internationally recognized equivalent (equivalence to be demonstrated by the Applicant) <ul style="list-style-type: none"> <li>Quality Management certificate ISO 9001</li> <li>Health and Safety certificate OHSAS 18001 or ISO 45001</li> </ul> As a minimum, evidence of an existing Quality Management System according to the ISO 9001 is mandatory for all ESHS classification levels. The OHSAS 18001 or ISO 45001 certificate needs to be delivered latest with the technical proposal. Alternatively an equivalent Quality Management Certificate may be presented.	Must meet requirement	Must meet requirement	N/A	N/A	Form CER-5.1  Form CER-5.1  Form CER-5.1
5.2	<b>Environment al Capacity</b>	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards an effective environmental management system.	Must meet requirement	N/A	N/A	N/A	Form ENV-5.2
5.3	<b>Occupatio nal Health and Safety Capacity</b>	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards an effective health and safety management system.	Must meet requirement	N/A	N/A	Requirement must be met by Lead Member	Form OHSAS-5.3
5.4	<b>Socially</b>	The Applicant must demonstrate a comprehensive	Must meet	N/A	N/A	N/A	Form LOC-

Criteria			Requirements			Documentation Requirements / Forms	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			
				All Parties Combined	Each Member		One Member
	<b>Responsible Work Implementation</b>	understanding of the requirements regarding work site implementation and operation.	requirement			Member	5.4
5.5 a.)	<b>ILO Core Labor Standards</b>	Undertaking to fully respect the ILO Core Labor Standards in the Applicant's business practice.	Must meet requirement	N/A	Must meet requirement	N/A	Application Submission Form (f) and form COC-5.5
5.5 b)	<b>Ethical business principles</b>	The Applicant must demonstrate that its business setup and operations meet the minimum requirements towards ethical Business principles.	Must meet requirement	Must meet requirement <sup>8</sup>	N/A	N/A	Form COC-5.6
5.6	<b>ESHS and Construction Personnel</b>	The Applicant must demonstrate that it has access to adequate candidates for the ESHS personnel profiles, listed in Section VII, Scope of Works. The candidates must fulfill the minimum specific profile requirements and the general requirements (if any). Combining several candidates to fulfill one candidate profile is not allowed. Providing multiple candidates for a single profile is allowed.	Must meet requirement	Must meet requirement	N/A	N/A	PER-5.7

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## Application Submission Sheet

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

ICB No.: *[insert ICB number]*

To: *[insert full name of Employer]*

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

- (a) we have examined and have no reservations to the prequalification documents, including Addenda No., issued in accordance with ITA Clause 8: *[insert the number and issuing date of each addenda]*;
- (b) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification process, have nationalities from eligible countries, in accordance with ITA Sub-Clause 4.3:  
  
*[insert the nationality of the Applicant, including that of all parties in case of a JV, and the nationality of each already identified subcontractor and supplier of related services, if applicable]*;
- (c) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification do not have any conflict of interest, in accordance with ITA Sub-Clause 4.4;
- (d) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification, have not been declared ineligible by KfW, and/or we are not subject to sanction from either Germany, the European Union or the United Nations in accordance with the lists of exclusion established by these institutions regarding fight against terrorism in accordance with ITA Sub-Clause 4.3;
- (e) [we are not a government owned entity, **or**, we meet the requirements of ITA Sub-Clause 4.1];
- (f) we, including any major subcontractors and suppliers declare that we fully respect ILO Core Labour Standards in our business practice in accordance with ITA Sub-Clause 4.3 and Form COC-5.5;
- (g) we, in accordance with ITA Sub-Clause 24.2, plan to subcontract the following key activities and/or parts of the works: *[insert any of the key activities identified in Section III- 4.2 which the Applicant intends to subcontract]*;
- (h) We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any application that you may receive nor to invite the prequalified

applicants to bid for the contract subject of this prequalification, without incurring any liability to the Applicants, in accordance with ITA Clause 26.

Signed *[insert signature of the Applicant's representative, authorized in accordance with ITA 4.1, whose name and capacity are shown below]*

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

In the Capacity of *[insert legal capacity of person signing the application]*

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

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

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

Dated on *[insert day number]* day of *[insert month]*, *[insert year]*.

Attachments:

Power of attorney, authorizing the Applicant's representative to act for and on behalf of the Applicant, in accordance with ITA 4.1.

## Declaration of Undertaking

Reference name of the Application/Offer/Contract: ("Contract")<sup>8</sup>

To: ("Project Executing Agency")

1. We recognise and accept that KfW only finances projects of the Project Executing Agency ("PEA")<sup>9</sup> subject to its own conditions which are set out in the Funding Agreement it has entered into with the PEA. As a matter of consequence, no legal relationship exists between KfW and our company, our Joint Venture or our Subcontractors under the Contract. The PEA retains exclusive responsibility for the preparation and implementation of the Tender Process and the performance of the Contract.
2. We hereby certify that neither we nor any of our board members or legal representatives nor any other member of our Joint Venture including Subcontractors under the Contract are in any of the following situations:
  - 2.1) being bankrupt, wound up or ceasing our activities, having our activities administered by courts, having entered into receivership, reorganisation or being in any analogous situation;
  - 2.2) convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations, the European Union or Germany for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;
  - 2.3) having been convicted by a final court decision or a final administrative decision by a court, the European Union, national authorities in the Partner Country or in Germany for Sanctionable Practice in connection with a Tender Process or the performance of a Contract or for an irregularity affecting the EU's financial interests (*in the event of such a conviction, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*);
  - 2.4) having been subject, within the past five years to a contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during such Contract performance, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;
  - 2.5) not having fulfilled the applicable fiscal obligations with regard to the payment of taxes at the respective tax residence and in the country of origin of the PEA (*contractors based in Annex 1 countries (<https://www.consilium.europa.eu/de/policies/eu-list-of-non-cooperative-jurisdictions/>) must submit a fully completed and legally countersigned declaration of tax conformity (Appendix1 to the Declaration of Undertaking) in addition to the Declaration of Undertaking at the time of award of the contract/contract review. This shall become an integral part of the contract. Failure to submit may result in exclusion from the awarding procedure. For contractors based in countries not listed as*

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<sup>8</sup> Capitalised terms used, but not otherwise defined in this Declaration of Undertaking have the meaning given to such term in KfW's "Guidelines for the Procurement of Consulting Services, Works, Goods, Plant and Non-Consulting Services in Financial Cooperation with Partner Countries".

<sup>9</sup> The PEA means the purchaser, the employer, the client, as the case may be, for the procurement of Consulting Services, Works, Plant, Goods or Non-Consulting Services.



*Annex I countries, only the Declaration of Undertaking must be submitted, and not the declaration of tax conformity;*

2.6) being subject to an exclusion decision of the World Bank or any other multilateral development bank and being listed on the website <http://www.worldbank.org/debarr> or respectively on the relevant list of any other multilateral development bank (*in the event of such exclusion, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this exclusion is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*); or

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

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

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

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

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

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

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

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

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

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

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

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

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

engage in any Sanctionable Practice during the performance of the Contract;

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

6.3) we commit ourselves to complying with and ensuring that our Subcontractors and major suppliers under the Contract comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract and the fundamental conventions of the International Labour Organisation<sup>10</sup> (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the relevant environmental and social management plans or other similar documents provided by the PEA and, in any case, implement measures to prevent sexual exploitation and abuse and gender based violence.

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

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

Duly empowered to sign in the name and on behalf of<sup>11</sup>: \_\_\_\_\_

Signature:

Dated:

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<sup>10</sup> In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant/Bidder/Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions with respect to a) workers grievances on working conditions and terms of employment, b) child labour, c) forced labour, d) worker's organisations and e) non-discrimination.

<sup>11</sup> In the case of a JV, insert the name of the JV. The person who will sign the application, bid or proposal on behalf of the Applicant/Bidder shall attach a power of attorney from the Applicant/Bidder.

**Appendix 1**

**Declaration of tax conformity – binding confirmation for legal persons**

**Name of company**

I hereby confirm with my signature that:

1. I am authorised to make this declaration on behalf of the above company;
2. the company properly pays all taxes in accordance with the tax laws of the country in which the company is domiciled;
3. the company is not currently nor has been in the past involved in any legal proceedings concerning the taxation of the company;
4. the company will duly pay taxes that may arise from the provision of contracted services;
5. all information and statements provided in advance are complete, accurate in terms of content and currently correct.

.....  
(Place)

.....  
(Date)

.....  
(Name of the consultant)

.....  
(Signature(s))

**Appendix 1**

**Declaration of tax conformity – binding confirmation for natural persons**

I hereby confirm with my signature that:

1. I make this declaration in my name/on my own account;
  2. I duly pay taxes that I am obliged to pay under the tax law of my country of residence;
  3. I am not currently involved in tax law court proceedings, nor have I been in the past;
  4. I will duly pay taxes that may arise from the provision of contracted
  5. services;
- I have filled in all the information and statements of this confirmation in full, accurately in terms of content and that they are up to date at this time.

.....  
(Place)

.....  
(Date)

.....  
(Name of the person)

.....  
(Signature)

## Form ELI-1.1

### Applicant Information Form

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

Applicant's name <i>[insert full name]</i>
In case of Joint Venture (JV), name of each member: <i>[insert full name of each member in JV]</i>
Applicant's actual or intended country of registration: <i>[indicate country of Constitution]</i>
Applicant's actual or intended year of constitution: <i>[indicate year of Constitution]</i>
Applicant's legal address [in country of registration]: <i>[insert street/ number/ town or city/ country]</i>
Applicant's legal structure and ownership structure Legal structure: <i>[provide details]</i> Ownership structure: <i>[provide details of direct and indirect ownership]</i>
Applicant's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
<ol style="list-style-type: none"> <li>1. General Presentation of the Applicant (name, legal structure, business areas, subsidiaries and shareholdings, number of staff, etc.)</li> <li>2. Attached are copies of original documents of           <ul style="list-style-type: none"> <li><input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 4.1.</li> <li><input type="checkbox"/> In case of JV, JV agreement, in accordance with ITA 4.1 or Declaration of Association as per ELI 1.2(b).</li> <li><input type="checkbox"/> In case of Government-owned enterprise or institution, in accordance with ITA 4.3 documents establishing:               <ul style="list-style-type: none"> <li>- Legal and financial autonomy</li> <li>- Operation under commercial law</li> <li>- Establishing that the Applicant is not a dependent agency of the Employer.</li> </ul> </li> </ul> </li> <li>3. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.</li> <li>4. Professional Licenses for Works Execution, in accordance with ITA 11.1(d)</li> </ol>

## Form ELI-1.2 (a) Applicant's JV Information Form

*[The following table shall be filled by each member of a JV and, if applicable, by any specialized subcontractor]*

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

Each Applicant that is a JV Party and each nominated subcontractor in accordance with ITA 24 must submit this information.

Applicant name: <i>[insert full name]</i>
Applicant's JV Member's name: <i>[insert full name of Applicant's JV Member]</i>
Applicant's JV Member's country of registration: <i>[indicate country of registration]</i>
Applicant JV Member's year of constitution: <i>[indicate year of constitution]</i>
Applicant JV Member's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant JV Member's legal structure and ownership structure: Legal structure: <i>[provide details]</i> Ownership structure: <i>[provide details of direct and indirect ownership]</i>
Applicant JV Member's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
<p>1. General Presentation of the Applicant (name, legal structure, business areas, subsidiaries and shareholdings, number of staff, etc.)</p> <p>2. Attached are copies of original documents of</p> <p><input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 4.1.</p> <p><input type="checkbox"/> In case of a JV, JV agreement, in accordance with ITA 4.1 or Declaration of Association as per ELI 1.2(b).</p> <p><input type="checkbox"/> In case of Government-owned enterprise or institution, in accordance with ITA 4.3 documents establishing:</p> <ul style="list-style-type: none"> <li>- Legal and financial autonomy</li> <li>- Operation under commercial law</li> <li>- Establishing that the Applicant is not a dependent agency of the Employer.</li> </ul> <p>3. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.</p> <p>4. Professional Licenses for Works Execution, in accordance with ITA 11.1(d).</p>

## Form ELI-1.2 (b) Declaration of Association

*[The following form shall be provided by each member of a Joint Venture and, if applicable, by any specialized subcontractor, nominated in accordance with ITA 24]*

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

We hereby declare our intent to associate with the following firms for the purpose of forming a joint venture:

*[Insert the names of the other JV Members here]*

*[Insert the name of the Lead Member]* shall be the Lead Member.

We hereby confirm that we have not associated with any other firms for the purposes of this assignment and that we will not submit an Application separately from the firms listed above. Further, we understand that if one of the above JV Members appears as a member in more than one Application, all Applications in which the Member appears shall be disqualified.

In the event that this JV is awarded a Contract, we shall perform the works in the composition and in the form of cooperation described above.

*[Signature of the authorised representative of the Member]*

## Form CON-2

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

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

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

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

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

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

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

Non-Performed Contracts in accordance with Section III, Qualification and Evaluation			
<input type="checkbox"/> Contract non-performance did not occur since 1 <sup>st</sup> January 2016 specified in Section III, Qualification and Evaluation, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 <sup>st</sup> January 2016 specified in Section III, Qualification and Evaluation, requirement 2.1			
Year	Non-performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and EUR equivalent)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for non-performance: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>



Pending Litigation, in accordance with Section III, Qualification and Evaluation			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification and Evaluation, Sub-Factor 2.3.			
<input type="checkbox"/> Pending litigation in accordance with Section III, Qualification and Evaluation, Sub-Factor 2.3 as indicated below.			
Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), EUR Equivalent (exchange rate)
<i>[insert year]</i>	<i>[insert amount]</i>	Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate "Employer" or "Contractor"]</i> Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i>	<i>[insert amount]</i>

## Form FIN-3.1 Financial Situation and Performance

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

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

### 1. Financial data

Type of Financial information in (currency)	Historic information for previous 3 years, (amount in currency, currency, exchange rate, EUR equivalent)		
	2019	2020	2021
Statement of Financial Position (Information from Balance Sheet)			
Total Assets (TA)			
Total Liabilities (TL)			
Total Equity/Net Worth (NW)			
Current Assets (CA)			
Current Liabilities (CL)			
Working Capital (WC)			
Information from Income Statement			
Total Revenue (TR)			
Profits Before Taxes (PBT)			
Cash Flow Information			
Cash Flow from Operating Activities			

## 2. Financial documents

The Applicant and its parties shall provide copies of financial statements for 3 years pursuant Section III, Qualification and Evaluation, Sub-factor 3.1. The financial statements shall:

- (a) reflect the financial situation of the Applicant or JV member, and not an affiliated entity (such as parent company or subsidiary).
  - (b) be independently audited or certified in accordance with local legislation.
  - (c) be complete, including all notes to the financial statements.
  - (d) correspond to accounting periods already completed and audited.
- Attached are copies of financial statements<sup>12</sup> for the 3 years required above; and complying with the requirements

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

## Form FIN-3.2 Average Annual Construction Turnover

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

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

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

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

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

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

<b>Annual turnover data (construction only)</b>			
<b>Year</b>	<b>Amount Currency</b>	<b>Exchange rate</b>	<b>EUR equivalent</b>
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>	<i>[insert exchange rates used to calculate the EUR equivalent]</i>	<i>[insert EUR equivalent]</i>
<b>2019</b>			
<b>2020</b>			
<b>2021</b>			
		Average Annual Construction Turnover *	

\* Total EUR equivalent for all years divided by the total number of years. See Section III, Qualification and Evaluation, Clause 3.2.

## Form FIN-3.3 Sources of Finance

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

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

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

## Form FIN-3.4 Current Contract Commitments / Works in Progress

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

Applicants and each member to a JV should provide information on their current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.

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

## Form EXP-4.1 General Construction Experience

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

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

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

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

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

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

*[Identify contracts that demonstrate continuous construction work over the past 5 years pursuant to Section III, Qualification and Evaluation, Sub-Factor 4.1. List contracts chronologically, according to their commencement (starting) dates.]*

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

## Form EXP-4.2 (a)

### Specific Construction and Contract Management Experience

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

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

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

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

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

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

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



<b>Similar Contract No.</b> <i>[insert number] of [insert number of similar contracts required]</i>	<b>Information</b>
Description of the similarity in accordance with Sub-Criterion 4.2 of Section III:	
1. Physical size of required works items	<i>[insert physical size of items]</i>
2. Complexity	<i>[insert description of complexity]</i>
3. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
4. Construction rate for key activities	<i>[insert yearly rates and items]</i>
5. Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Works]</i>
Attached are copies of supporting documentation to prove successful completion of specific experiences which may include, but is not limited to, the following: A copy of a taking-over/completion certificate, acceptance report indicating that the client has paid the final invoice, or project-related reference letters from the client.	

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

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

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

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

Subcontractor's Name<sup>13</sup> (as per ITA 24.2): *[insert full name]*

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

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

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

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

<sup>13</sup> If applicable

	<b>Information</b>
Employer's Name:	<i>[insert full name]</i>
Address:	<i>[indicate street / number / town or city / country]</i>
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>
E-mail:	<i>[insert e-mail address, if available]</i>
<i>[Insert Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III: ]</i>	<i>[insert response to inquiry indicated in left column]</i>
Attached are copies of supporting documentation to prove successful completion of specific experiences which may include, but is not limited to, the following: A copy of a taking-over/completion certificate, acceptance report indicating that the client has paid the final invoice, or project-related reference letters from the client.	

## Form CER-5.1 Certification

*[insert Quality Management, Environmental Management Certification or  
Health and Safety Certification]*

Applicant's Legal Name: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's JV Member name: \_\_\_\_\_ ICB No.: \_\_\_\_\_

Description	Information
Identification of the certificate	_____ <i>[insert full name of the certificate]</i>
First award date	_____ <i>[insert day, month, year of first certificate award]</i>
Last update of the certificate	_____ <i>[insert day, month, year of latest renewal, if any]</i>
Issuers Name	_____ <i>[insert full name]</i>
Address	_____ <i>[insert street / number / town or city / country]</i>
Telephone/fax number	_____ <i>[insert phone/fax no., incl. country &amp; city area codes]</i>
E-mail	_____ <i>[insert e-mail address, if available]</i>
Compliance with international standards	The certificate is <i>[select ISO 9001 / ISO 14001 / OHSAS 18001 or ISO 45001]</i> :  <input type="checkbox"/> Yes / <input type="checkbox"/> No
If no, proof of conformity with the international standard by the Applicant	<i>The Applicant shall demonstrate the equivalency of their management systems with the international standards.</i>

**Form ENV-5.2**  
**Environmental Management Capacity**

**Not applicable**

## Form OHSAS-5.3 Occupational Health and Safety Capacity

*[The following table shall be filled by the Applicant or Lead Member of a Joint Venture]*

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

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

ICB No.: *[International competitive bidding number]*

	<b>The Applicant shall demonstrate:</b>	<b>Information</b>	<b>ESHS level</b>
1	- the existence of an Occupational Health & Safety Policy	__ <i>[Provide a policy document and the index of the Occupational Health &amp; Safety manual or other relevant documents and declarations]</i> __	Pass/ fail
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			

**Above requirements are pass / fail**

**Form LOC-5.4**  
**Socially Responsible Works Implementation**

*Not applicable*

## Form COC–5.5 ILO Core Labour Standards

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

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

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

ICB No.: *[insert International competitive bidding number]*

	<b>The Applicant shall demonstrate:</b>	<b>Documentation</b>	<b>ESHS level</b>
1	- that ILO core labor standards <sup>14</sup> are fully respected in business operations by explicitly ticking the boxes.	Our business operations respect the core labor standards on: <input type="checkbox"/> Freedom of Association <input type="checkbox"/> Elimination of Forced Labour <input type="checkbox"/> Non-Discrimination <input type="checkbox"/> Abolishment of Child Labour	Pass/ fail
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			

<sup>14</sup> See relevant ILO conventions C087, C098, C029, C105, C100, C111, C138, C182. In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant / Bidder / Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions.



## Form COC–5.6 Ethical Business Principles

	<b>The Applicant shall demonstrate:</b>	<b>Documentation</b>	<b>ESHS level</b>
1	- that ILO core labor standards <sup>15</sup> are fully respected in business operations by explicitly ticking the boxes.	Our business operations respect the core labor standards on: <input type="checkbox"/> Freedom of Association <input type="checkbox"/> Elimination of Forced Labour <input type="checkbox"/> Non-Discrimination <input type="checkbox"/> Abolishment of Child Labour	Pass/ fail
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
2	- the existence of a declaration on ethical business principles or similar declaration.	__ <i>[Provide written information and evidence on business principles (code of conduct, conflict of interest, bribery, corruption, bid-rigging, unfair competition, insider rules, confidentiality, money-laundering, etc.)]</i> __	
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
3	- the existence of an adequate organizational set-up to define, enforce and monitor the ethical business principles.	__ <i>[Provide details of the organizational set-up and staffing of the relevant department, for qualification details of relevant key staff see Form PER-5.7]</i> __	②
<i>[insert brief description or, if applicable, short abstract of the documentation annexed]</i>			
4	- that all members of a JV, suppliers (in particular those for major supply items), subcontractors and temporary workforce a) are aware of and b) comply with these principles.	__ <i>[Provide information on</i> a) <i>how awareness, know how transfer and enforcement is implemented to external partners</i> b) <i>nature, content and frequency of internal trainings to employees.]</i> __	②

<sup>15</sup> See relevant ILO conventions C087, C098, C029, C105, C100, C111, C138, C182. In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant / Bidder / Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions.

*[insert brief description or, if applicable, short abstract of the documentation annexed]*

	-		

all above requirements are pass / fail cirteria

## Form PER-5.7 List of Available ESHS and Construction Personnel

Complete the list below to demonstrate the extent to which you have access (internally / externally) to ESHS and Construction expertise required for personnel profiles described in Section VII; Scope of Works. Do not attach CVs as no personnel evaluation is carried out at the prequalification stage. It is understood that prequalified Applicants are not required to include staff named below into the proposal.

Name	Designation, in accordance with Section VII, Scope of Works	Education/Degree	Years of Professional Experience	Relationship with / Years within the Applicant <sup>16</sup>	Country/Regional Experience	Relevant Project References (Description of project-related experience)	Languages

**Above requirements are pass / fail**

<sup>16</sup> For freelance experts (e.g. with retainer contracts or formal agreements) indicate "FE" and how long the expert has been associated with the Applicant. For sub-consultant staff indicate "Sub". Staff from affiliated firms of the Applicant shall be considered as sub-consultant staff.

## Section V. Eligibility Criteria

### Eligibility in KfW-Financed Procurement

1. Consulting Services, Works, Goods, Plant and Non-Consulting Services are eligible for KfW financing regardless of the country of origin of the Contractors (including Subcontractors and suppliers for the execution of the Contract), except where an international embargo or sanction by the United Nations, the European Union or the German Government applies.
2. Applicants/Bidders (including all members of a Joint Venture and proposed or engaged Subcontractors) shall not be awarded a KfW-financed Contract if, on the date of submission of their Application/Offer or on the intended date of Award of a Contract, they:
  - 2.1 are bankrupt or being wound up or ceasing their activities, are having their activities administered by courts, have entered into receivership, or are in any analogous situation;
  - 2.2 have been
    - (a) convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations, the European Union and/or the German Government for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;
    - (b) convicted by a final court decision or a final administrative decision by a court, the European Union or national authorities in the Partner Country or in Germany for Sanctionable Practice during any Tender Process or the performance of a Contract or for an irregularity affecting the EU's financial interests, unless they provide supporting information together with their Declaration of Undertaking (Form available as Appendix to the Application/Offer which shows that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction;
  - 2.3 have been subject within the past five years to a Contract termination fully settled against them for significant or persistent failure to comply with their contractual obligations during Contract performance, unless this termination was challenged and the dispute resolution is still pending or has not confirmed a full settlement against them;

- 2.4 have not fulfilled applicable fiscal obligations regarding payments of taxes either in the country where they are constituted or the PEA's country;
  - 2.5 are subject to an exclusion decision of the World Bank or any other multilateral development bank and are listed in the respective table with debarred and cross-debarred firms and individual available on the World Bank's website or any other multilateral development bank unless they provide supporting information together with their Declaration of Undertaking which shows that this exclusion is not relevant in the context of this Contract or
  - 2.6 have given misrepresentation in documentation requested by the PEA as part of the Tender Process of the relevant Contract.
3. State-owned entities may compete only if they can establish that they (i) are legally and financially autonomous, and (ii) operate under commercial law. To be eligible, a state-owned entity shall establish to KfW's satisfaction, through all relevant documents, including its charter and other information KfW may request, that it: (i) is a legal entity separate from their state (ii) does not currently receive substantial subsidies or budget support; (iii) operates like any commercial enterprise, and, inter alia, is not obliged to pass on its surplus to their state, can acquire rights and liabilities, borrow funds and be liable for repayment of its debts, and can be declared bankrupt.

## Section VI. KfW Policy – Sanctionable Practice – Social and Environmental Responsibility

### 1) Sanctionable Practice

The PEA and the Contractors (including all members of a Joint Venture and proposed or engaged Subcontractors) must observe the highest standard of ethics during the Tender Process and performance of the Contract.

By signing the Declaration of Undertaking the Contractors declare that (i) they did not and will not engage in any Sanctionable Practice likely to influence the Tender Process and the corresponding Award of Contract to the PEA's detriment, and that (ii) in case of being awarded a Contract they will not engage in any Sanctionable Practice.

Moreover, KfW requires to include in the Contracts a provision pursuant to which Contractors must permit KfW and in case of financing by the European Union also to European institutions having competence under European law to inspect the respective accounts, records and documents relating to the Tender Process and the performance of the Contract, and to have them audited by auditors appointed by KfW.

KfW reserves the right to take any action it deems appropriate to check that these ethics rules are observed and reserves, in particular, the rights to:

- (a) reject an Offer for Award of Contract if during the Tender Process the Bidder who is recommended for the Award of Contract has engaged in Sanctionable Practice, directly or by means of an agent in view of being awarded the Contract;
- (b) declare misprocurement and exercise its rights on the ground of the Funding Agreement with the PEA relating to suspension of disbursements, early repayment and termination if, at any time, the PEA, Contractors or their legal representatives or Subcontractors have engaged in Sanctionable Practice during the Tender Process or performance of the Contract without the PEA having taken appropriate action in due time satisfactory to KfW to remedy the situation, including by failing to inform KfW at the time they knew of such practices.

KfW defines, for the purposes of this provision, the terms set forth below as follows:

**Coercive Practice**      The impairing or harming, or threatening to impair or harm, directly or indirectly, any person or the property of the person with a view to influencing improperly the actions of a person.

**Collusive Practice**      An arrangement between two or more persons designed to achieve an improper purpose, including influencing improperly the actions of another person.

<b>Corrupt Practice</b>	The promising, offering, giving, making, insisting on, receiving, accepting or soliciting, directly or indirectly, of any illegal payment or undue advantage of any nature, to or by any person, with the intention of influencing the actions of any person or causing any person to refrain from any action.
<b>Fraudulent Practice</b>	Any action or omission, including misrepresentation that knowingly or recklessly misleads, or attempts to mislead, a person to obtain a financial benefit or to avoid an obligation.
<b>Obstructive Practice</b>	Means (i) deliberately destroying, falsifying, altering or concealing evidence material to the investigation or the making of false statements to investigators, in order to materially impede an official investigation into allegations of a Corrupt Practice, Fraudulent Practice, Coercive Practice or Collusive Practice, or threatening, harassing or intimidating any Person to prevent them from disclosing their knowledge of matters relevant to the investigation or from pursuing the investigation, or (ii) any act intended to materially impede the exercise of KfW's access to contractually required information in connection with an official investigation into allegations of a Corrupt Practice, Fraudulent Practice, Coercive Practice or Collusive Practice.
<b>Sanctionable Practice</b>	Any Coercive Practice, Collusive Practice, Corrupt Practice, Fraudulent Practice or Obstructive Practice (as such terms are defined herein) which is unlawful under the Financing Agreement.

## 2) Social and Environmental Responsibility

Projects financed in whole or partly in the framework of Financial Cooperation have to ensure compliance with international Environmental, Social, Health and Safety (ESHS) standards (including issues of sexual exploitation and abuse and gender based violence) Contractors in KfW-financed projects shall consequently undertake in the respective Contracts to:

- (a) comply with and ensure that all their Subcontractors and major suppliers, i.e. for major supply items comply with international environmental and labour standards, consistent with applicable law and regulations in the country of implementation of the respective Contract and the fundamental conventions of the International Labour Organisation<sup>17</sup> (ILO) and international environmental treaties and;

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<sup>17</sup>In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant/Bidder/Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of the said ILO conventions with respect to a) workers grievances on working conditions and terms of employment, b) child labour, c) forced labour, d) worker's organisations and e) non-discrimination.

- (b) implement any environmental and social risks mitigation measures, as identified in the environmental and social impact assessment (ESIA) and further detailed in the environmental and social management plan (ESMP) as far as these measures are relevant to the Contract and implement measures for the prevention of sexual exploitation and abuse and gender-based violence.



## **PART 2 – Works Requirements**

## Section VII. Scope of Works

### 1. Description of the Works

The Government of Kosovo has received financing from the Western Balkan Investment Framework (WBIF) and the German Government through KfW Development Bank ("KfW") in the form of a loan and a grant funding toward the cost of the project "Energy Efficiency Measures in Public Buildings at the Municipality Level in Kosovo".

The objective of the project is the energy efficiency rehabilitation of schools, including dormitories, in order to

- reduce the total energy demand of the buildings by at least 20 % and
- improve the learning and teaching environment in the participating schools, ensuring a temperature of 20°C in class rooms during class time throughout winter as well as improve living conditions in dormitories

The Project comprises the rehabilitation of eight (8) schools in the Municipalities of Ferizaj, Gjilan, Prishtina and Gjakova with a specific focus on structural integrity, energy efficiency, and basic comfort. Further details on the schools are provided under point 3 below.

In the framework of this project, the structural features/conditions and the energy efficiency of the schools were investigated and evaluated according to German Standards and Structure and Energy Audits have been prepared for these schools which form the basis for the design documents for the implementation. The Employer will use a portion of the available funds for the payments of the Works to be performed under the contract for which this request for pre-qualification is issued.

The general scope of works for structural and comfort measures shall cover but not be limited to the following:

#### **Architectural works:**

- Demolition works
- Earth works & filling works
- Concrete works
- Masonry works
- Waterproofing works
- Floor works
- Ceramic tiles works & granite works
- Plastering and painting works
- Joinery works
- Ceiling works
- Hard landscape & soft landscape works

**Electrical works:**

- Testing of installation
- Testing of earthing system
- Adjustment of installations as per need
- Testing and commissioning of the classic lightning rod system
- Demolition of existing electrical distribution boxes
- Installation, supply and connection of the main electrical distribution box with all incorporating elements
- Dismantling of existing switches, purchase, transport, installation and realization of connections of simple lighting switches 10A.
- Dismantling of single-phase sockets, purchase, transport, installation and realization of connections of single-phase sockets 16A (2P + T)
- Installation and supply of emergency lights
- Installation, supply and connection of the fire alarm system.

**Water & Sewage:**

- Demolition and replacement of water pipes and removal of waste from the building
- Demolition and replacement of sanitary equipment and removal from the building.
- Demolition and replacement of sewerage pipes and removal of waste from the building.

The general scope of works for energy efficiency measures shall cover but not be limited to the following:

**Energy efficiency measures**

- Thermal insulation of external walls. Thermal conductivity of material used in calculations is  $\lambda = 0.035$  and  $U = 0.21 - 0.23 \text{ W/m}^2\text{K}$ .
- Replacement of windows with new triple glazed windows and doors with U value of  $1,1 \text{ W/m}^2\text{K}$ .
- Replace the existing entrance doors with new doors with U value of  $1.1 \text{ W/m}^2\text{K}$
- Installation of external blinds on windows
- Planting trees as natural sun protection, especially on the side of the building facing south and east
- Thermal insulation of roof (ceiling to attic) with  $\lambda = 0.038$  and  $U = 0.22 - 0.23 \text{ W/m}^2\text{K}$ .
- Thermal insulation of floor on the ground level with  $\lambda = 0.022$  and  $U = 0.39 \text{ W/m}^2\text{K}$ .
- Improvement of heating system by installation of a low-T pellet boiler, thermostatic valves and hydraulic balancing.
- Install new led light panels.

## 2. Personnel Requirements

The Bidder must demonstrate that it has the personnel for the key positions that meet the following requirements:

No.	Position	Total Work Experience (years)	In Similar Works Experience (years)
	Project and Contract Manager (one per lot)	15	10
	Site Manager / Site Agent (one per site)	10	5
	Structure & Civil Engineer (one per site)	10	7
	Quantity Surveyor (one per site)	10	5
	OHS Officer (one per site)	10	5
	ESHS Manager (one per lot)	10 years in designing and monitoring the implementation of ESHS management plans for construction works	5
	Community Liaison Officer (one per site)  <i>[Fluency in local languages should be mandatory for this position]</i>	5	

Please fill the list under Form 5.6 accordingly.

### 3. Tentative Construction Period(s)

Time for Completion of the Works per Lot: 6 months

Defects Notification Period: 12 months

#### Lot 1: Ferizaj Municipality

- "Bilall Shala" school - Lloshkobare, Ferizaj
- "Ditura" school - Dardani, Ferizaj

#### Lot 2: Gjilan Municipality

- "Ibrahim Uruqi" school - Bresalc, Gjilan
- "Liria" school - Pogradje, Gjilan

#### Lot 3: Prishtina Municipality

- "Ismail Qemali" school
- "Hasan Prishitna" school

#### Lot 4: Gjakova Municipality

- "Hysni Zajmi" school – Gjakove
- "7 Shtatori" school - Gërçin, Gjakove

## 4. Site and other Data

### Lot 1: Ferizaj Municipality

#### "Bilall Shala" school - Lloshkobare, Ferizaj

The "Bilall Shala" school is located in the Lloshkobare village, Ferizaj-Shtime highway, in Ferizaj municipality. The facility was built in 1972. The school has 272 students in total and the maximum number of students per class is 28.



Site Plan of the school



Main building

**Dituria" school - Dardani, Ferizaj**

The "Ditturia" school is located in the Dardania village, on the Ferizaj-Gjilan highway, in the Ferizaj municipality. The facility was built in 1962. It is composed of a single-story building dating of 1962 and an extension of two stories built in 2000 (ground floor) and 2010 (first floor). The school has 390 students in total and the maximum number of students per class is 26.



Site Plan of the school



School buildings (Main building and annex building)



## Lot 2: Gjilan Municipality

### "Ibrahim Uruqi" school - Bresalc, Gjilan

The "Ibrahim Uruqi" school is located in the Bresalc village, in Gjilan municipality. The facility was built in 1974. The school is composed of one building with two stories, a partial basement and sport hall. It has 300 students and the maximum number of students per class is 27.



Site Plan of the school



School buildings (Main building and annex building)



**"Liria" school - Pogradje, Gjilan**

The "Liria" school is located in the Pogradjë village, in Gjilan municipality. The facility was built in 1962. The school is composed of one building with two stories, a partial basement and sport hall. It has 171 students and the maximum number of students per class is 18.



Site Plan of the school



School buildings (Main building and sports hall)

### Lot 3: Prishtina Municipality

#### "Ismail Qemali" school

The "Ismail Qemali" school is located in the "Bregu i diellit" neighbourhood, in Prishtina municipality. The school facility was built in 1981 and an extension of the two stories are built after 2000. The school is composed of two stories, a partial basement and Sports Hall. It has 2870 students and the maximum number of students per class is 43.



Aerial picture of the school



School buildings (Two main building entrances)



**"Hasan Prishtina" school**

The "Hasan Prishtina" school is located in the Ulpiana neighbourhood, "Nik Prela" street in Prishtina municipality. The school facility was built in 1974 and in 2008 some renovation works were done on the facade, roof and windows. The school is composed of four stories. It has 2169 students and the maximum number of students per class is 35.



Aerial picture of the school



School buildings (Two main building entrances)

## Lot 4: Gjakova Municipality

### "Hysni Zajmi" school – Gjakove

The "Hysni Zajmi" school is located in the "Marin Barleti" street in the Gjakova municipality. The school facility was built in 1968. The school is composed of ground floor, basement and first floor while one part of the building is only ground floor and it has Sports Hall. It has 1053 students and the maximum number of students per class is 34.



Site Plan of the school

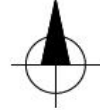


School buildings (Main building and Sports Hall)



**"7 Shtatori" school - Gërçin, Gjakove**

The "7 Shtatori" school is located in the Gerçine village, in Gjakova municipality. The facility was built in 1974. The school is composed of one building with three stories, ground floor, basement and first floor. It has 219 students and the maximum number of students per class is 30.



Site Plan of the school



School building



## 4. Environmental and Social Management plan (ESMP)

*The ESMP generally needs to include the following:*

- Introduction
- Project Description
  - Environmental and social Baseline conditions
  - Project Activities
  - Stakeholders
- Rapid Assessment of potential environmental and social impacts
- Roles and Responsibilities
  - Project Implementing Agency
  - Contractors
  - Other Entities
- Training
- Project Standards (National and International)
- Stakeholder Engagement and Grievance Mechanism
- Register of E&S Aspects
- Planning and Design
- Construction