

PRE-QUALIFICATION OF PROVIDERS FOR GOODS, SERVICES AND WORKS

PREFACE

Vendor Pre-qualification is a pre-tender process that provides for a short-list of providers from which providers are obtained to bid. Pre-qualification is used where works, services or supplies are of a routine nature or bidding is for a group of similar contracts. Pre-qualification shall be open to all providers and providers shall be invited using a pre-qualify notice.

A pre-qualification notice shall be published in at least one publication of wide circulation to ensure effective competition.

The pre-qualification document is divided into:

- Part I: General Part
- Part II: Instructions to Bidders
- Part III: Preparation of Applications
- Part IV: Submission of Applications
- Part V: Evaluation of Applications
- Part VI: Pre-qualification Appendices:

Sheet A: Application Submission

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PART I: INTRODUCTION

1.1 Scope of Application

- 1.1.1 Bujagali Energy Limited procurement unit (Procurement Unit) invites applications for the pre-qualification of supplies/goods, services and works described in Appendix B.
- 1.1.2 Throughout this document:
 - (a) The “Applicant” means the bidder (Bidder) submitting an application; and
 - (b) “Application” means a bid or submission to be short-listed.

1.2 Corrupt Practices

- 1.2.1 It is Bujagali Energy Limited’s policy to require that Procurement Unit, as well as Applicants, and Providers observe the highest standards of ethics during procurement and the execution of contracts. In pursuit of this policy, BEL (herein referred to as the Purchaser):
 - (a) Defines, for the purposes of this provision, the terms set forth below as follows:
 - (i) “corrupt practice” includes the offering, giving, receiving, or soliciting of anything of value to influence the action of an official in the procurement process or in contract execution; and
 - (ii) “fraudulent practice” includes a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the Procuring Entity, and includes collusive practices among Providers prior to or after bid submission designed to establish bid prices at artificial, non-competitive levels and to deprive the project of the benefits of free and open competition;
 - (b) will reject a recommendation for award if it determines that the Bidder recommended for award has engaged in corrupt or fraudulent practices in competing for the contract; and
- 1.2.2 In pursuit of the policy, BEL requires representatives of both the Procurement Unit and of Providers to adhere to the procurement code of ethical conduct.

PART II: INSTRUCTIONS TO PROVIDERS

2.1 Introduction

BEL will evaluate and pre-qualify all eligible companies for the provision of various services, works and goods for a period of two years (January 2024 – December 2025). Once a firm has been pre-qualified, it will be invited, several times during the financial years, to submit a proposal/Quotation/bid for the provision of some or all the services or supplies.

BEL reserves the right to add similar types of services and goods to the list in Appendix B.

2.2 Objectives

BEL invites sealed Applications from reputable providers for services, works and goods for the provision of various services and goods for a period of two years (January 2024 – December 2025). The list of items required during the above-mentioned financial years are given in Appendix B. Procurement Unit should note that the services, works and goods are not restricted to those listed in Appendix B.

2.3 Eligible Applicants and Countries

- 2.3.1 An Applicant, and all parties constituting the Applicant, shall meet the following criteria to be eligible to participate in Pre – Qualification:
- (a) The applicant has the legal capacity to enter into a contract;
 - (b) The applicant is not:
 - (i) Insolvent;
 - (ii) In receivership;
 - (iii) Bankrupt; or
 - (iv) Being wound up
 - (c) The applicant’s business activities have not been suspended;
 - (d) The applicant is not the subject of legal proceedings for any of the circumstances in (b); and
 - (e) The applicant has fulfilled his or her obligations to pay taxes and social security contributions.
- 2.3.2 All countries are eligible except countries subject to the following provisions. A country shall not be eligible if:
- (a) As a matter of law or official regulation, the Government of Uganda (GOU) prohibits commercial relations with that country, provided that the Government of Uganda is satisfied that such exclusion does not preclude effective competition for the provision of supplies or related services required.
 - (b) Such a country is listed as a Tax haven and High risk Third Country according to European Union listing.
- 2.3.3 An Applicant shall be a natural person, private entity, government-owned entity, subject to 2.3.9, or any combination of them with the formal intent to enter into an agreement or under an existing agreement in the

- form of a joint venture, consortium or association. In the case of a joint venture, consortium or association, unless otherwise specified in the Application Submission Sheet, all parties shall be jointly and severally liable.
- 2.3.4 An Applicant and all parties constituting the Applicant shall have the nationality of an eligible country. An Applicant shall be deemed to have the nationality of a country if the Applicant is a citizen, or is constituted, incorporated or registered and operates in conformity with the provisions of the laws of that country.
- 2.3.5 This criterion shall also apply to the determination of the nationality of proposed subcontractors or providers for any part of the contract including related services.
- 2.3.6 Applicants shall not have a conflict of interest. All Applicants found to be in conflict of interest shall be disqualified. Applicants shall be considered to have a conflict of interest with one or more parties in this pre-qualification process, if they:
- (a) Have controlling shareholders in common; or
 - (b) Receive or have received any direct or indirect subsidy from any of them; or
 - (c) Have the same legal representative for purposes of this application; or
 - (d) Have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the application of another Applicant, or influence the decision of the Purchaser regarding this pre-qualification process; or
 - (e) Participated as a consultant in the preparation of the design or technical specifications of the services or supplies that are the subject of this pre-qualification.
- 2.3.7 A firm shall submit only one bid in the same bidding process, either individually as a Bidder or as a partner of a joint venture. No firm can be a subcontractor while submitting a bid individually or as a party of a joint venture in the same bidding process. A firm, if acting in the capacity of Subcontractor in any bid, may participate in more than one bid, but only in that capacity. A Bidder who submits, or participates in, more than one bid will cause all the proposals in which the Bidder has participated to be disqualified.
- 2.3.8 A firm that is under a declaration of suspension by the Government at the date of submission of the application or thereafter, shall be disqualified.
- 2.3.9 All organizations shall be eligible only if they can establish that they are legally and financially autonomous, and operate under commercial law, and that they are not a dependent agency of the Purchaser.
- 2.3.10 Applicants shall provide such evidence of their continued eligibility satisfactory to the Procurement Unit, as the Procurement Unit shall reasonably request.

2.4 Cost of Applying

The Applicant shall bear all costs associated with the preparation and submission of its Application and BEL in no case is responsible or liable for those costs, regardless of the conduct or outcome of the pre-qualification process.

2.5 Clarification of pre-qualification Documents

A prospective Applicant requiring any clarification of the pre-qualification documents may notify BEL in writing or by cable (hereinafter, the term cable is deemed to include telephone, and e-mail)

at the client's address indicated below. BEL will respond in writing to any request for clarification on the pre-qualification documents, which it receives no later than seven (7) days prior to the deadline for the submission of Applications.

For clarification purposes only, the Procurement Unit address is:

Attention: PROCUREMENT UNIT

 BUJAGALI ENERGY LIMITED

Building: Bujagali Hydro Power Plant

Street Address: 8km Kikubamutwe, Kayunga Road

Town/City: JINJA

Postal Code: P.O. BOX 186, Jinja

Country: UGANDA

Telephone: 0752 120 122

Email: procurement@bel.co.ug

PART III: PREPARATION OF APPLICATIONS

3.1 Language of Application

The Application prepared by the Applicant, as well as all correspondence and documents relating to the Application exchanged by the Applicant and BEL Shall be written in English.

3.2 Documents Establishing Applicant's Eligibility and Qualifications

The Applicant shall provide as part of its Application, the documentary evidence of the Applicant's legal status, financial, technical and production capability to provide the services.

3.3 Format and Signing of Applications

3.3.1 For the hand or post delivered applications, the Applicant is requested to submit their Pre-qualification Documents (included in Annex A) in one envelope marked: “Pre-qualification Documents for the provision of supplies, services and works to BEL for the period of two years (Jan 2024 – Dec 2025).” The envelope shall contain One (1) original copy. For the emailed applications, the applicant is requested to include “Pre-qualification Documents for the provision of supplies, services and works to BEL for the period of two years (Jan 2024 – Dec 2025) as subject of the email.

3.3.2 The original copy of the Application shall be typed or written in indelible ink and shall be signed by the Applicant or a person or persons duly authorized to sign the pre-qualification documents. All pages of the Application, except for unamended printed literature, shall be initialed by the person or persons signing the Application and each page numbered.

3.3.3 Any interlineations, erasures, or overwriting shall be valid only if they are initialed by the person or persons signing the Application.

3.3.4 ALL PAGES OF THE PROPOSAL MUST BE INITIALED AND NUMBERED SEQUENTIALLY STARTING WITH PAGE NUMBER ONE (1) BEING THE COVER PAGE.

PART IV: SUBMISSION OF APPLICATIONS

4.1 Sealing and Labelling of Applications

4.1.1 The Pre-qualification Application shall be composed of one envelope marked “Pre-qualification Document for the provision/supply of..... It shall contain one (1) original copy marked “Original”.

4.1.2 For application submission purposes only, the Procuring Unit’s address is:

Attention: PROCUREMENT UNIT

Street Address: BUJAGALI HYDRO POWER PLANT, 8KM at Kikubamutwe along Njeru
Kayunga Road

Town/City: JINJA

Postal Code: P.O. BOX 186, Jinja

Country: UGANDA

Telephone: 0752 120 122

Email: procurement@bel.co.ug

The deadline for application submission is:

Date: 31st August 2023

Time (1600Hrs):

4.1.3 The envelope shall also indicate the name and address of the Applicant to enable the Application to be returned unopened in case it is declared “late”.

4.1.4 If the envelope is not sealed and marked as required BEL will assume no responsibility for the Applications misplacement or premature opening.

4.1.5 The electronically mailed applications shall be addressed to;

The Evaluation Committee

Email: procurement@bel.co.ug

4.2 Deadline for Submission of Applications

Applications must be received by BUJAGALI ENERGY LIMITED, at the address specified above no later than 31st August 2023, 1600Hrs.

4.3 Late Applications

Any Application received after the deadline for submission of Applications prescribed will be rejected.

PART V: EVALUATION OF APPLICATIONS

5.1 Evaluation of Applications:

BEL will carry out the evaluation of proposals/bids on the basis of their responsiveness to:

- a) Legal Status
- b) Tax Compliance
- c) Financial Position – Presentation of copies of audited reports for the last two years i.e. 2021 and 2022.
- d) Evaluation criteria as given in Appendix E.

Any application that fails to meet the requirements in 5.1 will be considered unsuitable and shall be rejected at this stage.

5.2 Clarification of Applications

5.2.1 During evaluation of the Applications, BEL may, at its discretion, ask the Applicant for clarification of its Application. A request for clarification shall be signed and sent to a bidder by the CFO or the person Heading the evaluation committee and all requests for clarifications shall be copied to all bidders for information purposes only and noted in the evaluation report.

5.2.2 A bidder shall be instructed to reply to clarifications in writing within a specified time, addressing their responses to the Budget & Procurement Manager.

5.2.3 The Budget & Procurement Manager shall ensure that all replies are promptly forwarded to the Head of the evaluation committee.

5.2.4 Failure of a bidder to respond to a request for clarification may result in the rejection of its bid.

5.3 Contacting the Purchaser

5.3.1 No Applicant shall contact BEL on any matter relating to its Application from the time of Application opening to pre-qualification of Applicants.

5.3.2 Any effort by the Applicant to influence BEL in its decisions on the Application evaluation may result in the rejection of the Application.

5.4 Confidentiality

5.4.1 Information relating to the evaluation of applications, and recommendation for pre-qualification, shall not be disclosed to Applicants or any other persons not officially concerned with such process until the notification of pre-qualification is made to all Applicants.

5.4.2 From the deadline for submission of applications to the time of notification of the results of the pre-qualification, any Applicant that wishes to contact the Purchaser on any matter related to the pre-qualification process, may do so but only in writing.

PART VI: PRE-QUALIFICATION

6.1 Notification to the Pre-qualified Applicants

BEL will notify all Applicants in writing by registered letter or by email and by telephone, that they have been pre-qualified to provide works, services and goods.

6.2 Inspection

BEL reserves the right to conduct a physical inspection of the premises of the Applicant at its own cost and discretion. If, after the inspection, it is deemed that the physical structure and quality of service equipment is unsatisfactory, then the Application will be rejected. The Procurement Unit reserves the right to verify all information submitted.

6.3 Currency

All monetary/financial information furnished, must be quoted in United States Dollars (USD).

6.4 Changes in Qualifications of Applicants

- 6.4.1 Applicants and those subsequently pre-qualified or conditionally pre-qualified, shall inform the Purchaser of any material change in information that might affect their qualification status. Providers shall be required to update key pre-qualification information at the time of bidding.
- 6.4.2 Prior to award of contract, the best evaluated bidder will be required to confirm its continued qualified status in a post-qualification review process.

APPENDIX A:

FORM A1: APPLICATION SUBMISSION SHEET

Date: [insert day, month, year]

To: Bujagali Energy Limited 8km-
Kikubamute, Kayunga Road, P.O Box 186,
Jinja

We, the undersigned declare that:

- (a) We have examined and have no reservations to the pre-qualification document, including Addenda No:..... , [insert the number and issuing date of each Addenda (in case of any)];
- (b) We hereby apply to be pre-qualified for the following works, services or supplies:

Lot Number	Description of Works, Services or Supplies

- (c) We, including any subcontractors or providers for any part of the contract or contracts resulting from this pre- qualification process, are eligible to participate in public procurement;
- (d) We undertake to abide by the Code of Ethical Conduct for providers during the procurement process and the execution of any resulting contract;
- (e) We, including any subcontractors or providers for any part of the contract or contracts resulting from this pre- qualification process do not have any conflict of interest, and are not associated, nor have been associated in the past, directly or indirectly, with the consultant or any other entity that has prepared the design or technical specifications of the Supplies;
- (f) We, our affiliates or subsidiaries, including any subcontractors for any part of the contract or contracts resultingfrom this pre-qualification process, have not been suspended by the Public Procurement and Disposal of Public Assets Authority in Uganda from participating in public procurement;
- (g) We are not a government owned entity, or if we are, we meet the requirements of 2.3.9.
- (h) We understand that you may amend the scope and value of any contracts to be bid or cancel the pre- qualification process at any time and that you are neither bound to accept any application that you may receive nor to invite the pre-qualified applicants to bid for the contract or contracts,

which are the subject of this pre- qualification, without incurring any liability to the Applicants;

- (i) We understand that qualification information will be subject to verification through a post-qualification process prior to any award of contract;
- (j) We hereby authorise you and your authorised representatives, to conduct any enquiries or investigations to verify the statements, documents and information submitted in connection with this application and to seek clarification from our bankers and clients regarding any financial and technical aspects. This Application Submission Sheet will also serve as authorisation to any individual or authorized representative of any institution referred to in the supporting information to provide such information deemed necessary and as requested by you to verify statements and information provided in this application.

Signed: [signature of person whose name and capacity are shown below] Name: [insert complete 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: *[insert complete name of Applicant/Joint Venture]*

Dated on _____ day of _____, _____ *[insert date of signing]*

FORM A2: APPLICANT INFORMATION SHEET

STRUCTURE AND ORGANIZATION

1. Name of Company: [insert full legal name]

- a) Physical address: [insert street/ number/ town or city/ country]
- b) Postal address:
- c) Telephone number:
- d) Email:
- e) Bank details:

2. Description of the Company’s activities:

3. Number of years of experience in the provision of the works, services or supplies under reference

4. In case of a Joint Venture, the following documentation shall be required for each member of the joint venture:

- a) A copy of the Bidder’s Trading license;
- b) A copy of the Bidder’s Certificate of Registration;
- c) A copy of the Bidder’s income tax clearance certificate (**OUR TIN IS**.....);
- d) Power of Attorney of the signatory(ies) of the bid authorising signature of the bid on behalf of the joint venture;
- e) A certified copy of the Joint Venture Agreement, which is legally binding on all partners, showing that all partners shall be jointly and severally liable and one of the partners will be nominated as being in charge, authorised to incur liabilities, and receive instructions for and on behalf of any and all partners of the jointventure.

The Applicant’s authorised representative for information is:

- a) Name: [insert full legal name]
- b) Address: [insert street/ number/ town or city/ country]
- c) Telephone/Fax numbers: [insert telephone/fax numbers, including country and city codes]
- d) E-mail address: [indicate e-mail address]

5. Describe your company’s access from other sources (name the sources/companies) to works, services or supplies it does not carry out or does not have in stock, and the delivery schedule in these cases

6.What is the time schedule of providing and completing the works, services or supplies being applied for?

FORM A3: FINANCIAL STATEMENT

1. Share capital

- Authorized share capital:

2. Annual value of business under taken in the last two years

Year		
Turn over		

3. Approximate value of current work related to this type of works, services or supplies

4. Please attach copies of the company’s audited accounts for the previous two years (profit/loss, assets/liabilities) and any financial data, which you consider to be useful in the shortlisting. Please list all the attachments below.

5. Name and address of Bankers from which references can be obtained and authority to seek references

FORM A4: RESOURCES: PERSONNEL

1. Number of staff

- Management staff:
- Technical staff:
- Support staff:

2. Please list the present key personnel and management staff.

Name	Qualification	Years of relevant experience

FORM A5: RESOURCES: PROVIDERS EQUIPMENT AND FACILITIES [Applicable for provision of works]

On the basis of the information provided in the short-listing documents, please indicate equipment and facilities considered by your firm to be necessary for undertaking the contract and whether this is already in the company’s ownership or will be purchased.

The following facilities and infrastructure are available at the Applicants workshop (where applicable):

FORM A6: EXPERIENCE: RELEVANT PROJECTS COMPLETED

Please fill in information about the relevant contracts completed over the past three years.

- a) Name Employer
- b) Description of Contracts
- c) Total Contract Price
- d) Date of Completion

The applicant MUST attach evidence of performance of the above contracts either in the form of reference letters from the clients. This is applicable for both completed and current similar assignments.

EXPERIENCE: CURRENT RELEVANT CONTRACTS

Please fill in information about the current relevant contracts being executed.

- a) Name Employer
- b) Description of Contract
- c) Contract Price
- d) Value completed and certified

FORM A7: LEGAL STATUS

1. Enclose a copy of the Memorandum and Articles of Association or its equivalent. A separate list of Directors/Partners/Proprietors should be attached. A joint venture agreement should be attached where applicable.
2. Enclose a copy of the Certificate of Incorporation or its equivalent.
3. Enclose a copy of the Power of Attorney to the signatory of the short-listing document registered by the Registrar of Companies or written authorization to submit the application.
4. Enclose an Income Tax Clearance Certificate addressed to the [Procurement Unit], for this particular purpose. The [Procuring Unit] shall only accept original income tax clearance certificates.
 - I. Enclose an Annual Tax Clearance Certificate for the previous year
 - II. Attach a copy of TIN & VAT Registration Certificate
5. Please enclose a copy of the current valid Trading/operating License.
6. Please enclose a copy of your firm’s Worker man’s compensation/Group Personal insurance policy coverage for staff (applicable to providers of services and works)

APPENDIX B: STATEMENT OF REQUIREMENTS

List and codes of works, services and goods to be provided include but are not restricted to the following: Category of items

Lot1: Supplies/Goods	
No	Description
1	Supply of Computers, Computer consumables and accessories
2	Supply of Air Conditioners and accessories
3	Supply of communication equipment (audio and visual)
4	Supply of firefighting equipment and accessories
5	Supply of power backups: generators and inverters
6	Supply of electrical materials and fittings
7	Supply of motor vehicle & motorcycle tyres, tubes, batteries and Spare parts
8	Supply of office equipment, tools and accessories
9	Supply of assorted office stationery
10	Supply of drinking water (ISO Certified)
11	Supply of office furniture and fittings
12	Supply of Protective Equipment and gear
13	Supply of kitchen items and toiletries
14	Supply of tents and tarpaulins
15	Supply of office wear/uniforms
16	Supply of promotional items
17	Supply of cotton rags
18	Supply of fuel, oils & greases
19	Supply of Industrial electrical spares & consumables
20	Supply of industrial mechanical spares & consumables

Lot2: Consultancy/Non-Consultancy Services	
No	Description
1	Advertising and Media
2	Air Ticketing, Tours & travel
3	Provision fumigation and rodents extermination services
4	Provision of truck hire services (cold chain and non-cold chain)
5	Provision of vehicle hire services; saloon, 4wd station wagons and vans
6	Provision of security services
7	Provision of courier services (local and international)
8	Provision of hotel & conference facilities
9	Provision of design and printing services
10	Provision of garbage collection services
11	Provision of engraving services
12	Provision of disposal services for obsolete industrial equipment, chemical waste, expired oils and sundries
13	Servicing and repair of I.T equipment (Laptops, Desktops, Scanners, Printers & Photocopiers)
14	Servicing and repair of motor-vehicles
15	Servicing and repair of fire-fighting equipment
16	Servicing and repair of Air Conditioners
17	Repair and maintenance of power backups: solar, generators and inverters
18	Repair of office furniture and fittings
19	Electrical repairs and installations
20	Plumbing repairs and installations
21	Cleaning (Industrial Buildings)
22	Commercial Diving Services
23	Tools calibration Services
24	Mechanical Engineering Services
25	Electrical engineering services
26	Civil Engineering Services
27	Surveying services
28	Lift Maintenance Services
29	Supply of casual manpower
30	Supply of catering services

Lot3: Works Services	
No	Description
1	Mechanical Works
2	Electrical Works
3	Civil Works

APPENDIX C: DUE DILIGENCE QUESTIONNAIRE

1. COMPANY DETAILS		RESPONSE		
1.1	Company Name			
1.2	Previous Name or other trade names			
1.3	Date of incorporation			
1.4	Country of incorporation			
1.5	Registration number			
1.6	Places of business			
1.7	Registered business address			
1.8	Web page			
1.9	Bank account details			
1.10	Number of employees			
2.	OWNERSHIP AND SHAREHOLDERS	Name	Date of birth	Nationality
2.1	<p>Please list all shareholders, proprietors or owners with a financial interest in the Company of 5% or more.</p> <p>If an owner is non-publicly traded entity, please provide information to identify the ultimate beneficial owners</p>			
3.	BOARD OF DIRECTORS	Name	Date of birth	Nationality
3.1	Please list all individuals on the Board of Directors			

5. Do you need to interact with any government authority or public officials in relation to this Contract?
5 Please inform:

- which authority this is
- for which purpose will these interactions take place

		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
8.	INVESTIGATIONS, PROCEEDINGS AND SANCTIONS	RESPONSE
8.1	<p>Within the last 5 years, has the Company, or any of its directors, officers, owners or employees been found by a court or agency to have</p> <p>violated any anti-bribery laws, trade sanctions laws or money laundering laws?</p>	
8.2	<p>Have the Company ever been suspended or debarred from doing business in any capacity as a result of fraud, misrepresentation, corruption, money laundering or financial crime?</p>	
8.3	<p>Have the Company made any public disclosures within the last 5 years related to the possible violation of anti-bribery laws, trade sanctions laws or money laundering laws?</p>	
8.4	<p>Have the Company or any of its subsidiaries been listed on or sanctioned by the United Nations, the European Union, the United States or by any local sanction list or watch list in respect of <i>inter alia</i> organized crime, money laundering, terrorism, terrorist financing or other financial crime?</p>	
8.5	<p>Has the company been involved in any litigation or other disputes over the last 5 years? If so, please describe.</p>	
9.	REFERENCES	RESPONSE

Please provide two business references:	<p><u>Reference 1</u> Business name: Contact person: Contact details:</p> <p><u>Reference 2</u> Business name: Contact person: Contact details:</p>
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Certification

The Company certifies that a) to the best of the Company's knowledge, all information set forth in this response is accurate and complete; b) the Company consent to BEL's collections, use, processing, storage and transfer of data, in compliance with applicable data privacy regulation; c) the provision of false or misleading information may result in the termination of any relationship that the Company may enter into with BEL.

Form completed by:

Name

Role in Company

Date

APPENDIX D: CODE OF ETHICAL CONDUCT IN BUSINESS FOR BIDDERS AND PROVIDERS

1. Ethical Principles

Bidders and providers shall at all times:

- (a) maintain integrity and independence in their professional judgement and conduct;
- (b) comply with both the letter and the spirit of-
 - i. the laws of Uganda; and
 - ii. any contract awarded.
- (c) avoid associations with businesses and organisations which are in conflict with this code.

2. Standards

Bidders and providers shall:

- (d) strive to provide works, services and supplies of high quality and accept full responsibility for all works, services or supplies provided; and
- (e) comply with the professional standards of their industry or of any professional body of which they are members.

3. Conflict of Interest

Bidders and providers shall not accept contracts which would constitute a conflict of interest with, any prior or current contract with BEL. Bidders and providers shall disclose to all concerned parties those conflicts of interest that cannot reasonably be avoided or escaped.

4. Confidentiality and Accuracy of Information

- (f) Information given by bidders and providers in the course of procurement process or the performance of contracts shall be true, fair and not designed to mislead.
- (g) Providers shall respect the confidentiality of information received in the course of performance of a contract and shall not use such information for personal gain.

5. Gifts and Hospitality

Bidders and providers shall not offer gifts or hospitality directly or indirectly, to staff of BEL that might be viewed by others as having an influence on a procurement decision.

6. Inducements

- (h) Bidders and providers shall not offer or give anything of value to influence the action of a BEL in the procurement process or in contract execution.
- (i) Bidders and providers shall not ask a public official to do anything which is inconsistent with BEL's Procurement Policies and Procedures or the Code of Ethical Conduct in Business.

7. Fraudulent Practices

Bidders and providers shall not:

- (j) collude with other businesses and organisations with the intention of depriving BEL of the benefits of free and open competition;
- (k) enter into business arrangements that might prevent the effective operation of fair competition;
- (l) engage in deceptive financial practices, such as bribery, double billing or other improper financial practices;
- (m) misrepresent facts in order to influence a procurement process or the execution of a contract to the detriment of BEL; or utter false documents;
- (n) unlawfully obtain information relating to a procurement process in order to influence the process or execution of a contract to the detriment of BEL; and
- (o) Withholding information from BEL during contract execution to the detriment of BEL.

Iagree to comply with the above code of ethical conduct in business.

Signature of Person granted power of attorney

Name of Bidder/Provider

APPENDIX E: EVALUATION CRITERIA

The evaluation criteria are usually based on the following areas; eligibility, experience, and capacity, technical and quality requirements. The following are examples of what Procurement Unit might use as evaluation criteria: The list is not exhaustive:

1. Certificate of Incorporation/Registration
2. Memorandum and articles of association
3. Powers of attorney in favor of signatory to the bid
4. Current Trading License
5. Tax Clearance Certificate
6. Physical address of the organization
7. List of Directors/Owners
8. Bank Details
9. Audited financial reports (2021 & 2022) by certified auditors
10. Evidence of previous and ongoing contracts
11. Two (2) reference letters from previous clients
12. Completed Suppliernaire B
13. Signed Code of Ethical Conduct