



PREQUALIFICATION DOCUMENT

Issued on: 20 May 2020

DESIGN, BUILD, OPERATE AND TRANSFER (DBOT) OF THE WARMQUELLE & KHOWARIB SCHEME IRRIGATION PROJECTS

Procurement Reference No: *W/ONB/ IREMA KUNENE PROJECT - 01/2020*

Closing Date & Time: 23 June 2020 at 11H00 AM

PARTICULARS OF BIDDER

Company Name :

Postal Address :

Physical Address :

Telephone No :

Fax No :

Email Address :

Cost: *FREE*



Contents

Prequalification Document for Procurement of Works

PART 1 – Prequalification Procedures	1
Section I. Instructions to Applicants	2
Section II. Prequalification Data Sheet	18
Section III. Qualification Criteria and Requirements	23
Section IV. Application Forms	35
PART 2 – Works Requirements	54
Section V. Scope of Works	55

PART 1 – Prequalification Procedures

Section I. Instructions to Applicants

Table of Clauses

A. General.....	3
1. Scope of Application	3
2. Source of Funds	3
3. Public Entities Related to Prequalification Document& to application for review	3
4. Corrupt and Fraudulent Practices	3
5. Eligible Applicants.....	5
6. Eligibility.....	7
B. Contents of the Prequalification Document	7
7. Sections of Prequalification Document	7
8. Clarification of Prequalification Document and Pre-Application Meeting	8
9. Amendment of Prequalification Document.....	8
C. Preparation of Applications	10
10. Cost of Applications.....	10
11. Language of Application	10
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	11
D. Submission of Applications	11
17. Sealing and Identification of Applications	11
18. Deadline for Submission of Applications	11
19. Late Applications.....	12
20. Opening of Applications	12
E. Procedures for Evaluation of Applications	12
21. Confidentiality.....	12
22. Clarification of Applications.....	12
23. Responsiveness of Applications	12
24. Margin of Preference	13
25. Sub-contractors.....	13
F. Evaluation of Applications and Prequalification of Applicants	13
26. Evaluation of Applications.....	13
27. Employer’s Right to Accept or Reject Applications	16
28. Prequalification of Applicants.....	16
29. Notification of Prequalification.....	16
30. Invitation for Bids.....	16
31. Changes in Qualifications of Applicants	17

Section I. Instructions to Applicants

A. General

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| <p>1. Scope of Application</p> | <p>1.1 In connection with the Invitation for Prequalification¹ indicated in Section II, Prequalification Data Sheet (PDS), the Public Entity also referred to herein as the “Employer”, as defined in the PDS, issues this Prequalification Document (“Prequalification Document”) to prospective applicants (“Applicants”) interested in submitting applications (“Applications”) for prequalification to bid for the Works described in Section V, Scope of Works. In case the Works are to be bid as individual contracts (i.e. the slice and package procedure), these are listed in the PDS. The procurement reference number for the Open Advertised Prequalification, is provided in the PDS.</p> |
| <p>2. Source of Funds</p> | <p>2.1 Unless otherwise stated in the PDS, this procurement shall be financed by the Employer.</p> |
| <p>3. Public Entities Related to Prequalification Document & to application for review</p> | <p>3.1 The public entities related to these Prequalification Document are the Public Entity, acting as procurement entity (Employer), the Procurement Management Unit, in charge of issuing standard Prequalification Document and responsible for any amendment these may require, the Procurement Committee in charge of vetting Bidding document, receiving and evaluation of bids in respect of major contracts and the Review Committee.</p> |

**The Chairperson
 Review Committee
 Environmental Investment Fund
 PO Box 28157, Aucas Valley
 Windhoek, Namibia**

¹ The Invitation for Prequalification (IFP) provided information for potential bidders to decide whether to participate, including the essential items listed in the Standard Prequalification Document and also any important or specialized prequalification requirements requested to qualify for the prequalification.

4. Fraud and Corruption

4.1 It is the policy of the Government of the Republic of Namibia to require Public Entities, as well as Bidders, Suppliers, and Contractors and their agents (whether declared or not), personnel, subcontractors, sub-consultants, service providers and suppliers, observe the highest standard of ethics during the procurement and execution of contracts². In pursuance of this policy, the Government of the Republic of Namibia:

(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 party³;
- (ii) “fraudulent practice” is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;⁴
- (iii) “collusive practice” is an arrangement between two or more parties⁵ designed to achieve an improper purpose, including to influence improperly the actions of another party;
- (iv) “coercive practice” is impairing or harming, or threatening to impair or harm, directly or indirectly, any party⁶ or the property of the party to influence improperly the actions of a party;
- (v) “obstructive practice” is
 - (aa) deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede the Employer’s 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

² In this context, any action taken by a bidder, supplier, contractor, or any of its personnel, agents, sub-consultants, sub-contractors, service providers, suppliers and/or their employees to influence the procurement process or contract execution for undue advantage is improper.

³ “Another party” refers to a public official acting in relation to the procurement process or contract execution. In this context, “public official” includes Employer’s staff and employees of other organizations taking or reviewing procurement decisions.

⁴ “Party” refers to a public official; the terms “benefit” and “obligation” relate to the procurement process or contract execution; and the “act or omission” is intended to influence the procurement process or contract execution.

⁵ “Parties” refers to participants in the procurement process (including public officials) attempting to establish bid prices at artificial, noncompetitive levels.

⁶ “Party” refers to a participant in the procurement process or contract execution.

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

- (b) will reject a proposal for prequalification if it determines that the applicant recommended for prequalification has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive or obstructive practices in the pre-qualification process; and
- (c) will sanction a firm or an individual, at any time, in accordance with prevailing legislations, including by publicly declaring such firm or individual ineligible, for a stated period of time: (i) to be awarded a public contract; and (ii) to be a nominated^b sub-contractor, consultant, manufacturer or supplier, or service provider of an otherwise eligible firm being awarded a public contract.

5. Eligible Applicants

- 5.1 Applicants shall meet the eligibility criteria as per clause 6.1. For the purpose of applying the eligibility criteria listed in this Clause 5 and 6, references to the “Applicant” include all entities involved or intended to be involved with the proposed Works (including all partners and any of their affiliates that directly or indirectly control, or are controlled by or are under common control with the firm), specialized sub-contractors, consultants, manufacturers or suppliers (as mentioned in Form ELI-1.2 Applicant’s Party Information Form), and the personnel of each, for any part of the contract including related Works.
- 5.2 An Applicant may be a firm that is a private entity, a government-owned entity—subject to ITA 5.9 - or a combination of such entities in the form of a joint venture (“JV”) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a JV, all members shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. The JV shall nominate an authorized representative who shall have the Employer to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, bidding (in the event the JV submits a bid) and during contract execution (in the event the JV is awarded the Contract). Unless specified in the **PDS**, there is no limit on

^b A nominated sub-contractor, consultant, manufacturer or supplier, or service provider (different names are used depending on the particular bidding document) is one which either has been: (i) included by the bidder in its pre-qualification application or bid because it brings specific and critical experience and know-how that are accounted for in the evaluation of the bidder’s pre-qualification application or the bid; or (ii) appointed by the Authority.

- the number of members in a JV.
- 5.3 A firm may apply for prequalification both individually, and as part of a joint venture, or as a sub-contractor. If prequalified, it will not be permitted to bid for the same contract both as an individual firm and as a part of the joint venture or as a sub-contractor. However, a firm may participate as a sub-contractor in more than one bid, but only in that capacity. Bids submitted in violation of this procedure will be rejected.
- 5.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a sub-contractor among them for the same contract. However, if prequalified only one prequalified applicant will be allowed to bid for the same contract. All bids submitted in violation of this procedure will be rejected.
- 5.5 Subject to the restrictions pursuant to ITA 6.1, an Applicant may have the nationality of any country except in the case of open national bidding where the Prequalification Document may limit participation to citizens of Namibia or entities incorporated in Namibia. **Refer to the PBS 5.5**. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. This criterion also shall apply to the determination of the nationality of proposed specialized sub-contractors or suppliers for any part of the Contract including related Works.
- 5.6 Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Employer as Engineer for contract implementation of the Works that are the subject of this prequalification.
- 5.7(a) An Applicant that is under a declaration of ineligibility by the Government of Namibia in accordance with applicable laws at the date of the deadline for bid submission or thereafter, shall be disqualified.
- (b) Application appearing on the ineligibility lists of African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, Inter-American Development Bank Group and World Bank Group shall be rejected.

Links for checking the ineligibility lists are available on the PPU's website: www.mof.gov.na/procurement-policy-unit

6. Eligibility

- 5.8 Government-owned enterprises may participate only if they can establish that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not dependent agencies of the Government.
- 5.9 An Applicant shall provide such evidence of eligibility satisfactory to the Employer, as Employer shall reasonably request.
- 6.1 Firms and individuals may be ineligible if they are nationals of ineligible countries. The countries, persons or entities are ineligible if:
- (a) as a matter of law or official regulations, Namibia prohibits commercial relations with that country, or
 - (b) by an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, Namibia prohibits any import of goods or contracting of Works or Works from that country, or any payments to any country, person, or entity in that country.

B. Contents of the Prequalification Document

7. Sections of Prequalification Document

- 7.1 This Prequalification Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 9.

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 Works Requirements

- Section V. Scope of Works

- 7.2 Unless obtained directly from the Employer, the Employer accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Prequalification Document in accordance with ITA 9. In case of any discrepancies, documents issued directly by the Employer shall prevail.
- 7.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its Application all information or documentation as is required by the Prequalification

Document.

- 8. Clarification of Prequalification Document and Pre-Application Meeting**
- 8.1 A prospective Applicant requiring any clarification of the Prequalification Document shall contact the Employer in writing at the Employer's address indicated in the **PDS**. The Employer will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. The Employer shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Document directly from the Employer, including a description of the inquiry but without identifying its source. If so indicated in the **PDS**, the Employer shall also promptly publish its response at the web page identified in the **PDS**. Should the Employer deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 9 and in accordance with the provisions of ITA 18.2.
- 8.2 If indicated in the **PDS**, the prospective Applicant's designated representative is invited at the Applicant's cost to attend a pre-Application meeting at the place, date and time mentioned in the **PDS**. During this pre-Application meeting, prospective Applicants may request clarification of the project requirement, the criteria for qualifications or any other aspects of the Prequalification Document.
- 8.3 Minutes of the pre-Application meeting, if applicable, including the text of the questions asked by Applicants, including those during the meeting (without identifying the source) and the responses given, together with any responses prepared after the meeting will be transmitted promptly to all prospective Applicants who have obtained the Prequalification Document. Any modification to the Prequalification Document that may become necessary as a result of the pre-Application meeting shall be made by the Employer exclusively through the use of an Addendum pursuant to ITA 9. Non-attendance at the pre-Application meeting will **not** be a cause for disqualification of an Applicant.
- 9. Amendment of Prequalification Document**
- 9.1 At any time prior to the deadline for submission of Applications, the Employer may amend the Prequalification Document by issuing an Addendum.
- 9.2 Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all prospective Applicants who have obtained the Prequalification Document from the Employer. The Employer shall promptly publish the Addendum at the Employer's web page and Public Procurement Portal identified in the **PDS**.

- 9.3 To give prospective Applicants reasonable time to take an Addendum into account in preparing their Applications, the Employer may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 18.2.

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 Employer 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**
- 11.1 The Application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Employer, shall be written in English. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation in English language, in which case, for purposes of interpretation of the Application, the translation shall govern.
- 12. Documents Comprising the Application**
- 12.1 The Application shall comprise the following:
- (a) Application Submission Form, in accordance with ITA 13.1;
 - (b) documentary evidence establishing the Applicant's eligibility, in accordance with ITA 14.1;
 - (c) documentary evidence establishing the Applicant's qualifications, in accordance with ITA 15; and
 - (d) any other document required as specified in the **PDS**.
- 12.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application
- 13. Application Submission Form**
- 13.1 The Applicant shall complete an Application Submission Form as provided in Section IV, Application Forms. This Form must be completed without any alteration to its format.
- 14. Documents Establishing the Eligibility of the Applicant**
- 14.1 To establish its eligibility in accordance with ITA 5, the Applicant shall complete the eligibility declarations in the Application Submission Form and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV (Application 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.
- 15.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the NAD equivalent using the rate

of exchange determined as follows:

For construction turnover or financial data required for each year - Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted) was originally established.

Value of single contract - Exchange rate prevailing on the date of the contract.

Exchange rates shall be taken from the publicly available source identified in the **PDS**. Any error in determining the exchange rates in the Application may be corrected by the Employer.

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. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.
- 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 Employer , 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 Employer will accept no responsibility for not processing any envelope that was not identified as required in ITA 17.1 above.

18. Deadline for Submission of Applications

- 18.1 Applicants may either submit their Applications by mail, courier or by hand. Applications shall be received by the Employer at the address and no later than the deadline indicated in the **PDS**.

18.2 The Employer 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 Employer and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

19. Late Applications

19.1 The Employer shall reject all applications received after the deadline for submission of applications.

20. Opening of Applications

20.1 The Employer shall open all Applications at the date, time and place specified in the **PDS**. Late Applications shall be rejected and returned unopened to the bidder.

20.2 The Employer shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. 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 Applications, their evaluation and result shall not be disclosed to Applicants or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 29.

21.2 From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 29, any Applicant that wishes to contact the Employer on any matter related to the prequalification process (except as specified in 21.1 above), may do so only in writing.

22. Clarification of Applications

22.1 To assist in the evaluation of Applications, the Employer may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Employer and all clarifications from the Applicant shall be in writing.

22.2 If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Employer's request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

23. Responsiveness of Applications

23.1 The Employer may reject any Application which is not responsive to the requirements of the Prequalification Document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 22.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in

disqualification of the Applicant.

24. Margin of Preference

24.1 Unless otherwise specified in the **PDS**, a Margin of Preference shall not apply in the bidding process resulting from this prequalification.

25. Sub-contractors

25.1 Unless otherwise stated in the **PDS**, the Employer does not intend to execute any specific elements of the Works by sub-contractors selected in advance by the Employer.

25.2 The Applicant shall not propose to subcontract the whole of the contract. The Applicant may propose subcontractors for certain specialized parts of the contract. Applicants planning to use such specialized subcontractors shall specify, in the Application Submission Letter, the parts of the contract proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

F. Evaluation of Applications and Prequalification of Applicants

26. Evaluation of Applications

26.1 The Employer shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The Employer reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the contract.

26.2 Subcontractors proposed by the Applicant shall be fully qualified for their parts of the contract. The subcontractor's qualifications shall not be used by the Applicant to qualify for the contract unless the applicant designates them as Specialized Subcontractors, in which case, the qualifications of the Specialized Subcontractor proposed by the Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation, if specified in the **PDS**.

26.3 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant's subsidiaries, parent entities, affiliates, subcontractors (other than specialized subcontractors in accordance with ITA 26.2 Above) or any other firm(s) different from the Applicant shall not be considered.

26.4 In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Employer shall prequalify each Applicant for the maximum combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant

meets the appropriate aggregate requirements. The Qualification Criteria and Requirements are mentioned in Section III. However, with respect to the specific experience under item 4.2 (a) of Section III, the Employer will select any one or more of the options as identified below:

N is the minimum number of contracts

V is the minimum value of a single contract

(a) Prequalification for one Contract:

Option 1: (i) N contracts, each of minimum value V;

Or

Option 2: (i) N contracts, each of minimum value V, Or

(ii) Less than or equal to N contracts, each of minimum value V, but with total value of all contracts equal or more than $N \times V$;

(b) Prequalification for multiple Contracts

Option 1: (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the applicant has applied for as follows, and N_1, N_2, N_3 , etc. shall be different contracts:

Lot 1: N_1 contracts, each of minimum value V_1 ;

Lot 2: N_2 contracts, each of minimum value V_2 ;

Lot 3: N_3 contracts, each of minimum value V_3 ;

----etc.

Or

Option 2: (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the applicant has applied for as follows, and N_1, N_2, N_3 , etc. shall be different contracts:

Lot 1: N_1 contracts, each of minimum value V_1 ;

Lot 2: N_2 contracts, each of minimum value V_2 ;

Lot 3: N_3 contracts, each of minimum value V_3 ;

----etc, Or

(ii) Lot 1: N_1 contracts, each of minimum value V_1 ; or number of contracts less than or equal to N_1 , each of minimum value V_1 , but with total value of all

contracts equal or more than $N1 \times V1$

Lot 2: $N2$ contracts, each of minimum value $V2$; or number of contracts less than or equal to $N2$, each of minimum value $V2$, but with total value of all contracts equal or more than $N2 \times V2$

Lot 3: $N3$ contracts, each of minimum value $V3$; or number of contracts less than or equal to $N3$, each of minimum value $V3$, but with total value of all contracts equal or more than $N3 \times V3$

----etc.

Or

Option 3: (i) Minimum requirements for combined contract(s) shall be the aggregate requirements for each contract for which the applicant has applied for as follows, and $N1, N2, N3$, etc. shall be different contracts:

Lot 1: $N1$ contracts, each of minimum value $V1$;

Lot 2: $N2$ contracts, each of minimum value $V2$;

Lot 3: $N3$ contracts, each of minimum value $V3$;

----etc, Or

(ii) Lot 1: $N1$ contracts, each of minimum value $V1$; or number of contracts less than or equal to $N1$, each of minimum value $V1$, but with total value of all contracts equal or more than $N1 \times V1$

Lot 2: $N2$ contracts, each of minimum value $V2$; or number of contracts less than or equal to $N2$, each of minimum value $V2$, but with total value of all contracts equal or more than $N2 \times V2$

Lot 3: $N3$ contracts, each of minimum value $V3$; or number of contracts less than or equal to $N3$, each of minimum value $V3$, but with total value of all contracts equal or more than $N3 \times V3$

----etc, Or

(iii) Subject to compliance as per (ii) above with respect to minimum value of single contract for each lot, total number of contracts is equal or less than $N1 + N2 + N3$ ---but the total value of all such contracts is equal or more than $N1 \times V1 + N2 \times V2 + N3 \times V3$

V3 +---

- 26.5 Only the qualifications of the Applicant shall be considered. In particular, the qualifications of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 5.2 (or participating as a sub-contractor as per ITA 25.2) shall not be considered.
- 27. Employer’s Right to Accept or Reject Applications**
- 27.1 The Employer reserves the right to accept or reject any Application, and to annul the prequalification process and reject all Applications at any time, without thereby incurring any liability to the Applicants.
- 28. Prequalification of Applicants**
- 28.1 All Applicants who’s Applications substantially meet or exceed the specified qualification requirements will be prequalified by the Employer.
- 28.2 An Applicant may be “conditionally prequalified,” that is, qualified subject to the Applicant submitting or correcting certain specified nonmaterial documents or deficiencies to the satisfaction of the Employer.
- 28.3 Applicants that are conditionally prequalified will be so informed along with the statement of the condition(s) which must be met to the satisfaction of the Employer before or at the time of submitting their bids.
- 29. Notification of Prequalification**
- 29.1 The Employer shall notify all Applicants in writing of the names of those Applicants who have been prequalified or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately.
- 29.2 Applicants that have not been prequalified may write to the Employer to request, in writing, the grounds on which they were disqualified.
- 30. Invitation for Bids**
- 30.1 Promptly after the notification of the results of the prequalification, the Employer shall invite bids from all the Applicants that have been prequalified or conditionally prequalified.
- 30.2 Bidders may be required to provide a Bid Security acceptable to the Employer in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security as specified in the Bidding Documents.

**31. Changes in
Qualifications
of Applicants**

31.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 28 and invited to bid (including, in the case of a JV, any change in the structure or formation of any member thereto) shall be subject to the written approval of the Employer prior to the deadline for submission of bids. Such approval shall be denied if (i) a prequalified applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) 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 (iii) in the opinion of the Employer, the change may result in a substantial reduction in competition. Any such change should be submitted to the Employer not later than fourteen (14) days after the date of the Invitation for Bids.

Section II. Prequalification Data Sheet

A. General

ITA 1.1	<p>The identification of the Invitation for Prequalification is:</p> <p><i>W/ONB/IREMA KUNENE PROJECT-01/2020</i></p> <p>The Employer is:</p> <p>Environmental Investment Fund, 8933 Heinitzburg Heights, c/o Hienitzburg & Dr. Theo Ben-Gurirab Streets, Klein Windhoek Windhoek, Namibia</p> <p>Enquiries</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> Mr. Joseph M Elagon (Procurement) Tel: 061 - 431 7700 Email: JElagon@eif.org.na </td> <td style="width: 50%;"> Mr. Ashipala Uushona (Technical) Tel: 061 – 236 922 Email: Ashipala@dynamicnam.com </td> </tr> </table>		Mr. Joseph M Elagon (Procurement) Tel: 061 - 431 7700 Email: JElagon@eif.org.na	Mr. Ashipala Uushona (Technical) Tel: 061 – 236 922 Email: Ashipala@dynamicnam.com
Mr. Joseph M Elagon (Procurement) Tel: 061 - 431 7700 Email: JElagon@eif.org.na	Mr. Ashipala Uushona (Technical) Tel: 061 – 236 922 Email: Ashipala@dynamicnam.com			
ITA 2.1	<p>The name of the Project is: Design, Build, Operate and Transfer of Warmquelle & Khowarib Green Scheme Irrigation Projects</p> <p>The Funding Agency is: IREMA Kunene Project</p>			

ITA 3.1	<p>(a) The address to file challenge during the standstill period in respect of this procurement is:</p> <p style="text-align: center;">Benedict Libanda Chief Executive Director Environmental Investment Fund P. O. Box 28157 Auas Valley Windhoek, Namibia</p> <p>(b) The address to file application for review is:</p> <p style="text-align: center;">The Chairperson Review Committee Environmental Investment Fund of Namibia PO Box 28157, Auas Valley Windhoek, Namibia</p>		
ITA 5.2	Maximum number of members in the JV shall be: not limited.		
ITA 5.5	The Bidding process is open to citizens of Namibia.		
B. Contents of the Prequalification Document			
ITA 8.1	<p>For clarification purposes, the Employer 's address is:</p> <p>The Employer is:</p> <p>Environmental Investment Fund, 8933 Heinitzburg Heights, c/o Hienitzburg & Dr. Theo Ben-Gurirab Streets, Klein Windhoek Windhoek, Namibia</p> <p>Enquiries</p> <table border="1" data-bbox="410 1549 1435 1688"> <tr> <td data-bbox="410 1549 898 1688">Mr. Joseph M Elagon (Procurement) Tel: 061 - 431 7700 Email: JElagon@eif.org.na</td> <td data-bbox="898 1549 1435 1688">Mr. Ashipala Uushona (Technical) Tel: 061 – 236 922 Email: Ashipala@dynamicnam.com</td> </tr> </table>	Mr. Joseph M Elagon (Procurement) Tel: 061 - 431 7700 Email: JElagon@eif.org.na	Mr. Ashipala Uushona (Technical) Tel: 061 – 236 922 Email: Ashipala@dynamicnam.com
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ITA 8.1 & 9.2	Web page: www.eif.org.na		

ITA 8.2	<p>Pre-Application Meeting will be held: <i>Yes</i></p> <p>Environmental Investment Fund of Namibia, 8933 Heinitzburg Heights, c/o Hienitzburg & Dr. Theo Ben-Gurirab Streets, Klein Windhoek Windhoek, Namibia</p> <p>Date: 2 June 2020 Time: 10:00 am</p>
C. Preparation of Applications	
ITA 12.1 (d)	<p>The Applicant shall submit with its Application, the following additional documents:</p> <p style="padding-left: 40px;"><i>(a) No additional document required.</i></p>
ITA 15.2	<p>The source for determining exchange rates is: https://www.fbnamibia.com.na/rates-pricing/foreignExchangeRates.html</p>
ITA 16.2	<p>In addition to the original, the number of copies to be submitted with the Application is: <i>one</i>,</p>
D. Submission of Applications	
ITA 18.1	<p>The deadline for Application submission is:</p> <p>Date: 17 June 2020 Time: 11:00 am</p> <p>For application submission purposes only, the Employer 's address is: Employer's address is the same as that indicated in 1.1.</p>
ITA 20.1	<p>The opening of the Applications shall be at</p> <p>Environmental Investment Fund, 8933 Heinitzburg Heights, c/o Hienitzburg & Dr. Theo Ben-Gurirab Streets, Klein Windhoek Windhoek, Namibia</p> <p>Date: 23 June 2020 Time: 12:00 pm</p>
	<p>The applicable margins of preference are as follows:</p>

ITA 24.1	<ul style="list-style-type: none"> ▪ Preference shall be given to Contractors from Kunene Region provided that they meet all requirements of the bid. ▪ Non-specialized works are restricted to sub-contractors from Kunene Region only.
<p>E. Procedures for Evaluation of Applications</p>	
ITA 25.1	At this time the Employer does not intend to execute certain specific parts of the Works by sub-contractors selected in advance.
ITA 26.2	The relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Applicant for the purpose of evaluation as indicated in Section III - Initial Selection Criteria and Requirements.

Section III. Qualification Criteria and Requirements

Contents

Table 1 – Qualification Criteria and Requirements	24
1. Eligibility	24
2. Historical Contract Non-Performance	25
3. Financial Situation and Performance.....	27
4. Experience.....	28
Table 2 - Rated Criteria and Requirements	33
1. Past Experience	33

Table 1 – Qualification Criteria and Requirements**1. Eligibility**

Criteria			Single Entity Requirements	Joint Venture			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
1.1	Nationality	Nationality in accordance with ITA 5.5	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.2	Conflict of Interest	No conflicts of interest in accordance with ITA 5.6	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Form
1.3	Country Eligibility	Not having been declared ineligible by the Republic of Namibia, as described in ITA 5.7.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Form
1.4	Government Owned Entity	Meet conditions of ITA 5.8	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.5	United Nations resolution or Borrower's country law	Not having been excluded as a result of prohibition in the Namibian laws or official regulations against commercial relations with the Applicant's country, or by an act of compliance with UN Security Council resolution, both in accordance with ITA 6.1.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments

2. Historical Contract Non-Performance

Criteria			Single Entity Requirements	Joint Venture			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
2.1	History of Non-Performing Contracts	Non-performance of a contract ⁷ did not occur as a result of contractor's default since 1 st January 2000.	Must meet requirement	Must meet requirements	Must meet requirement ⁸	N/A	Form CON-2
2.2	Suspension Based on Execution of Bid Securing Declaration by the Employer	Not under suspension based on execution of Bid or Proposal Securing Declaration pursuant to ITA 5.10.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission From
2.3	Pending Litigation	Applicant's financial position and prospective long term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant	Must meet requirement	N/A	Must meet requirement	N/A	Form CON – 2

⁷ Nonperformance, as decided by the Authority, shall include all contracts where (a) nonperformance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Nonperformance shall not include contracts where Authority's decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the applicant have been exhausted.

⁸ This requirement also applies to contracts executed by the Applicant as JV member.

2.4	Litigation History	No consistent history of court/arbitral award decisions against the Applicant ⁹ since 1 st January 2014.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form CON – 2
2.5	Declaration: Environmental, Social, Health, and Safety (ESHS) past performance	Declare any civil work contracts that have been suspended or terminated and/or performance security called by an Employer for reasons related to the non-compliance of any environmental, or social (including sexual exploitation and abuse (SEA) and gender based violence (GBV)), or health or safety requirements or safeguard in the past five years. ¹⁰	Must make the declaration. Where there is Specialized Sub-contractor/s such Specialized Sub-contractor/s must make the declaration.	N/A	Each must make the declaration. Where there is Specialized Sub-contractor/s such Specialized Sub-contractor/s must make the declaration.	N/A	Form CON-3 ESHS Performance Declaration

⁹ The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Applicant or any member of a joint venture may result in rejection of the Application.

¹⁰ The Authority may use this information to seek further information or clarifications during the request for proposal stage and the associated due diligence

3. Financial Situation and Performance

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
3.1	Financial Capabilities	(i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the startup capital requirements estimated as N\$ 500 000.00 for the subject contract(s) net of the Applicants other commitments.	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN – 3.1, with attachments
		(ii) The audited balance sheets or, if not required by the laws of the Applicant’s country, other financial statements acceptable to the Employer, for the last 1 years shall be submitted and must demonstrate the current soundness of the Applicant’s financial position and indicate its prospective long-term profitability. <i>NB: The above requirements may be met by specialized subcontractors or a partner in the consortium.</i>	Must meet requirement	Must meet requirement	N/A	Must meet requirement	

4. Experience

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
4.1	DBOT Experience	<p>Experience of similar DBOT contracts is not a mandatory qualification criterion under Table 1, but is a rated experience criterion under Table 2. The rating experience requirement is for similar DBOT contracts undertaken as prime contractor, lead member of a joint venture, or management contractor, which are either operational at the date of application, or in which the operations period ended after 1st January 2020.</p> <p>The selected DBOT contracts shall:</p> <ul style="list-style-type: none"> • have a minimum design capacity of 1 ha and • have been operating for at least two years since commissioning, and • have been operating satisfactorily since commissioning. • <p><i>NB: The above specific experience requirements may be met by specialized subcontractors or a partner in the consortium.</i></p>	Must meet requirement	Must meet requirement	N/A	N/A	Form EXP - 4.1

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
4.2	Design Experience	<p>A minimum number of 1 contracts for the design of agricultural irrigation schemes undertaken as lead design engineer between 1st January 2010 and Application submission deadline.</p> <p>The selected design contracts shall relate to agricultural irrigation schemes that:</p> <ul style="list-style-type: none"> • have been satisfactorily and substantially completed, and • each have a minimum value of N\$ 50 000.00 <p><i>NB: The above specific experience requirements may be met by specialized subcontractors or a partner in the consortium.</i></p>	Must meet requirement	Must meet requirement	N/A	Must meet requirement	Form EXP - 4.2

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
4.3	Construction Experience	<p>A minimum number of 2 construction contracts for agricultural irrigation schemes that have been satisfactorily and substantially completed as a prime contractor, joint venture member, management contractor or subcontractor between 1st January 2010 and Application submission deadline.</p> <p><i>NB: The above specific experience requirements may be met by specialized subcontractors or a partner in the consortium.</i></p>	Must meet requirement	Must meet requirement	N/A	N/A	Form EXP - 4.3

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
4.4	Operations experience	<p>Experience of similar operations contracts is not a mandatory qualification criterion under Table 1, but is a rated experience criterion under Table 2. The rating experience requirement is for running similar operations contracts for agricultural irrigation scheme undertaken as prime contractor, lead member of a joint venture, or management contractor, which are either operational at the date of application, or in which the operations period ended after 1st January 2000</p> <p>The selected operations contracts:</p> <ul style="list-style-type: none"> • shall relate to agricultural irrigation scheme with a minimum capacity of 1 ha • shall have a contract period of three years or more • shall have been operating 	may meet requirement		N/A	Lead member must meet requirement	Form EXP - 4.4

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
		satisfactorily since commencement <i>NB: The above specific experience requirements may NOT be met by specialized subcontractors or a partner in the consortium.</i>					

General notes for the Applicant:

1. The Applicant may use a single contract to satisfy two or more criteria requirements. In such cases, the Applicant shall complete separate EXP forms for each subject contract type. (For example, if a contractor undertook both design and construction on a similar contract, it may use that experience to qualify under Design Experience and Construction Experience. In such case it would complete forms EXP-4.2 and EXP-4.3.)
2. Substantial completion shall be based on 80% or more of the contract completed.
3. For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's role and responsibilities shall be considered as qualifying experience.

Notes for the Employer

1. If the contracts are to be procured as individual contracts under a slice and package arrangement (multiple contracts), the Employer should state the requirements to qualify for individual and multiple contracts (e.g. number of contracts, minimum and aggregate values).
2. The manner JV members should meet the requirements may be modified depending on the market and specifics of the proposed contract.

Table 2 - Rated Criteria and Requirements**1. Past Experience**

Requirement	Scoring		Documentation																																			
	Maximum score	Remark	Submission Requirement																																			
<p>Number of similar contracts</p> <p><i>[Number of satisfactory contracts that exceed the number specified in Table 1, Sub-Factor 4 (where this number is z) that are:</i></p> <ol style="list-style-type: none"> similar to the Requirements (<u>Reference Table 1, 4</u>); and completed during the past 5 years. <p>Scoring methodology:</p> <table border="1"> <thead> <tr> <th rowspan="2">Contract Type</th> <th colspan="5">Number of satisfactory similar contracts (z)</th> </tr> <tr> <th>[>= z+4 contracts]</th> <th>z+3 contracts]</th> <th>[z+2 contracts]</th> <th>[z+1 contracts]</th> <th>[z contracts]</th> </tr> </thead> <tbody> <tr> <td>Design-Build-Operate contracts*</td> <td>[100]</td> <td>[90]</td> <td>[75]</td> <td>[50]</td> <td>0</td> </tr> <tr> <td>Design contracts</td> <td>[20]</td> <td>[20]</td> <td>[15]</td> <td>[10]</td> <td>2</td> </tr> <tr> <td>Construction contracts</td> <td>[20]</td> <td>[20]</td> <td>[15]</td> <td>[10]</td> <td>2</td> </tr> <tr> <td>Operations contracts*</td> <td>[50]</td> <td>[45]</td> <td>[40]</td> <td>[25]</td> <td>0</td> </tr> </tbody> </table> <p>* In the case that DBFOT and/or Operations experience is not a mandatory qualifying requirement in Table 1 then their corresponding value of “z” is zero.</p> <p><i>Example: Applicant A has the following experience in excess of the minimum number of contracts required in Table 1: 1 DBFOT contract, 3 design contracts, 0 construction contracts, and 2 operations contracts. Using the values in the scoring table above, the evaluated score would be 50 + 20 + 40 = 110. However, if the maximum score in Column 2 was 100, then the applicant would score only 100.]</i></p>	Contract Type	Number of satisfactory similar contracts (z)					[>= z+4 contracts]	z+3 contracts]	[z+2 contracts]	[z+1 contracts]	[z contracts]	Design-Build-Operate contracts*	[100]	[90]	[75]	[50]	0	Design contracts	[20]	[20]	[15]	[10]	2	Construction contracts	[20]	[20]	[15]	[10]	2	Operations contracts*	[50]	[45]	[40]	[25]	0	100	In case of JV, the experience shall be provided by the member or members indicated in Table 1.	Form EXP 4.1 – 4.4
Contract Type		Number of satisfactory similar contracts (z)																																				
	[>= z+4 contracts]	z+3 contracts]	[z+2 contracts]	[z+1 contracts]	[z contracts]																																	
Design-Build-Operate contracts*	[100]	[90]	[75]	[50]	0																																	
Design contracts	[20]	[20]	[15]	[10]	2																																	
Construction contracts	[20]	[20]	[15]	[10]	2																																	
Operations contracts*	[50]	[45]	[40]	[25]	0																																	

Section IV. Application Forms

Table of Forms

Application Submission Form	36
Applicant Information Form	38
Applicant's Party Information Form	39
Historical Contract Non-Performance, Pending Litigation and Litigation History	40
ESHS Performance Declaration	42
Financial Situation and Performance.....	44
Specific DBFOT Experience	46
Specific Design Experience	48
Specific Construction and Contract Management Experience	50
Specific Operations Experience	52

Application Submission Form

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

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

To: *[insert full name of Employer]*

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

- (a) We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s), issued in accordance with Instructions to Applicants (ITA) 9: *[insert the number and issuing date of each addendum]*.
- (b) We have no conflict of interest in accordance with ITA 5.6;
- (c) We meet the eligibility requirements as stated ITA 5.1, we have not been suspended by the Employer based on execution of a Bid Securing Declaration in accordance with ITA 5.10;
- (d) We, in accordance with ITA 25.2, plan to subcontract the following key activities and/or parts of the works:

[Insert any of the key activities identified in Section III- 4.2(a) or (b) which the Employer has permitted under the Prequalification document and which the Applicant intends to subcontract along with complete details of the sub-contractors, their qualification and experience]

- (e) 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 N\$]</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[If no payments are made or promised, add the following statement: “No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application”]

- (f) 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 process, without incurring any liability to the Applicants, in accordance with ITA 27.1.

- (g) All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

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 or the name of the JV]*

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

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

[For an a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached]

Form ELI -1.1

Applicant Information Form

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

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

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

Applicant's name <i>[insert full name]</i>
In case of Joint Venture (JV), name of each member: <i>[insert full name of each member in JV]</i>
Applicant's actual or intended country of registration: <i>[indicate country of Constitution]</i>
Applicant's actual or intended year of incorporation: <i>[indicate year of Constitution]</i>
Applicant's legal address [in country of registration]: <i>[insert street/ number/ town or city/ country]</i>
Applicant's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <ul style="list-style-type: none"> <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 5.5. <input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 5.2. <input type="checkbox"/> In case of Government-owned enterprise or institution, in accordance with ITA 5.9 documents establishing: <ul style="list-style-type: none"> • Legal and financial autonomy • Operation under commercial law • Establishing that the Applicant is not dependent agency of the Employer
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

Form ELI -1.2

Applicant's Party Information Form

[The following form is additional to Form ELI – 1.1., and shall be completed to provide information relating to each JV member (in case the Applicant is a JV) as well as any Specialized Sub-contractor proposed to be used by the Applicant for any part of the Contract resulting from this prequalification]

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

OAB No. and title: *[insert ONB number and title]*

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

Applicant name: <i>[insert full name]</i>
Applicant's Party name: <i>[insert full name of Applicant's Party]</i>
Applicant's Party country of registration: <i>[indicate country of registration]</i>
Applicant Party's year of constitution: <i>[indicate year of constitution]</i>
Applicant Party's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant Party's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA 5.5. <input type="checkbox"/> In case of a Government-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and absence of dependent status, in accordance with ITA 5.9.
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

Form CON – 2

Historical Contract Non-Performance, Pending Litigation and Litigation History

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

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

Non-Performed Contracts in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> Contract non-performance did not occur since 1 st January <i>[insert year]</i> specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 st January <i>[insert year]</i> specified in Section III, Qualification Criteria and Requirements, requirement 2.1			
Year	Non-performed portion of contract	Contract Identification	Total Contract Amount (N\$)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer : <i>[insert full name]</i> Address of Employer : <i>[insert street/city/country]</i> Reason(s) for non-performance: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>
Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2.			
<input type="checkbox"/> Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2 as indicated below.			

Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), NAD
<i>[insert year]</i>	<i>[insert amount]</i>	Contract Identification: [indicate complete contract name, number, and any other identification] Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate "Employer" or "Contractor"]</i> Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i>	<i>[insert amount]</i>
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2. <input type="checkbox"/> Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.2 as indicated below.			
Year of award	Outcome as percentage of Net Worth	Contract Identification	Total Contract Amount (currency), NAD
<i>[insert year]</i>	<i>[insert percentage]</i>	Contract Identification: [indicate complete contract name, number, and any other identification] Name of Employer : <i>[insert full name]</i> Address of Employer : <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate "Employer " or "Contractor"]</i> Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i>	<i>[insert amount]</i>

Form CON – 3 ESHS Performance Declaration

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

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

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

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

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

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

Environmental, Social, Health, and Safety Performance Declaration in accordance with Section III, Qualification Criteria, and Requirements			
<input type="checkbox"/> No suspension or termination of contract: An employer has not suspended or terminated a contract and/or called the performance security for a contract for reasons related to Environmental, Social, Health, or Safety (ESHS) performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5.			
<input type="checkbox"/> Declaration of suspension or termination of contract: The following contract(s) has/have been suspended or terminated and/or Performance Security called by an employer(s) for reasons related to Environmental, Social, Health, or Safety (ESHS) performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5. Details are described below:			
Year	Suspended or terminated portion of contract	Contract Identification	Total Contract Amount (N\$)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for suspension or termination: <i>[indicate main reason(s) e.g. for gender based violence (GBV)/ sexual exploitation and abuse (SEA) breaches]</i>	<i>[insert amount]</i>
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for suspension or termination: <i>[indicate</i>	<i>[insert amount]</i>

		<i>main reason(s)</i>	
...	...	<i>[list all applicable contracts]</i>	...
Performance Security called by an employer(s) for reasons related to ESHS performance			
Year	Contract Identification		Total Contract Amount (N\$ equivalent)
<i>[insert year]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for calling of performance security: <i>[indicate main reason(s) e.g. for GBV/ SEA breaches]</i>		<i>[insert amount]</i>

Form FIN – 3.1 Financial Situation and Performance

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

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

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

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

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

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

1. Financial data

Type of Financial information in (currency)	Historic information for previous <i>[insert number]</i> years, <i>[insert in words]</i> (amount in NAD equivalent)				
	Year 1	Year 2	Year 3	Year4	Year 5
Statement of Financial Position (Information from Balance Sheet)					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Cash Flow Information					
Cash Flow from Operating Activities					

* Refer ITA 15 for the exchange rate

2. Sources of Finance

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

Specify sources of finance to meet the cash flow requirements on Works currently in progress and for future contract commitments.

No.	Source of finance	Amount (N\$ equivalent)
1		
2		
3		

3. Financial documents

The Applicant and its parties shall provide copies of financial statements for *[number]* years pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

- (a) reflect the financial situation of the Applicant or in case of JV member , and not an affiliated entity (such as parent company or group member).
- (b) be independently audited or certified in accordance with local legislation.
- (c) be complete, including all notes to the financial statements.
- (d) correspond to accounting periods already completed and audited.

Attached are copies of financial statements¹¹ for the *[number]* years required above; and complying with the requirements

¹¹ If the most recent set of financial statements is for a period earlier than 12 months from the date of application, the reason for this should be justified.

Form EXP - 4.1 Specific DBOT Experience

(Table 1, 4.1 and Table 2)

[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]

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

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

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

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

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

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

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2014]</i>			
Design-Build Commissioning Date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Operations period completion date (actual or expected)	<i>[insert day, month, year, e.g. 03 October, 2030]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contract or <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		N\$ <i>[insert Exchange rate and total contract amount in N\$ equivalent] *</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in N\$ equivalent] *</i>	
	<i>[insert roles and responsibilities]</i>			
Description of the similarity in accordance with Section III Table 1,				

4.2	
Physical size of required contracts items	<i>[insert physical size of items]</i>
Complexity	<i>[insert description of complexity]</i>
Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Employer's Requirements]</i>
Employer's Name:	<i>[insert full name]</i>
Address:	<i>[indicate street / number / town or city / country]</i>
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>
E-mail:	<i>[insert e-mail address, if available]</i>

* Refer ITA 15 for date and source of exchange rate.

Form EXP - 4.2

Specific Design Experience

[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]

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

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

JV Party Name: *[insert full name]*

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

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

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, i.e., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, i.e., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate boxes]</i>	Lead design <input type="checkbox"/>	Process design <input type="checkbox"/>	Detailed design <input type="checkbox"/>	Other <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		N\$ <i>[insert Exchange rate and total contract amount in N\$ equivalent] *</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in N\$ equivalent] *</i>	
	<i>[insert roles and responsibilities]</i>			
Description of the similarity in accordance with Section III Table 1, 4.2				
Physical size of required contracts items	<i>[insert physical size of items]</i>			
Complexity	<i>[insert description of complexity]</i>			
Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>			
	<i>[insert other characteristics as described in Section VII,</i>			

Other Characteristics	<i>Scope of Employer's Requirements]</i>
Employer's Name:	<i>[insert full name]</i>
Address:	<i>[indicate street / number / town or city / country]</i>
Telephone/fax number	<i>[insert telephone/fax numbers, including country and</i>
E-mail:	<i>city area codes]</i>
	<i>[insert e-mail address, if available]</i>

* Refer ITA 15 for date and source of exchange rate.

Form EXP - 4.3

Specific Construction and Contract Management Experience

(Table 1, 4.3 and Table 2)

[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]

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

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

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

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

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

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, i.e., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, i.e., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		N\$ <i>[insert Exchange rate and total contract amount in N\$ equivalent] *</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in N\$ equivalent] *</i>	
	<i>[insert roles and responsibilities]</i>			
Description of the similarity in accordance with Section III Table 1, 4.2				
Physical size of required contracts items	<i>[insert physical size of items]</i>			
Complexity	<i>[insert description of complexity]</i>			
Methods/Technology	<i>[insert specific aspects of the methods/technology involved]</i>			

	<i>in the contract]</i>
Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Employer's Requirements]</i>
Employer's Name:	<i>[insert full name]</i>
Address:	<i>[indicate street / number / town or city / country]</i>
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>
E-mail:	<i>[insert e-mail address, if available]</i>

* Refer ITA 14 for date and source of exchange rate.

Form EXP - 4.4 Specific Operations Experience

(Table 1, 4.1 and Table 2)

[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]

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

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

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

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

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

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, i.e., 15 June, 2015]</i>			
Contract Completion date (actual/expected)	<i>[insert day, month, year, i.e., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		N\$ <i>[insert Exchange rate and total contract amount in N\$ equivalent] *</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in N\$ equivalent] *</i>	
	<i>[insert roles and responsibilities]</i>			
Description of the similarity in accordance with Section III Table 1, 4.2				
Physical size of required contracts items	<i>[insert physical size of items]</i>			
Complexity	<i>[insert description of complexity]</i>			
Methods/Technology	<i>[insert specific aspects of the methods/technology involved]</i>			

	<i>in the contract]</i>
Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Employer's Requirements]</i>
Employer's Name:	<i>[insert full name]</i>
Address:	<i>[indicate street / number / town or city / country]</i>
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>
E-mail:	<i>[insert e-mail address, if available]</i>

* Refer ITA 14 for date and source of exchange rate.

PART 2 – Works Requirements

Section V. Scope of Works

Contents

1. Description of the Works and Operation Services (Design, Build and Operation)	56
2. Implementation Period	59
3. Site and Other Data.....	60

1. Description of the Works and Operation Services (Design, Build and Operate)

Introduction

The Environmental Investment Fund (the “**Employer**”) is engaged in the development of the Warmquelle and - Khowarib Green Scheme Irrigation Projects on behalf of the Ministry of Agriculture, Water and Forestry, and as part of this endeavor, the Employer has decided to undertake the development, operation and maintenance of the Warmquelle and - Khowarib Green Scheme Irrigation Projects (the “**Project**”) on a Design, Build, Operate and Transfer (the “**DBOT**”) basis, and has, therefore, decided to carry out the bidding process for selection of a private entity as (the “**Applicant**”) to whom the Project may be awarded.

Warmquelle (12 ha) and – Khowarib (15 ha) Green Scheme Irrigation Projects are Government Green Schemes under the management of the Agricultural Business Development Agency (AGRIBNADEV). AGRIBNADEV is a state owned company incorporated in terms of Section 21 Company Act. It is also responsible for the management of other Green Scheme Projects across the country. The Warmquelle and Khowarib Projects are located about 90km north of Palmwag on the C43. The nearest fuel station is at Sesfontein – Alternatively Palmwag. Access is by 2 x 4 vehicle though 4 x 4 vehicles are recommended.

The Projects have been underutilized and only Warmquelle that has about 0.5 ha planted with vegetables whilst Khowarib none. This is due to the dilapidation of existing equipment and lack of competent service provider. Warmquelle utilizes a gravity fed system by tapping water from the near-by balancing dam. The balancing dam is fed through a gravitating pipe of 110 mm diameter from Ongogo Springs about 6 km north of the Project. The pipe works connecting the balancing dam to the Ongogo Springs are in existence, however, needs redesign and renovation. Khowarib has three plots of 5 ha each and it gets its irrigation water from the nearby dormant boreholes. The fence, boreholes and installed irrigation equipment needs rehabilitation as well.

The Employer intends to pre-qualify and short –list suitable Applicant(s) who will be eligible for the participation in the Bid Stage for awarding either for Warmquelle, Khowarib or a combination of the two Projects through an open competitive bidding process.

The Selected Applicant, who is either a company incorporated under the Companies Act, 28 of 2004 or undertakes to incorporate as such prior to execution of the concession agreement (the “**Concessionaire**”), shall be responsible for engineering, procurement, construction, operation and maintenance of the Projects under and in accordance with the provisions of a long-term concession agreement (the “**Concession Agreement**”) to be entered into between the Selected Bidder and the Employer in the form provided by the Employer as part of the Bidding Documents.

Scope works

The scope of work will broadly include the among others the followings;

- **Design, Build, Operate and Transfer of Warmquelle Green Scheme Irrigation Project**

Warmquelle measures 7 hectares (ha) with an additional undeveloped 5 ha that must be added to the 7 ha to make it 12 ha. The source of water is from a spring located 6 km from the farm and the water gravitate to the project through a 120 mm diameter steel pipes that also needs rehabilitation though functional.

Key DBOT features to be carried out:

- Topographical Survey of the farm,
- Soil and water sampling and analysis,
- Irrigation system design for 12 ha Plot – SABI Standard,
- Design and rehabilitation of the 6 km long, 120 mm diameter steel pipe that transport water from the spring to the balancing dam,
- Rehabilitation of the balancing dam,
- Logistic centre – cool room, implement shades,
- Fencing and rehabilitation of existing fence,
- Mechanizations,
- The repair and maintenance implements,
- GAP implementation,
- Undertake the operation of the Project.

○ **Design, Build, Operate and Transfer of Khowarib Green Scheme Irrigation Project**

Khowarib measures 5 ha x 3 plots that equals to 15 ha, the plots have no irrigation system installed but has supply water lines from three dilapidated boreholes that need refurbishment. The Fence around the plots also need to be repaired. The Managers house, warehouse and workshop situated at Khowarib and need rehabilitation.

Key DBOT features to be carried out:

- Topographical Survey of the farm,
- Soil and water sampling and analysis,
- 12 ha drip irrigation design and development,
- Design and rehabilitation of 3 x Boreholes,
- Design and rehabilitation of irrigation system,
- Fencing and rehabilitation of existing fence,
- Mechanization,
- GAP implementation,
- Undertake the operation of the Project.

Legal and Regulatory Requirements

The development and operation of the farm to be done in accordance of the Green Scheme Policy which can be download from the following link:

<http://www.agribNADev.org.na/index.php/downloads/policies>

Functional and/or Performance Requirements

All irrigation system must be design according to South African Irrigation institute (SABI) Standards

Quality Assurance Requirement

SANS codes of practice shall prevail were applicable

GAP compliance

2. Implementation Period

The implementation period for the design and construction of Warmquelle and Khowarib Green Scheme Irrigation Projects shall be 4 months. Thereafter, the operation period shall commence. The definite DBOT period shall be that to be determined through the business plan submitted by the Bidder during the second round of the bidding process.

3. Site and Other Data

The farms Arial and site layout drawings are attached as per the list of drawings below:

Warmquelle

Drawings No.	Description
W101-2020	Aerial View
W102-2020	Site layout

Khowarib

Drawings No.	Description
W200-2020	Plot 1 Aerial View
W201-2020	Plot 1 Site layout
W202-2020	Plot 2 Aerial View
W203-2020	Plot 2 Site layout
W204-2020	Plot 3 Aerial View
W205-2020	Plot 3 Site layout

Invitation for Prequalification (IFP)

Republic of Namibia

Design, Build, Operation and Transfer of Warmquelle & Khowarib Green Scheme Irrigation Projects

W/ONB/IREMA KUNENE PROJECT – 01/2020

1. Bids are invited through Open National Bidding (ONB) procedures to Design, Build, Operation and Transfer of the Warmquelle & Khowarib Green Scheme Irrigation Projects and the invitation is open to all Namibian bidders.
2. Interested eligible bidders may obtain further information from EIF, Mr. Joseph M Elagon, JElagon@eif.org.na, and inspect the Prequalification Document at the address given below *www.eif.org.na*
3. Qualifications requirements are listed in the Bidding document. Additional details are provided in the Bidding Documents.
4. A complete set of Prequalification Document in English may be is accessible for free on the website by interested bidders on the website address; *www.eif.org.na*
5. Bids must be delivered to the address given below at or before *19 June 2020*. Electronic bidding will not be permitted. Late bids will be rejected. Bids will be opened in the presence of the bidders' representatives who choose to attend in person or at *below address* at *12h05 pm on 19 June 2020*.

The address referred to above is: 8933 Heinitzburg Heights,
c/o Hienitzburg & Dr. Theo Ben-Gurirab Streets,
Klein Windhoek
Windhoek, Namibia

Benedict Libanda

Chief Executive Officer