



The Republic of Uganda



Republic of Uganda

{Uganda Investment Authority}

SHORT LISTING (PRE- QUALIFICATION) OF PROVIDERS FOR WORKS, SERVICES OR SUPPLIES

August 2017

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Preface

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

A short list notice shall be published in at least one publication of wide circulation to ensure effective competition.

The short listing 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: Opening and Evaluation of Applications
- Part VI: Short listing

Appendices:

- A: Application Submission Sheet
- B: Statement of Requirements
- C: Evaluation Criteria

PART I: GENERAL PART

1.1 Scope of Application

1.1.1 The Procuring and Disposing Entity invites applications for the short list of works, services and supplies described in **Appendix B**.

1.1.2 Throughout this document:

- (a) the “Applicant” means the bidder submitting an application; and
- (b) “Application” means a bid or submission to be short-listed.

as defined in the Public Procurement and Disposal of Public Assets Act and Regulations, 2003 of the Government of Uganda.

1.2 Source of Funds

1.2.1 The Procuring and Disposing Entity has an approved budget from Government funds towards the cost of the procurements described in **Appendix B**. The Procuring and Disposing Entity intends to use these funds for payments under the contract(s) resulting from the bidding for which this short list is conducted.

1.3 Corrupt Practices

1.3.1 It is the Government of Uganda’s policy to require that Procuring and Disposing Entities, as well as Applicants, Providers and Providers, observe the highest standards of ethics during procurement and the execution of contracts. In pursuit of this policy, the Government of Uganda represented by the Public Procurement and Disposal of Public Assets Authority (herein referred to as the Authority):

- (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 a public 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 and Disposing 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 Procuring and Disposing Entity 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
- (c) will suspend a Provider from engaging in any public procurement proceeding for a stated period of time, if it at any time determines that the Provider has engaged

in corrupt or fraudulent practices in competing for, or in executing, a Government contract.

- 1.3.2 In pursuit of the policy, the Government of Uganda requires representatives of both the Procuring and Disposing Entity and of Providers to adhere to the relevant codes of ethical conduct. The Code of Ethical Conduct for Providers is available from the Authority and Providers are required to indicate their acceptance of this code through the declarations in the **Application Submission Sheet**.

PART II: INSTRUCTIONS TO PROVIDERS

2.1 Introduction

Uganda Investment Authority will evaluate and short list all eligible companies for the provision of various works, services or supplies for the Financial Years *2017-2018, 2018-2019, 2019-2020*. Once a firm has been short listed, it will be invited, several times during the financial year, to submit a proposal for the provision of some or all of the works, services or supplies. Uganda Investment Authority reserves the right to add similar types of works, services or supplies to the list in *Appendix B*.

2.2 Objectives

Uganda Investment Authority invites sealed Applications from reputable providers for works, services or supplies for the provision of various works, services or supplies for 3 Financial Years *2017-2018, 2018-2019, 2019-2021*.

The list of items required during the above mentioned financial year is given in *Appendix B*. Procuring and Disposing Entities should note that the works, services or supplies 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 public procurement:

- (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 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; 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, the Government of Uganda prohibits any import of Supplies from that country or any payments to persons or entities in that country”.
- 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 short listing 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 Procuring and Disposing Entity regarding this short listing process; or
 - (e) participated as a consultant in the preparation of the design or technical specifications of the works, services or supplies that are the subject of this short listing.
- 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 Authority at the date of submission of the application or thereafter, shall be disqualified.
- 2.3.9 Government-owned entities in Uganda 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 Procuring and Disposing Entity.
- 2.3.10 Applicants shall provide such evidence of their continued eligibility satisfactory to the Procuring and Disposing Entity, as the Procuring and Disposing Entity shall reasonably request.

2.4 Cost of Applying

The Applicant shall bear all costs associated with the preparation and submission of its Application, and *Uganda Investment Authority* will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the short listing process.

2.5 Clarification of Short listing Documents

A prospective Applicant requiring any clarification of the short listing documents may notify Uganda Investment Authority in writing or by cable (hereinafter, the term cable is deemed to include telephone, e-mail and facsimile) at the client's address indicated below. Uganda Investment Authority will respond in writing to any request for clarification on the short listing documents, which it receives no later than seven (7) days prior to the deadline for the submission of Applications. Written copies of the *UIA*'s response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective applicants that have received the short listing documents.

For clarification purposes only, the Procuring and Disposing Entity's address is:

Uganda Investment Authority

Attention: **Head, Procurement and Disposal**

Street Address: **Plot 22 B, Lumumba Avenue**

Floor/Room number: **2nd Floor, Twed Plaza**

Town/City: **Kampala**

Postal Code/P. O. Box No: **7418**

Country: **Uganda**

Telephone: 0414301117

Facsimile number:

Electronic mail address: **info@ugandainvest.go.ug**

2.6 Amendment of Short listing Document

- 2.6.1 At any time prior to the deadline for submission of applications, the Procuring and Disposing Entity may amend the Short listing Document by issuing addenda.
- 2.6.2 Any addendum issued shall be part of the Short listing Document and shall be communicated in writing to all who have obtained the short listing document from the Procuring and Disposing Entity.
- 2.6.3 To give prospective Applicants reasonable time to take an addendum into account in preparing their applications, the Procuring and Disposing Entity may, at its discretion, extend the deadline for the submission of applications.

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 the *Uganda Investment Authority* shall be written in English. Supporting documents and printed literature provided by the Applicant may be in another language provided they are accompanied by an accurate translation of the relevant passages in English, in which case, for purposes of interpretation of the Application, the translation shall govern.

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 if a contract is awarded in the format provided in the Application Submission Sheet (**Forms A1 – A7**). Failure to provide the required information shall result in disqualification.

3.3 Format and Signing of Applications

- 3.3.1 The Applicant is requested to submit its Short listing Documents (included in Annex A) in one envelope marked: **“Short listing Documents for the provision of works, services or supplies to Uganda Investment Authority for the Financial Years 2017-2018, 2018-2019, 2019-2020.”**The envelope shall contain one (1) original and two (2) copies.
- 3.3.2 The original and the copies 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 short listing documents. All pages of the Application, except for un-amended 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 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 Short listing Application shall be composed of one envelope marked “Short listing Document for the provision of works, services or supplies”. It shall contain one (1) original (marked “Original”) and two (2) copies (marked “Copy”).

4.1.2 For application submission purposes only, the Procuring and Disposing Entity’s address is:

Uganda Investment Authority

Attention: **Head PDU**

Street Address: **Plot 22 B, Lumumba Avenue**

Floor/Room number: **2nd Floor, Twed Plaza**

Town/City: **Kampala**

Postal Code: **7418**

Country: **Uganda**

The deadline for application submission is:

Date: **1st September 2017**

Time: **11:00 hrs**

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 by Clause 4.1, **Uganda Investment Authority** will assume no responsibility for the Applications misplacement or premature opening.

4.2 Deadline for Submission of Applications

Applications must be received by *Uganda Investment Authority* at the address specified under Clause 4.1.2 no later than *1st September 2017 at 11:00 hrs.*

4.3 Late Applications

Any Application received after the deadline for submission of Applications prescribed by the *Uganda Investment Authority* will be rejected and returned unopened to the Applicant.

PART V: OPENING AND EVALUATION OF APPLICATIONS

5.1 Opening of Applications by the *Uganda Investment Authority*

- 5.1.1 UIA will read out Applicants' particulars in the presence of Applicants' representatives who choose to attend, on the *1st September 2017 at 11;05 hrs.* The Applicants' representatives who are present shall sign a register as evidence for their attendance.
- 5.1.2 No Application shall be rejected at Application opening, except for late Applications, which shall be returned unopened to the Applicants.
- 5.1.3 UIA will prepare minutes for the Application opening.

5.2 Evaluation of Applications:

- (a) *Uganda Investment Authority* will carry out the evaluation of proposals on the basis of their responsiveness to:
- Legal Status
 - Tax Payment
 - Financial Position – Presentation of copies of Audited reports for the last two years.
 - Specific evaluation criteria for each category as given in *Appendix C*.
- (b) Any application that fails to meet the requirements in 5.2 (a) will be considered unsuitable and shall be rejected at this stage. The Procuring and Disposing Entity shall notify the Applicant of the rejection of their application.

5.3 Clarification of Applications

- 5.3.1 During evaluation of the Applications, the *UIA* 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 chairperson of the evaluation committee and all requests for clarifications shall be copied to all bidders for information purposes only and noted in the evaluation report.
- 5.3.2 A bidder shall be instructed to reply to clarifications in writing within a specified time, addressing their responses to the head of the procurement and disposal unit.
- 5.3.3 The head of the procurement and disposal unit shall ensure that all replies are promptly forwarded to the chairperson of the evaluation committee.
- 5.3.4 Failure of a bidder to respond to a request for clarification may result in the rejection of its bid.

5.4 Contacting the Procuring and Disposing Entity

- 5.4.1 No Applicant shall contact UIA on any matter relating to its Application from the time of Application opening to short listing of Applicants.
- 5.4.2 Any effort by the Applicant to influence UIA in its decisions on the Application evaluation may result in the rejection of the Application.

5.5 Confidentiality

- 5.5.1 Information relating to the evaluation of applications, and recommendation for short listing, shall not be disclosed to Applicants or any other persons not officially concerned with such process until the notification of short listing is made to all Applicants.
- 5.5.2 From the deadline for submission of applications to the time of notification of the results of the short listing, any Applicant that wishes to contact the Procuring and Disposing Entity on any matter related to the short listing process, may do so but only in writing.

PART VI: SHORT LISTING

6.1 Notification to the Short listed Applicants

Uganda Investment Authority will notify all Applicants in writing by registered letter or by cable, that they have been short listed to provide works, services or supplies for the Financial Years **2017-18, 2018-19, 2019-2020**

6.2 Inspection

UIA 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 Procuring and Disposing Entity reserves the right to verify all information submitted.

6.3 Currency

All monetary/financial information furnished, must be quoted in Uganda Shillings.

6.4 Changes in Qualifications of Applicants

6.4.1 Applicants and those subsequently short listed or conditionally short listed, shall inform the Procuring and Disposing Entity of any material change in information that might affect their qualification status. Providers shall be required to update key short listing 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.

ANNEX A: FORM A1: APPLICATION SUBMISSION SHEET

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

To: *[insert full name of Procuring and Disposing Entity]*

We, the undersigned declare that:

- (a) We have examined and have no reservations to the short listing document, including Addenda No:....., *[insert the number and issuing date of each Addenda]*;
- (b) We hereby apply to be short listed for the following works, services or supplies:

Reference 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 short listing process, are eligible to participate in public procurement;
- (d) We undertake to abide by the Code of Ethical Conduct for Providers and 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 short listing process, have nationals from the following eligible countries *[insert the nationality of the Applicant, including that of all parties in case of a joint venture and the nationality of any subcontractors, if applicable]*;
- (f) We, including any subcontractors or providers for any part of the contract or contracts resulting from this short listing 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;
- (g) We, our affiliates or subsidiaries, including any subcontractors for any part of the contract or contracts resulting from this short listing process, have not been suspended by the Public Procurement and Disposal of Public Assets Authority in Uganda from participating in public procurement;
- (h) We are not a government owned entity, or if we are, we meet the requirements of 2.3.9.

- (i) We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the short listing process, the corresponding bidding process or execution of the Contract: *[insert complete name of each Recipient, their full address, the reason for which each commission or gratuity was paid and the amount and currency of each such commission or gratuity. If none has been paid or is to be paid, indicate "none".]*

Name of Recipient	Address	Purpose/Reason	Amount & currency

- (j) We understand that you may amend the scope and value of any contracts to be bid or cancel the short listing process at any time and that you are neither bound to accept any application that you may receive nor to invite the short listed applicants to bid for the contract or contracts, which are the subject of this short listing, without incurring any liability to the Applicants;
- (k) We understand that qualification information will be subject to verification through a post-qualification process prior to any award of contract;
- (l) 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 authorised representative of any institution referred to in the supporting information to provide such information deemed necessary and as requested by yourselves 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 authorised 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]

Physical address:

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

Postal address:

Telephone number:

Telefax number:

Email:

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 licence or equivalent;
 - b. a copy of the Bidder's Certificate of Registration or equivalent;
 - c. a copy of the Bidder's income tax clearance certificate or equivalent;
 - d. a copy of the Bidders VAT registration or equivalent;
 - e. Power of Attorney of the signatory(ies) of the bid authorising signature of the bid on behalf of the joint venture;
 - f. 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 joint venture.

The Applicant's authorised representative for information is:

Name: *[insert full legal name]*

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

Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]*

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?

-
- 7 Please indicate here or attach an organization chart showing the company structure including key personnel

-
- 8 What are the specific types of equipment/vehicles that the company is certified to work on? (E.g. Motor vehicle, equipment maintenance, e.t.c.)

-
- 9 Please indicate the additional works, services or supplies that the company can provide e.g. mobile repair, vehicle breakdown, pickup service etc
-

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

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:

FORM A6: EXPERIENCE: RELEVANT PROJECTS COMPLETED

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

Name Employer	Description of Contracts	Total Contract Price	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.

Name Employer	Description of Contract	Contract Price	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 [<i>Procuring and Disposing Entity</i>], for this particular purpose. The [<i>Procuring and Disposing Entity</i>] shall only accept original income tax clearance certificates. <ul style="list-style-type: none"> • Enclose an Annual Tax Clearance certificate for the previous year. • Attach a copy of VAT Registration Certificate for Ugandans
5	Please enclose a copy of a Trading License for the previous year <u>certified</u> by an issuing authority.
6	Please enclose a copy of your firm's insurance policy coverage (applicable to motor vehicle maintenance, repair of office equipment, e.t.c.)
7	Please enclose a copy of your firm's ISO or other quality assurance certificate, if any.

ANNEX B: STATEMENT OF REQUIREMENTS

SUPPLIES & SERVICES:

CODE	ITEM
Lot 1	Land Surveying and Valuation
Lot 2	Construction Works
Lot 3	Business Management Services
Lot 4	Printing and Photocopying Services
Lot 5	Communications and Public Relations
Lot 6	Event Management Services
Lot 7	Video-graphy and Documentary
Lot 8	Investor Verification Services
Lot 9	Office furniture

ANNEX C: EVALUATION CRITERIA

The evaluation criteria is usually based on four main areas namely eligibility, experience, capacity, technical and quality requirements. The following are examples of what Procuring and Disposing Entities might use as evaluation criteria: The list is not exhaustive:

SUPPLIES:

Eligibility

- General Eligibility
- Nationality
- Conflict of Interest
- Suspension
- Government owned entity
- Origin of Supplies

Historical Contract Performance

- Manufacturing Experience
- Experience of similar size of contracts
- Packaging, distribution and transportation experience
- Disputes

Capacity

- Production
- Financial position
- Current Commitments

Technical and Quality Requirements

- Product and Facility Registrations
- Quality Assurance

Experience

- Experience of firm
- Qualifications and Competence
- Experience in subject

SERVICES:

Eligibility

- General Eligibility
- Nationality
- Conflict of Interest
- Suspension
- Joint Venture

Experience

- Experience of firm
- Qualifications and Competence
- Experience in subject
- Experience in region and language
- Methodology

Historical Contract Performance

- History of non-performing contracts
- Pending litigation

Financial

- Performance Security
- Advance payment security

WORKS:

Eligibility

- General Eligibility
- Nationality
- Conflict of Interest
- Suspension
- Government owned entity

Historical Contract Performance

- History of non-performing contracts
- Pending litigation

Financial Situation

- Financial performance
- Average annual construction turnover

Experience

- General Construction experience
- Specific Construction experience

Capacity

- Production
- Financial position
- Current Commitments