

# PROCUREMENT DOCUMENTS



**Southern African Development Community Secretariat**

**PREQUALIFICATION DOCUMENT FOR  
PROCUREMENT OF TECHNICAL ASSISTANCE FOR  
SUPPORT TO IMPROVING THE INVESTMENT AND  
BUSINESS ENVIRONMENT IN THE SOUTHERN  
AFRICAN DEVELOPMENT COMMUNITY REGION**

**Invitation for Prequalification**

**Contract Number:** SADC/3/5/1/11

**Fee-based Contract**

**Issued on: 20<sup>th</sup> December 2019**

## Contents

<b>PART 1 – Prequalification Procedures</b> .....	<b>1</b>
Section I. Instructions to Applicants.....	3
Section II. Prequalification Data Sheet.....	15
Section III. Qualification Criteria and Requirements.....	19
Section IV. Application Forms.....	23
<b>PART 2 – Description of the Project</b> .....	<b>1</b>
Section VI. Contract Requirements.....	2

# **PART 1 – Prequalification Procedures**

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# Section I. Instructions to Applicants

## Table of Clauses

A. General.....	4
1. Scope of Application .....	4
2. Procurement Rules and Procedures .....	4
3. Fraud and Corruption .....	4
4. Conflict of Interest .....	5
5. Eligible Applicants .....	6
6. Additional Eligibility Requirements.....	8
B. Contents of the Prequalification Document.....	8
7. Sections of Prequalification Document .....	8
8. Clarification of Prequalification Document.....	9
9. Amendment of Prequalification Document .....	9
C. Preparation of Applications .....	9
10. Cost of Applications.....	9
11. Language of Application and Communications .....	9
12. Documents Comprising the Application.....	10
13. Application Submission Form .....	10
14. Documents Establishing the Eligibility of the Applicant .....	10
15. Documents Establishing the Qualifications of the Applicant.....	10
16. Signing of the Application and Number of Copies .....	10
D. Submission of Applications.....	11
17. Sealing and Identification of Applications .....	11
18. Deadline for Submission of Applications.....	11
19. Late Applications.....	11
20. Opening of Applications.....	11
E. Procedures for Evaluation of Applications .....	11
21. Confidentiality .....	11
22. Clarification of Applications .....	12
23. Responsiveness of Applications .....	12
24. Joint-ventures or Consortia.....	12
F. Evaluation of Applications and Prequalification of Applicants.....	13
25. Evaluation of Applications .....	13
26. Procuring Entity's Right to Accept or Reject Applications .....	13
27. Prequalification of Applicants .....	14
28. Notification of Prequalification .....	14
29. Invitation to Bid.....	14
30. Changes in Qualifications of Applicants .....	14
31. Appeals.....	14

*C. [Signature]*

## Section I. Instructions to Applicants

### A. General

1. **Scope of Application**
  - 1.1 In connection with the Invitation for Prequalification indicated in Section II, Prequalification Data Sheet (PDS), the Procuring Entity, as defined in the **PDS**, issues this Prequalification Document (PQD) to applicants interested in bidding for the contracts described in Section VI, Contract Requirements.
  - 1.2 The contract has the number of lots as defined in the PSD.
  - 1.3 Applicants can apply for one, several or for all lots. A separate application must be submitted for each lot.
2. **Procurement Rules and Procedures**
  - 2.1 The current prequalification process is governed by the SADC Secretariat Procurement Guidelines which can be downloaded from the SADC Secretariat website indicated in the **PDS**. The Applicants are encouraged to review this document prior to requesting the Procuring Entity any additional information about the procurement processes and procedures.
3. **Fraud and Corruption**
  - 3.1 The SADC Secretariat requires its staff, as well as the economic operators interested in entering into procurement contracts financed by SADC Secretariat , including their affiliates and subcontractors, to observe the highest standard of ethics during the selection and execution of contracts. In pursuance of this policy, the SADC Secretariat:
    - (a) defines for the purposes of this provision, the terms set forth below as follows:
      - (i) "corrupt practice" is the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
      - (ii) "fraudulent practice" is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefits or to avoid an obligation;
      - (iii) "collusive practices" is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
      - (iv) "coercive practices" is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
      - (v) "obstructive practice"
        - (aa)deliberately destroying, falsifying, altering or concealing material evidence to the investigation or making false statements to investigators in order to materially impede a SADC Secretariat , governmental or independent investigation into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from

disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or

- (bb) acts intended to materially impede the exercise of the SADC Secretariat or governmental or inspection and audit rights.
- (b) It will take the following measures against the contractor recommended for award who has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;
  - (i) will reject the bid for award;
  - (ii) will declare the bidder/the contractor, including its affiliates, ineligible, either indefinitely or for a stated period of time, to become a SADC Secretariat contractor;
  - (iii) will cancel or terminate any on going contract with the bidder /the contractor;
  - (iv) will request the relevant national authorities to conduct a joint investigation with SADC Secretariat to inspect or carry out audits of the bidder /the contractor' accounting records and financial statements in connection with the contract in question for which it was found guilty of engaging in corrupt, fraudulent, collusive, coercive, or obstructive practices;
  - (v) will en-cash the bid or performance securities of the bidder /the contractor;
  - (vi) will suspend any payments due to the bidder/ contractor, under the contract in question or any other contract the bidder/contractor might have with the organization, until the extent of damage caused by the its engagement in corrupt, fraudulent, collusive, coercive or obstructive practices in competing for the SADC Secretariat's contract are determined and recovered, and
  - (vii) will sue the bidder /contractor to recover the damages caused by its engagement in corrupt, fraudulent, collusive, coercive or obstructive practices in competing for the contract in question, if they are not fully recovered by the securities and the payments otherwise due to the bidder/contractor.

#### **4. Conflict of Interest**

4.1 A bidder or a contractor shall not be allowed to get engaged in any procurement process for delivery of any kind of services, goods or works that would be in conflict with their prior or current obligations to other clients, or that may place them in the position of being unable to carry out the contract in the best interest of the Procuring Entity. Without limitation, bidders or contractors shall not be hired under the circumstances set forth below:

- (a) Conflict between consulting activities and procurement of goods, works or services (consulting or general). A bidder or a contractor that has been engaged by the Procuring Entity to provide goods, works, or services for the

organization, and each of its affiliates, shall be disqualified from providing consulting services related to those goods, works or services. Conversely, a bidder or a contractor hired to provide consulting services for the preparation or implementation of a project, and each of its affiliates, shall be disqualified from subsequently providing goods, works or general services resulting from or directly related to the contractor's consulting services for such preparation or implementation.

- (b) Conflict among consulting assignments: Neither, bidders or contractors (including their personnel and sub-consultants) nor any of their affiliates shall be hired for any assignment that, by its nature, may be in conflict with another assignment of the bidder or contractor. For instance, a contractor assisting Procuring Entity to implement a project shall not be engaged to prepare an independent assessment for the implementation of the same project, or contractors hired to prepare Terms of Reference (TOR) for an assignment shall not be hired for the assignment in question.
- (c) Relationship with Procuring Entity's staff: bidders or contractors (including their personnel and sub-contractors) having business or family relationship with a member of the Procuring Entity's staff directly or indirectly involved in any part of: (i) the preparation of the TOR or Technical Specification of a contract, (ii) the selection process for such contract, or (iii) the supervision of the contract, may not be awarded the contract, unless the conflict stemming from this relationship has been resolved in a manner acceptable to the Procuring Entity throughout the selection process and the execution of the contract.

## 5. Eligible Applicants

- 5.1 To foster competition, the SADC Secretariat permits all economic operators and individual consultants to be awarded a SADC Secretariat contract.
- 5.2 However, to ensure efficiency of the procurement processes, the Procuring Entity restricts the bidding process to only prequalified eligible economic operators and individual consultants.
- 5.3 All applicants and bidders must not be included in the conditions described below, constituting exclusion criteria:
  - a) they are being bankrupt or , are having their affairs administered by the courts, have entered into arrangements with creditors, have suspended business activities, are being subject of proceedings concerning those matters, or are being in any similar situations arising from a similar procedures provided for in the national legislation or regulations of the SADC member states;
  - b) they have been convicted of offences concerning their professional conduct by a judgment which has the force of res judicata; (i.e. against which no appeal is possible);
  - c) they have been declared guilty of grave professional misconduct proven by any means which Procuring Entity can justify;
  - d) they have not fulfilled obligations related to the payments of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those countries where the contract is to be performed;
  - e) they have been the subject of a judgment which has the force of res judicata for

- fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Procuring Entity's financial interests; or
- f) they are being currently subject to an administrative penalty.
- 5.4 Points (a) to (d) shall not apply in case of purchasing supplies on particularly advantageous terms from either a supplier definitively winding up its business activities, or the receivers or liquidators of a bankruptcy, through an arrangement with creditors, or through a similar procedures under the national law.
- 5.5 The Procuring Entity will accept, as satisfactory evidence, that the applicant or the bidder is not in one of the above situations described in (a), (b) or (e), on submission of a recent extract from the judicial record, or failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin showing that those requirements are satisfied. The Procuring Entity will accept, as satisfactory evidence, that the applicant or bidder is not in the situation described in (d), on submission of a recent certificate issued by the competent authority of the State concerned. Where no such documents or certificates are issued in the concerned country, and for other cases of exclusion listed above, they may be replaced by a sworn / solemn statement (affidavit) made by the interested party in front of a judicial or administrative authority, a notary, or a qualified professional body in its country of origin or provenance.
- 5.6 The Procuring Entity takes into account that – as a rule – the exclusion criteria are related to the legal entity/ natural person acts acting as a bidder or applicant and not to the representatives in case of legal entities. However, depending on the legislation of the country where the bidder or applicant is legally established and if the Procuring Entity considers necessary or has reasonable doubts concerning the personal situation, the above documents may also relate to natural persons, including company directors or any person with power of representation, decision-making or control in relation to the bidder. Whenever an applicant or bidder, due to its nature (for instance, national public administrations and international organizations), cannot fall into one of the above categories and/or cannot provide the documents indicated above, a simple declaration explaining their situation will suffice.
- 5.7 For procurement under restricted procedure, the compliance with the eligibility criteria will be assessed during the prequalification phase. Hence, the documentation proving that the applicant does not fall in any of the categories defined in the exclusion criteria, shall be submitted along with the application form for prequalification.
- 5.8 The date on the evidence or documents provided must be up to one (1) year before the date of submission of the application or proposal. Applicants must, in addition, provide a statement confirming that their overall situation has not weakened in the period since the evidence was drawn up to the date they submitted the bid.
- 5.9 The above required documents shall be submitted by the applicant, and in case of a joint venture, by all joint venture members. The documents may be originals or copies. If the documents are copies, they shall be certified by a public notary. However, at the Procuring Entity request, the applicant or bidder must be able to provide any original document.
- 5.10 If sub-contractors are employed by the applicant or bidder, the same rules apply.

- 5.11 If the supporting documents are not written in English, an official and certified translation into English must be attached.
- 5.12 If so stated in the PDS, for contracts with a value less than the international threshold (US\$ 350,000) and based on its risk assessment, the Procuring Entity may waive the obligation of submission of the documentary proof for exclusion criteria. However, when this obligation has been waived, the Procuring Entity shall still request a sworn / solemn statement issued by the interested party in front of a judicial or administrative authority, a notary or a qualified professional body from the applicant's country, Nevertheless, the Procuring Entity – at its own criteria- keeps the right to request bidders documents proving their compliance to the eligibility conditions.
- 5.13 Contracts may not be awarded to applicants or bidders who, during the procurement procedure:
- a) are subject to a conflict of interest;
  - b) are guilty of misrepresentation when submitting the information required by the Procuring Entity as a condition of participation in the contract procedure, or fail to submit this information;
  - c) find themselves in any situations of exclusion for the procurement procedure, after the bid or application was submitted.
6. **Additional Eligibility Requirements** 6.1 In addition to the eligibility requirements stated at ITA 4 above this prequalification process shall consider the eligibility requirements stated in the PDS.

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


7. **Sections of Prequalification Document** 7.1 The document for the prequalification of Applicants (hereinafter – “prequalification document”) consists of parts 1 and 2 which comprise all the sections indicated below, and should be read in conjunction with any Addendum issued in accordance with ITA 8.

#### PART 1 Prequalification Procedures

- Section I. Instructions to Applicants (ITA)
- Section II. Prequalification Data Sheet (PDS)
- Section III. Qualification Criteria and Requirements
- Section IV. Application Forms

#### PART 2 Contract Requirements/Description

- Section V. Contract Requirements
- 7.2 The “Invitation for Prequalification Applications” issued by the Procuring Entity is not part of the prequalification document. A sample form is provided as an attachment to this Prequalification Document for information only.

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- 7.3 The Procuring Entity accepts no responsibility for the completeness of the prequalification document and its addenda unless they were obtained directly from the Procuring Entity.
- 7.4 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish all information or documentation required by the Prequalification Document.
- 8. Clarification of Prequalification Document**
- 8.1 A prospective Applicant requiring any clarification of the Prequalification Document shall contact the Procuring Entity in writing at the Procuring Entity's address indicated in the **PDS**. The Procuring Entity will respond in writing to any request for clarification provided that such request is received no later than Twenty -one (21) days prior to the deadline for submission of applications. The Procuring Entity shall forward copies of its response to all applicants who have acquired the prequalification document directly from the Procuring Entity including a description of the inquiry but without identifying its source. Should the Procuring Entity deem it necessary to amend the prequalification document 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.
- 9. Amendment of Prequalification Document**
- 9.1 At any time prior to the deadline for submission of applications, the Procuring Entity may amend the Prequalification Document by issuing addenda. Any addenda will be published on the SADC website.
- 9.2 Any addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all who have obtained the prequalification document from the Procuring Entity.
- 9.3 To give prospective Applicants reasonable time to take an addendum into account in preparing their applications, the Procuring Entity may, at its discretion, extend the deadline for the submission of applications.

### **C. Preparation of Applications**

- 10. Cost of Applications**
- 10.1 The Applicant shall bear all costs associated with the preparation and submission of its application. The Procuring Entity will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.
- 11. Language of Application and Communications**
- 11.1 The official language of the procurement processes in SADC Secretariat is the language indicated in the **PDS**. The communications during the procurement processes shall be written in language stated in the **PDS**.
- 11.2 The supporting documents to prove the eligibility and qualifications criteria shall be issued in any SADC Secretariat official languages (i.e: English, French and Portuguese). If the original documents are written in language other than SADC Secretariat official languages, they shall be accompanied by an original certified

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- translation into any of the SADC Secretariat official languages. The cost of the translation shall be borne by the applicants.
- 11.3 In case of discrepancies between the original language and the language of translation, the language of the original shall prevail.
- 12. Documents Comprising the Application**
- 12.1 The application shall comprise the following:
- (a) Application Submission Form, in accordance with ITA 13;
  - (b) documentary evidence establishing the Applicant's eligibility to prequalify, in accordance with ITA 14;
  - (c) documentary evidence establishing the Applicant's qualifications, in accordance with ITA 15; and
  - (d) any other document required as specified in the **PDS**.
- 13. Application Submission Form**
- 13.1 The Applicant shall prepare an Application Submission Sheet using the form furnished in Section IV, Application Forms. This Form must be completed without any alteration to its format be duly stamped and signed and be accompanied by a power of attorney for the authorized representative of the signatory of the application to allow her/him to engage the Applicant into contracts with Procuring Entity and, in case of the Joint Venture/ Consortium, by a Joint the JV/Consortium agreement, in accordance with ITA 24.3 (c)
- 14. Documents Establishing the Eligibility of the Applicant**
- 14.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete the Application Submission Form (including the eligibility declaration) and Form 1-Applicant Information Form, included in Section IV, and provide the requested supporting documents indicated in these forms.
- 15. Documents Establishing the Qualifications of the Applicant**
- 15.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV, Application Forms.
- 16. Signing of the Application and Number of Copies**
- 16.1 The Applicant shall prepare one original of the documents comprising the application as described in ITA 12 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.
- 16.2 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

- 17. Sealing and Identification of Applications**
- 17.1 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 Procuring Entity, in accordance with ITA 18.1; and
  - (c) bear the specific identification of this prequalification process indicated in the PDS 1.1.
- 17.2 The Procuring Entity will accept no responsibility for not processing any envelope that was not identified as required.
- 18. Deadline for Submission of Applications**
- 18.1 Applicants may always submit their applications by mail or by hand. When so specified in the **PDS**, applicants shall have the option of submitting their applications electronically, in accordance with electronic application submission procedures specified in the **PDS**. Applications shall be received by the Procuring Entity at the address and no later than the deadline indicated in the **PDS**. A receipt will be given for all applications submitted.
- 18.2 The Procuring Entity may, at its discretion, extend the deadline for the submission of applications by amending the Prequalification Document in accordance with ITA 9, in which case all rights and obligations of the Procuring Entity and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.
- 19. Late Applications**
- 19.1 Any application received by the Procuring Entity after the deadline for submission of applications prescribed in ITA 18 will be automatically excluded from the evaluation process.
- 20. Opening of Applications**
- 20.1 Any specific electronic application opening procedures required if electronic submission of applications is permitted pursuant to Sub Clause 18.1 shall be as specified in the **PDS**. Procuring Entity shall prepare a record of the opening of applications that shall include, as a minimum, the name of the Applicant. A copy of the record shall be distributed to all Applicants.

### E. Procedures for Evaluation of Applications

- 21. Confidentiality**
- 21.1 Information relating to the evaluation of applications, and recommendation for prequalification, shall not be disclosed to Applicants or any other persons not officially concerned with such process until the notification of prequalification is made to all Applicants.
- 21.2 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 Procuring Entity on any matter related to the

prequalification process, may do so but only in writing.

- 22. Clarification of Applications**
- 22.1 To assist in the evaluation of applications, the Procuring Entity may, at its discretion, ask any Applicant for a clarification of its application which shall be submitted within a stated reasonable period of time. Any request for clarification and all clarifications shall be in writing.
- 22.2 If an Applicant does not provide clarifications of the information requested by the date and time set in the Procuring Entity's request for clarification, its application may be rejected.
- 23. Responsiveness of Applications**
- 23.1 The Procuring Entity may reject any application which is not responsive to the requirements of the prequalification document.
- 24. Joint-ventures or Consortia**
- 24.1 When competing for a Procuring Entity contract, any economic operator may submit an application or bid independently or in joint venture or consortium with other economic operators, provided they legally confirm joint and several liabilities for the bid in case of winning a contract for the implementation of the contract.
- 24.2 A joint venture or consortium may be either a permanent legally established group or a group constituted informally for the purpose to apply, bid and undertake a specific Procuring Entity contract. In every case, all members of a joint venture or consortium are jointly and severally liable to the Procuring Entity in relation to the application, bid, offer or contract for which it was constituted.
- 24.3 Applications and bids submitted by a joint venture or consortium of two or more economic operators shall also comply with the following requirements:
- a) the application and the bid shall be signed to be legally binding on all members;
  - b) the application and the bid must be accompanied by the original legally binding agreement for the all members; the document has to be certified by a Public Notary or a Commissioner of Oath; and
  - c) the agreement legally binding the members of the joint venture or consortium shall include the following mandatory provisions:
    - i. one of the members shall be nominated in charge, and this nomination shall be evidenced by submitting a power of attorney signed by the legally and authorized signatory members;
    - ii. the member in charge shall be authorized to incur liabilities and receive instructions for and on behalf of any and all the members of the joint venture or consortium. The entire communication during the bidding processes and for the execution of the contract, including payments, shall be made exclusively with the member in charge;
    - iii. if the joint venture or consortium are awarded the SADC Contract for, all members of the joint venture shall be liable jointly and severally for the execution of the contract in accordance with the contractual terms; and
    - iv. the members of the joint venture or consortium are not allowed to leave the joint venture or consortium, and decline their responsibilities, without the

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Procuring Entity written approval, or until they have been notified by the Procuring Entity that the contract was not awarded to the joint venture or consortium, or in the event they were awarded the contract, until the liability period indicated of the contract expires.

- 24.4 In case of applications or bids sent by a joint venture or consortium, each member shall demonstrate that fulfils the eligibility criteria set in the ITA 4 and ITA 5 above. If one single member fails to demonstrate the compliance with the eligibility criteria, the whole joint venture or consortium shall be considered non-eligible.
- 24.5 Regarding the compliance with the qualification criteria, an application sent by a joint venture or consortium shall satisfy the qualification requirements as a whole and not as individual member of the joint venture or consortium.
- 24.6 To avoid distortion of competition and/or corrupt practices, an economic operator and its affiliates, alone or as member of a joint venture or consortium, shall submit only one application for the same Procuring Entity contract.
- 24.7 Affiliates are the group of companies, firms, associations, etc. where the economic operator or any of the major shareholders of the economic operator owns not more than twenty percent (20%) of the shares or the share capital. A major shareholder is any legal or physical person owing not less than twenty percent (20%) of the shares or the share capital of the economic operator.
- 24.8 If an economic operator submits, alone or as member of a joint venture or consortium, more than one application for the same contract, all the applications or bids submitted by the economic operator shall be rejected and banned from participating for a minimum of two (2) and a maximum of (5) years in any other Procuring Entity procurement process.
- 24.9 The restriction concerning the participation in more than one application shall not apply to sub-contractors or personnel.
- 24.10 The Procuring Entity does not acknowledge or undertake any obligations towards the sub-contractors or personnel of the economic operator participating in a procurement process of the organization.

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

- 25. Evaluation of Applications**
- 25.1 The Procuring Entity shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements to evaluate the qualifications of the Applicants. The use of other methods, criteria, or requirements shall not be permitted. The Procuring Entity reserves the right to waive minor deviations in the qualification criteria if they do not materially affect the capability of an Applicant to perform the contract.
- 25.2 Only the qualifications of subcontractors that have been identified in the application may be considered in the evaluation of an Applicant. However, the general experience and financial resources of subcontractors may not be added to those of the Applicant for purposes of prequalification of the Applicant.
- 26. Procuring Entity's**
- 26.1 The Procuring Entity reserves the right to accept or reject any application, and to annul the prequalification process and reject all applications at any time,

- Right to Accept or Reject Applications** without thereby incurring any liability to Applicants.
- 27. Prequalification of Applicants** 27.1 All Applicants whose applications have met or exceeded ("passed") the specified requirements will, to the exclusion of all others, be prequalified by the Procuring Entity.
- 28. Notification of Prequalification** 28.1 Once the Procuring Entity has completed the evaluation of the applications it shall notify all Applicants of the names of those applicants who have been prequalified by publishing on the Procuring Entity website the Shortlist Notice.
- 28.2 Similarly, the Procuring Entity will notify unsuccessful applicants on the reasons which led to their disqualification.
- 29. Invitation to Bid** 29.1 Promptly after the notification of the results of the prequalification the Procuring Entity 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 Procuring Entity 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 to be 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 shall be subject to a written approval of the Procuring Entity prior to the deadline for submission of bids. Such approval shall be denied if as a consequence of the change the Applicant no longer substantially meets the qualification criteria set forth in Section III, Qualification Criteria and Requirements, or if in the opinion of the Procuring Entity, a substantial reduction in competition may result. Any such changes shall be submitted to the Procuring Entity not later than 14 days after the date of the Invitation for Bids.
- 31. Appeals** 31.1 The Applicant can appeal a Procuring Entity decision on evaluation of its application following the procedures stated in the Procurement Guidelines indicated in the ITA 2.1.

## Section II. Prequalification Data Sheet

### A. General

ITA 1.1	<p>The Procuring Entity is the <b>SADC Secretariat</b>.</p> <p><b>Contract Title:</b> TECHNICAL ASSISTANCE FOR SUPPORT TO IMPROVING THE INVESTMENT AND BUSINESS ENVIRONMENT IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY REGION</p> <p><b>Contract number:</b> SADC/3/5/1/11</p>
ITA 1.2	Number of Lots: 1
ITA 2.1	<p>The applicable Procurement Guidelines are: <b>SADC Guidelines for Procurement and Grants, 1<sup>st</sup> January 2017</b></p> <p>The Guidelines can be downloaded from the SADC Secretariat website: <a href="http://www.sadc.int">http://www.sadc.int</a></p>
ITA 5.12	<p>The Applicant shall not submit documentary proof for exclusion criteria.</p> <p>Eligibility requirements 1.2, 1.3, 1.4, 1.6 and 1.7 reference to clause ITA 5.3 (a), (b), (c), (e) and (f)</p> <p>Shortlisted applicants shall be required to provide supporting documents at the bidding stage.</p>

<p><b>ITA 6.1</b></p>	<p>Rule on nationality and origin for public procurement, grants and other award procedures financed under the ACP-EU Partnership Agreement, laid down in Annex IV to the later agreement as revised by Decision No 1/2014 of the ACP-EU Council of Ministers of 20<sup>th</sup> June 2014 (2014/428/EU)</p> <p>Participation in procedures for the award of procurement contracts or grants financed from the multi-annual financial framework of cooperation under the ACP-EU Partnership Agreement is open to all natural persons who are nationals of, or legal persons who are effectively established in:</p> <ul style="list-style-type: none"> <li>a) an ACP State;</li> <li>b) a Member State of the European Union;</li> <li>c) beneficiaries of the Instrument for pre-accession assistance;</li> <li>d) a Member State of the European Economic Area;</li> <li>e) Overseas Countries and Territories;</li> <li>f) developing countries and territories, as included in the OECD-DAC list of ODA Recipients, which are not members of the G20 group, without prejudice to the status of the Republic of South Africa, as governed by Protocol 3 of the Partnership Agreement;</li> <li>g) countries for which Commission has adopted a decision approving the request for <i>reciprocal access</i> to external assistance in agreement with ACP countries;</li> </ul> <p>Currently there are no such countries.</p> <ul style="list-style-type: none"> <li>h) Member State of the OECD, in the case of contracts implemented in a Least Developed Country (LDC) or a Highly Indebted Poor Country (HIPC).</li> </ul>
<p><b>B. Contents of the Prequalification Document</b></p>	
<p><b>ITA 8.1</b></p>	<p>For <b>clarification purposes</b>, the Procuring Entity's address is:</p> <p><b>Contract Title:</b> TECHNICAL ASSISTANCE FOR SUPPORT TO IMPROVING THE INVESTMENT AND BUSINESS ENVIRONMENT IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY REGION</p> <p><b>Contract number:</b> SADC/3/5/1/11</p> <p><b>The Head of Procurement</b></p> <p><b>Southern African Development Community (SADC) Secretariat</b></p>

	<p><b>CBD Plot 54385</b>  Room DGP11 on Ground Floor  City: <b>Gaborone</b>  Country: <b>Botswana</b>  Email: <a href="mailto:ggwaza@sadc.int">ggwaza@sadc.int</a>;  With copy to: <a href="mailto:mlironel@sadc.int">mlironel@sadc.int</a>; <a href="mailto:sntonakutha@sadc.int">sntonakutha@sadc.int</a>;  <a href="mailto:amonteiro@sadc.int">amonteiro@sadc.int</a>; <a href="mailto:vchingalawa@sadc.int">vchingalawa@sadc.int</a></p> <p>Request for clarifications should be made in writing by latest <b>7<sup>th</sup> January 2020</b> and responses to clarifications will be published by <b>17<sup>th</sup> November 2020</b>. Responses to requests for clarification will only be published on the SADC website: <a href="http://www.sadc.int">http://www.sadc.int</a></p>
<b>C. Preparation of Applications</b>	
<b>ITA 11.1</b>	The language of the procurement process is: <b>English</b>
<b>ITA 12.1 (d)</b>	No additional document is required
<b>ITA 16.2</b>	In addition to the original, the number of copies to be submitted with the application is:  <b>Five plus one soft copy on a USB stick</b>
<b>D. Submission of Applications</b>	
<b>ITA 18.1</b>	<p>The Applicant <b>shall not</b> have the option of submitting their applications electronically.</p> <p>For <b>application submission purposes only</b>, the Procuring Entity's address is:</p> <p><b>Contract Title:</b> TECHNICAL ASSISTANCE FOR SUPPORT TO IMPROVING THE INVESTMENT AND BUSINESS ENVIRONMENT IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY REGION  <b>Contract number:</b> SADC/3/5/1/11</p> <p><b>The Chairperson</b>  <b>The SADC External Tender Committee</b></p>



	<p>SADC Secretariat,  Western Commercial Road (near Lobatse and Siboni Roads)  CBD Plot 54385  City: Gaborone  Country: Botswana</p> <p>The Contract title and its reference number must be clearly written on the outer envelope. It is the responsibility of the bidder to obtain a receipt and to ensure that the bidding documents are placed in the tender box.</p> <p>The deadline for application submission is:  Date: 28<sup>th</sup> January, 2020, 15:00 Hours local time</p>
ITA 20.1	There is no electronic application opening procedures.
ITA 27.1	<p>A maximum of <i>six firms</i> will be shortlisted for this assignment.</p> <p>If more than 6 eligible candidates meet the selection criteria (Section III points 2.1, 2.2 and 2.3 of the Prequalification Document) the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the six best applications for the tender procedure. The only factors which will be taken into consideration during this re-examination are:</p> <ul style="list-style-type: none"> <li>a) the six with more relevant references accepted will be selected</li> <li>b) If this still does not produce a shortlist of six firms, then the total value of relevant contracts accepted will be considered.</li> </ul>
ITA 29.1	It is the intention of the Procuring Entity to invite proposals not later than February 2019

## **Section III. Qualification Criteria and Requirements**

This Section contains all the methods, criteria, and requirements that the Procuring Entity 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.

### **Contents**

1. Eligibility Requirements.....	20
2. Qualifications Requirements .....	22

*C. [Signature]*

## 1. Eligibility Requirements

No.	Clause	Requirement	Compliance with the requirement		Source of information	Supporting document
			Single Entity	Joint Venture or Consortium		
1.1	Clause ITA 4	Not be in a conflict of interest position	Must meet the requirement	Each member must meet the requirement	Application Submission Form	N/A
1.2	Clause ITA 5 (a)	Does not fall into the following situation: they are being bankrupt or wound up, are having their affairs administered by the courts, have entered into arrangements with creditors, have suspended business activities, are being subject of proceedings concerning those matters, or are being in any similar situations arising from a similar procedures provided for in the national legislation or regulations of the SADC member states.	Must meet the requirement	Each member must meet the requirement	Application Submission Form	Sworn Statement
1.3	Clause ITA 5 (b)	Does not fall into the following situation: they have been convicted of offences concerning their professional conduct by a judgment which has the force of res judicata; (i.e. against which no appeal is possible).	Must meet the requirement	Each member must meet the requirement	Application Submission Form	Sworn Statement
1.4	Clause ITA 5 (c)	Does not fall into the following situation: they have been declared guilty of grave professional misconduct proven by any means which Procuring Entity can justify.	Must meet the requirement	Each member must meet the requirement	Application Submission Form	Sworn Statement
1.5	Clause ITA 5 (d)	Does not fall into the following situation: they have not fulfilled	Must meet requirement	Each member must meet	Application Submission Form	Requested attachments to Application

Section III. Qualification Criteria and Requirements

No.	Clause	Requirement	Compliance with the requirement		Source of information	Supporting document
		obligations related to the payments of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those countries where the contract is to be performed.		the requirement		Submission Form
1.6	Clause ITA 5 (e)	<b>Does not fall into the following situation:</b> they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Procuring Entity' financial interests.	Must meet the requirement	Each member must meet the requirement	Application Submission Form	Sworn Statement
1.7	Clause ITA 5 (f)	<b>Does not fall into the following situation:</b> they are being currently subject to an administrative penalty.	Must meet the requirement	Each member must meet the requirement	Application Submission Form	Sworn Statement. Procuring Entity debarred list of economic operators at <a href="http://www.sanctionsmap.eu">www.sanctionsmap.eu</a> .
1.8	ITA 6.1	For an application to be eligible, its country of origin or provenance must be as per clause 6.1 of the Instructions to applicants as modified in Prequalification Datasheet clause ITA 6.1	Must meet the requirement	Each member must meet the requirement	Form 1 - Applicant Information Form	Requested attachments to Form 1 - Applicant Information Form
1.9	Clause ITA 24.6	One application per applicant	Must meet the requirement	Each member must meet the requirement		



## 2. Qualifications Requirements:

No.	Subject	Requirement	Compliance with the requirement		Source of information	Supporting document
			Single Entity	Joint Venture or Consortium		
2.1	Experience in implementing similar contracts	a) Experience in at least 2 contracts with a value of at least USD 4.5 million successfully completed over the last 5 years and that are similar to the proposed services. The similarity shall be based on the physical size, complexity, methods/technology or other characteristics as described in Section VI, Scope of the Contract		All members together must meet the requirement	Form 2	Requested attachments to Form 2
2.2	Financial Resources	i) Minimum average annual turnover of US\$ 9 million <i>in words nine million dollars</i> , calculated as total certified payments received for contracts in progress or completed, within the last three (3) years.	Must meet the requirement	All members together must meet the requirement	Form 3	Requested attachments to Form 3
		ii) Cash and cash equivalents at the beginning and end of year are positive for each of the last three (3) years.	Must meet the requirement	Each member must meet the requirement	Form 3	Requested attachments to Form 3
2.3	Personnel Resources:	The bidder must have at least 3 permanent staff members specialized in the area of the contract in the last three years.	Must meet the requirement	All members together must meet the requirement	Form 4	Requested attachments to Form 4

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# Section IV. Application Forms

## Table of Forms

Application Submission Form .....	24
Applicant Information Form.....	27
Experience in implementing similar contracts .....	29
Availability of Personnel.....	33
Availability of Personnel – Expertise availability .....	<b>Error! Bookmark not defined.</b>

*C. [Signature]*

## Application Submission Form

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

Contract No. and title: TECHNICAL ASSISTANCE FOR SUPPORT TO IMPROVING THE INVESTMENT AND BUSINESS ENVIRONMENT IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY REGION

Contract number: SADC/3/5/1/11

To: Southern Africa Development Community Secretariat

### 1 SUBMITTED by [ie, the identity of the Applicant]

	Name(s) of legal entity or entities making this application	Nationality <sup>†</sup>
Partner in charge *		
Partner 2*		
Etc ... *		

\*add / delete additional lines for consortium partners as appropriate. Note that a sub-contractor is not considered to be a consortium partner for the purposes of this application form. If this application is being submitted by an individual legal entity, the name of that legal entity should be entered as 'Partner in Charge' (and all other lines should be deleted). Any change in the identity of the Partner in Charge and/or any JV/consortium partners between the deadline for receipt of applications and the award of the contract (other than for reasons of changes to the legal structure of the individual entities concerned) will result in the immediate exclusion of the Applicant from the procurement procedure.

<sup>†</sup>Country in which the legal entity is registered

### 2 CONTACT PERSON (for this application)

Name	
Organisation	
Address	
Telephone	
Fax	
e-mail	

### 3 STATEMENT (for this application)

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

- (a) we have examined and have no reservations to the Prequalification Documents, including Addendum(s) No(s), issued in accordance with Instructions to Applicants (ITA) Clause 8: *[insert the number and issuing date of each addendum]*, and we are shortlisted we are committed to deliver the *services* indicated in the Part 2 of this Document.



- (b) we are fully aware that, in the case of a Joint Venture/Consortium, the composition of the a Joint Venture/Consortium cannot be modified in the course of the procurement procedure. We are also aware that the a Joint Venture/Consortium partners would have joint and several liability towards the Procuring Entity concerning participation in both the procurement procedure and any contract awarded to us as a result of it.
- (c) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification process, complies with the eligibility criteria stated at ITA 4;
- (d) 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;
- (e) we, including any subcontractors or suppliers for any part of the contract resulting from this prequalification, have not been declared ineligible by the Procuring Entity, or under any SADC country laws or official regulations;
- (f) we, in accordance with ITA Sub-Clause 24.1, plan to subcontract the following key activities and/or parts of the works:

*[insert any of the key activities which the Applicant intends to subcontract]*

- (g) we declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process, the corresponding bidding process or execution of the Contract:

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
<i>[insert full name for each occurrence]</i>	<i>[insert street/number/city/country]</i>	<i>[indicate reason]</i>	<i>[specify amount in US\$ equivalent]</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*[If none has been paid or is to be paid, indicate "none".]*

- (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(s) of an authorized representative(s) of the Applicant]*

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

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

Duly authorized to sign the application for and on behalf of:  
Applicant's Name *[insert full name of Applicant]* Address *[insert street number/town or city/country address]*  
Phone:  
Fax:  
Email:

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

Attached are certified copies of original documents of *[in case of Joint Venture/Consortium these documents must be provided for each partner of the Joint Venture/Consortium]*

- The Fiscal Certificate to demonstrate the compliance with the Eligibility Requirement 1.5 reference to Clause ITA 5.3 (d).
- The sworn / solemn statement (affidavit) made by the interested party in front of a judicial or administrative authority, a notary, or a qualified professional body in its country of origin or provenance to demonstrate the compliance with the Eligibility Requirement 1.1 reference to Clause ITA 4 and Eligibility Requirements 1.2, 1.3, 1.4, 1.6 and 1.7 reference to Clause ITA 5.3 (a), (b), (c), (e) and (f).
- The power of attorney for the authorized representative of the signatory of the application to allow her/him to engage the Applicant into contracts with Procuring Entity.
- In case of JV/Consortium, the JV/Consortium agreement, in accordance with ITA 24.3 (c).

*C. [Signature]*

## Form 1

# Applicant Information Form

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

Contract No. and title: TECHNICAL ASSISTANCE FOR SUPPORT TO IMPROVING THE INVESTMENT AND BUSINESS ENVIRONMENT IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY REGION

Contract number: SADC/3/5/1/11

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

This Application is submitted as <i>["Single Entity" or "Joint Venture/Consortium" delete as appropriate]</i>
<i>(In case of Joint Venture/Consortium)</i> The partner in charge is <i>[insert full legal name]</i>
Applicant's legal name(s): <i>[insert full legal name of the Joint Venture/consortium and of each of the partners]</i>
Applicant's country of constitution: <i>[indicate country of Constitution of the Joint Venture/Consortium and of each of the partners]</i>
Applicant's year of constitution: <i>[indicate year of Constitution of the Joint Venture/Consortium and of each of the partners]</i>
Applicant's legal address in country of constitution: <i>[insert street/ number/ town or city/ country of the Joint Venture/Consortium and of each of the partners]</i>
Applicant's registration number in the country of constitution <i>[indicate the registration number of the Joint Venture/consortium and of each of the partners]</i>
Applicant's authorized representative information <i>[of the Joint Venture/Consortium and of each of the partners]</i>
Name: <i>[insert full legal 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>
Attached are copies of original documents of <i>[in case of Joint Venture/Consortium these documents must be provided for each partner of the Joint Venture/Consortium]</i>
<input type="checkbox"/> <b>Articles of Incorporation or Documents of Constitution</b> , and documents of registration of the legal entity named above, in accordance with ITA 4.2.

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

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

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

*U. [Signature]*

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]*

*C. [Signature]*

## Form 2 Experience in implementing similar contracts

(Maximum 15 references – of maximum one page per reference)

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

Applicant's/Joint Venture Partner's Legal Name: *[insert full name]*

Applicant JV Party Legal Name: *[insert full name]*

Contract No. and title: TECHNICAL ASSISTANCE FOR SUPPORT TO IMPROVING THE INVESTMENT AND BUSINESS ENVIRONMENT IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY REGION

Contract number: SADC/3/5/1/11

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

*[Identify contracts completed in the last 5 years that demonstrate experience in implementation of similar contracts pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 2.1 (a). List contracts chronologically, according to their commencement (starting) dates.]*

Starting Month / Year	Ending Month / Year	Contract Identification	Role of Applicant
[indicate month/ year]	[indicate month/ year]	Contract name: <i>[insert full name]</i> Brief description of the contract performed : <i>[describe the scope of the contract]</i> Amount of contract: <i>[insert amount in EUR equivalent]</i> Total project value: Name of the Client: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i> Contact person for references <i>[indicate full name, position and contact points: address, phone, fax, email]</i>	(insert "Contractor, Subcontractor, Lead Partner or Partner")
		Contract name: <i>[insert full name]</i> Brief description of the contract performed : <i>[describe the scope of the contract]</i> Amount of contract: <i>[insert amount in EUR equivalent]</i> Total project value: Name of the Client: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i> Contact person for references <i>[indicate full name, position and contact points: address</i>	(insert "Contractor, Subcontractor, Lead Partner or Partner")

Starting Month / Year	Ending Month / Year	Contract Identification	Role of Applicant
		<p><i>phone, fax, email</i>]</p> <p>Contract name: <i>[insert full name]</i></p> <p>Brief description of the contract performed : <i>[describe the scope of the contract]</i></p> <p>Amount of contract: <i>[insert amount in EUR equivalent]</i></p> <p>Total project value:</p> <p>Name of the Client: <i>[indicate full name]</i></p> <p>Address: <i>[indicate street/number/town or city/country]</i></p> <p>Contact person for references <i>[indicate full name, position and contact points: address, phone, fax, email]</i></p>	<p><i>(insert "Contractor, Subcontractor, Lead Partner or Partner ")</i></p>

Add rows when required.

For a reference to qualify it must be accompanied by copies of:

- Contracts indicated above;** and
- Acceptance certificates** to demonstrate that the contracts indicated are completed and accepted by the Client

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

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

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

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

## Form 3 Financial Situation

Applicant's Legal Name: *[insert full name]*Date: *[insert day, month, year]*

Contract No. and title: TECHNICAL ASSISTANCE FOR SUPPORT TO IMPROVING THE INVESTMENT AND BUSINESS ENVIRONMENT IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY REGION

Contract number: SADC/3/5/1/11

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

### 1. Financial data *[a summary table and a table for each of the partner shall be included]*

*[Insert on of the title "Summary Table", or "Name of the partner : [insert name]]*

Financial information in (US\$ equivalent in 000s)	Historic information for previous <i>[insert number]</i> years, <i>[insert in words]</i> (US\$ equivalent in 000s)				
	Year 1	Year 2	Year 3	Year ...	Average
Annual Turnover					
<i>Out of which:</i>					
Annual Turnover Specific to the area of the contract					
Information from Balance Sheet					
Total Assets					
Total Liabilities					
Net Worth					
Information from Income Statement					
Total Revenue					
<i>Out of which:</i>					
Total Operational Revenues					
Total Expenses					
<i>Out of which:</i>					
Total Operational Expenses					
Profits Before Taxes					
<i>Out of which:</i>					
Operational Profit					

### 2. Financial documents

The Applicant and its parties shall provide copies of the balance sheets and/or financial statements for the last three years pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 2.2. The financial statements shall:

- (a) reflect the financial situation of the Applicant or partner to a JV/Consortium, and not

sister or parent companies.

(b) be audited by a certified accountant.

(c) be complete, including all notes to the financial statements.

(d) correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted).

- Attached are copies of financial statements (certified copies of : the balance sheets – including including all related notes, audit reports and/or similar statements of the accounts; audited by certified reputable auditors or certified by the fiscal authority of the country where the applicant is registered/ incorporated) for the last three years years required above; and complying with the requirements.

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

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

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

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

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

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

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

## Form 4 Availability of Personnel

*[The following table shall be filled in for the Applicant and jointly for the Joint Venture/Consortium]*  
 Applicant's/Joint Venture Partner's Legal Name: *[insert full name]*  
 Date: *[insert day, month, year]*

Contract No. and title: TECHNICAL ASSISTANCE FOR SUPPORT TO IMPROVING THE INVESTMENT AND BUSINESS ENVIRONMENT IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY REGION  
 Contract number: SADC/3/5/1/11

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

*[Provide information on the availability of the personnel resources over the past 3 years (Up to 1<sup>st</sup> June 2019) pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 2.3 a).]*

Partners	Subject	Year 1	Year 2	Year 3	Year ...	Average
Partner in Charge: [insert the name]	Permanent Staff					
	Out of which staff specialized in the area of the contract					
	Other staff					
	Out of which staff specialized in the area of the contract					
Partner: [insert the name]	Total					
	Permanent Staff					
	Out of which staff specialized in the area of the contract					
	Other staff					
Partner in Charge: [insert the name]	Out of which staff specialized in the area of the contract					
	Total					
	Permanent Staff					
	Out of which staff specialized in the area of the contract					

<b>Overall Joint Venture/ Consortium</b>	Out of which staff specialized in the area of the contract						
	Total						
	<b>Total Permanent Staff</b>						
	Out of which staff specialized in the area of the contract						
	Total Other staff						
	Out of which staff specialized in the area of the contract						
<b>Overall Total</b>							

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

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

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

Duly authorized to sign the application for and on behalf of: Applicant's Name *[insert full name of Applicant]*

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

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

*C. [Signature]*

**Form 5**  
**Sworn Statement**

*C. [Signature]*

## SWORN STATEMENT<sup>1</sup>

To be submitted on the headed notepaper of the legal entity concerned

<Date>

To: Southern African Development Community (SADC) Secretariat  
CBD Plot 54385  
Gaborone, Botswana

**Your ref: < Publication reference >**

Dear Sir/Madam

In response to your prequalification notice < Publication reference >, we, < Name(s) of legal entity or entities>,

hereby declare that we do not fall into any of the following situations:

- being being bankrupt or wound up, are having our affairs administered by the courts, have entered into arrangements with creditors, have suspended business activities, are being subject of proceedings concerning those matters, or are being in any similar situations arising from a similar procedures provided for in the national legislation or regulations of the SADC member states.
- have been convicted of offences concerning our professional conduct by a judgment, which has the force of res judicata; (i.e. against which no appeal is possible).
- have been declared guilty of grave professional misconduct proven by any means which Procuring Entity can justify.
- have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Procuring Entity' financial interests.
- are being currently subject to an administrative penalty.

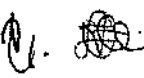
We further declare that in case we get shortlisted we will provide necessary supporting documents that will prove that we do not fall into any of the above situations.

Signature of the applicant

Signature of competent authority (see footnote)

---

<sup>1</sup> The sworn / solemn statement (affidavit) made by the interested party in front of a judicial or administrative authority, a notary, or a qualified professional body in its country of origin or provenance to demonstrate the compliance with the Eligibility Requirement 1.1 reference to Clause ITA 4 and Eligibility Requirements 1.2, 1.3, 1.4, 1.6 and 1.7 reference to Clause ITA 5.3 (a), (b), (c), (e) and (f).



## **PART 2 – Contract Requirements**

*C. [Signature]*

# Section VI. Contract Requirements

## Contents

1. Description of the Contract Requirements .....3

*C. [Signature]*

## 1. Description of the Contract Requirements

In order to further regional economic integration, the Support to Improving Investment and Business (SIBE) Programme was formulated to focus on implementing the Protocol on Finance and Investment (FIP) which is key to providing the basis for regional economic integration. The SIBE is intended to address implementation issues at the regional level.

The SIBE programme is one programme of a complementary package of programmes intended to advance the regional economic integration agenda. The other ongoing programmes under the 10<sup>th</sup> European Development Fund (EDF) are the Project Preparation Development Facility (PPDF) and the Trade Related Facility (TRF). The PPDF funds the preparation of financing proposals for sizeable economic infrastructure investment projects within the SADC region. Thus the PPDF aims to address the infrastructure aspect of the constraints to higher levels of economic growth and deeper regional integration. The TRF is addressing the constraints to regional integration at the level of the Member States in respect of the Protocol on Trade (STP) and the implementation of the SADC Economic Partnership Agreement (EPA).

Another Programme under 10<sup>th</sup> EDF which phased out in December 2018 is the Regional Economic Integration Support (REIS) Programme. REIS supported aspects of the FIP and STP and negotiation and implementation of the EPA. The SIBE will build on the assistance provided under the REIS Programme to implement the FIP, broadening its scope (which under REIS was limited to the cross-border payment system as far as the financial part was concerned).

Under the 11<sup>th</sup> EDF there are two other programmes under formulation related to the SIBE. These are: support to SADC Industrialisation and Productive Sectors (SIPS) and EU-SADC Trade Facilitation Programme (TFP) which aims at supporting the implementation of the SADC Trade Protocol using a corridor approach. The SIBE and these two Programmes are complementary in supporting the SADC Industrialisation Strategy and Roadmap. The Strategy defines the mobilisation of investment as a *condicion sine qua non* for industrialisation, and the SIBE Programme will contribute to the removal of barriers to investment and creation of a conducive environment for doing business.

To facilitate smooth implementation of the Programme, the Secretariat has established a need to engage a consulting firm to provide Technical Assistance to SADC Secretariat on Support to Improving the Investment and Business Environment in the SADC Region and co-ordinate and manage implementation of activities across the result areas.

**Overall objective:** to achieve sustainable and inclusive growth and support job creation.

**Specific objective:** to develop the region into a SADC investment zone, promoting intra-regional investment and FDI in the SADC region, in particular for SMEs.

The expected key results of the contract are:

Result 1: An enabling investment policy framework across SADC Member States is supported

Result 2: Enhanced integration of financial markets in the SADC region is promoted

Result 3: Enhanced financial inclusion is supported

**Indicative budget of contract**

The maximum budget of this contract is **USD 9,141,200**.

**Type of contract**

This will be a fee-based contract.

**Duration of the contract**

The foreseen duration for the implementation of activities under this contract is 40 months from the date of signature of the contract.

**Location of the contract**

The contract will be implemented in Gaborone, Republic of Botswana.

The SADC Secretariat herewith invites companies/firms to submit Applications for prequalification for the following contract: TECHNICAL ASSISTANCE FOR SUPPORT TO IMPROVING THE INVESTMENT AND BUSINESS ENVIRONMENT IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY REGION - SADC/3/5/1/11 which will include the following key experts (KE):

**KE1 - Project Coordinator**

**KE2 - Investment Expert**

**KE3 – Finance/AML-CFT Expert**

The Key Experts must be willing to work in Gaborone, Botswana and be able to travel in the SADC Member States when required.

The intended start date is **1<sup>st</sup> March 2020** and the period of implementation of the contract will be 40 Months from date of commencement.

In addition to the key experts the service contract will also include a provision for **5,315 days** of short term expert services. The specific nature of these services will be determined during project implementation.

The procurement method used for this contract is Quality and Cost Based Selection under the International Restricted Tender as defined in the **SADC Secretariat Guidelines on Procurement and Grants, January 2017** edition available on the [Procurement documentation](#) page of the SADC website.

The Invitation for Prequalification is open to all companies/firms which satisfy the eligibility and qualification requirements stated in section III of the Prequalification document.