

REQUEST FOR QUALIFICATIONS (RFQ)

For the Development of a [•] Power Project

Issued by: [•] (The Procuring Authority)

Date of Issue: [•]

Reference N°: [•]

Disclaimer

This RFQ is issued by [•] (the “Procuring Authority”) for the purpose of soliciting Expressions of Interest (EOI) solely for parties to demonstrate qualifications solely for participation in a competitive procurement for the development of [•] (the “Project”).

This RFQ does not constitute and shall not be interpreted as an offer to enter into a contract, or as a solicitation for offers. The Procuring Authority reserves the right, in its sole discretion and without incurring any liability, to amend, modify, cancel, or withdraw this RFQ, to reject any or all responses to this RFQ, and to reissue the RFQ or initiate a new procurement process.

Participation in this RFQ, by submission of an EOI or otherwise, does not give rise to any right to be invited to submit a proposal, nor does it create any obligation on the part of the Procuring Authority to consider any response, to publish a shortlist or to award a contract. The Procuring Authority shall not be liable for any costs, expenses, or liabilities incurred by Prospective Bidders in connection with this RFQ or any subsequent stage of the procurement process.

All information contained in this RFQ is provided in good faith and is based on available information at the time of issuance. It is the responsibility of each party submitting an EOI to conduct its own investigations and obtain all necessary information prior to the submission of its EOI.

This RFQ and the procurement process are governed by the laws of the Republic of Ghana. Any dispute arising under or in connection with this RFQ is subject to the exclusive jurisdiction of the competent courts of Ghana.

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List of Abbreviations & Definitions

In this document, the following abbreviations and definitions apply:

Affiliate	A person, corporation or any entity controlled by or controlling the Bidder or a Consortium Member (as the case may be), or associated with the Bidder or Consortium Member (as the case may be) under common ownership and control
Applicable Law	Any law, statute, ordinance, code, rule, or regulation, federal or local, as well as any order, writ, injunction, decree, ruling, determination, award, permit or variance of any federal or local governmental body, in effect now or as it may become applicable in the future, or any binding agreement with any federal or local governmental body, including technical standards, codes and specifications
Consortium Member	A member of a Prospective Bidder's corporate group, consortium or joint-venture formed for the purpose of the Tender. Consortium Members should be identified in EOI and not be changed without the prior written consent of the Procuring Authority after publication of the shortlist
ECG	Electricity Company of Ghana, the national public utility in charge of power supply in Ghana
EOI	Expression of Interest
Government	The Government of the Republic of Ghana
Government Entity	Any department, agency, board, commission, body, bureau, office or public corporation under the Government of the Republic of Ghana, whether existing or to be created in the future
GMT	Greenwich Mean Time
IPP	Independent Power Producer, the party selected to execute the Project after completion of the Tender
MOE	Ministry of Energy of the Republic of Ghana
MOF	Ministry of Finance of the Republic of Ghana
Offtaker	XXXXXXXXXXXXXXXXXXXX
PPA	Power Purchase Agreement
Preferred Bidder	The Prequalified Bidder which, on the basis of the evaluation principles described in the RFP, is ranked first among the Prequalified Bidders that have submitted a compliant Proposal and is invited to enter the final negotiations to reach commercial and financial close.
Prequalified Bidder	A party that is shortlisted and deemed sufficiently qualified to participate in the tender for the Project on the basis of the EOI submitted
Proposal	A bid submitted by a Prequalified Bidder that contains at minimum a technical proposal (TP) and a financial proposal (FP)
Procuring Authority	The Government Entity that is organising the Tender for the Project. For this RFQ, the Procuring Authority is [Insert name of Authority]
Prospective Bidder	A party that is submitted an EOI for the Project. It can be a single firm or party or a consortium
RFP	Request for Proposals

RFQ

Request for Qualifications

Tender

The competitive, two-stage procedure for the selection and award of a contract (or a set of contracts) to implement the Project as an IPP

1. Introduction

1.1. Request for Qualifications

[•] (hereinafter referred to as the “Procuring Authority”) invites interested parties (the “Prospective Bidders”) to submit soliciting Expressions of Interest (**EOI**) to participate in the competitive procurement to develop, finance, construct, operate, and maintain [•] (the “**Project**”) as an Independent Power Producer (**IPP**), on the basis of a Power Purchase Agreement (**PPA**) with xxxxxxxxxxxxxxxxxxxx (the “Offtaker”). This Request for Qualification (**RFQ**) is part of the Government of Ghana’s strategic initiative to diversify energy sources and enhance energy security nation-wide.

1.2. Project Objectives and Results

The general objective of the Project is to [•]. The specific objectives are as follows:

- [•]
- [•]
- etc.

The anticipated results from the Project’s implementation are:

- [•]
- [•]
- etc.

1.3. Procuring Authority and Stakeholders Involved in the Project

[•]

2. Purpose and Intent of this RFQ

2.1. Invitation to Prequalify

Parties interested to participate in the two-stage competitive procurement shall submit their EOI as described in this RFQ, on the basis of which the Procuring Authority will establish a shortlist of requalified companies or parties (the “Prequalified Bidders”) following the criteria and principles established in this document.

The next stage of the procurement process will be the issuance of a Request for Proposal (**RFP**) to the Prequalified Bidders only, containing all instructions and evaluation principles of the competitive procedure for the Procuring Authority to select a party to award a contract (the “Preferred Bidder”). Only Prequalified Bidders will be entitled to submit a proposal.

2.2. Prequalification Package

The RFQ is the first document guiding the competitive procurement procedure. This document and its annexes jointly constitute the prequalification package and shall be reviewed and considered for the preparation and submission of an EOI for the Project.

2.3. Proposed contractual Structure

[add description of the Project contracting structure].

2.4. Date and Place of Submission of Expressions of Interest

EOI shall be submitted [electronically / physically / both] on or before, but no later than, [Day Month Year], [HH:MM] GMT. EOIs must include any exhibits, appendices and/or attachments to be deemed complete, and consequently, duly submitted.

All correspondence, documents and related information submitted by Prospective Bidders in connection with this RFQ shall be written in the English language. Where documents are provided in a language other than English, a complete English translation shall also be provided.

Prospective Bidders shall submit their Expression of Interest and its appendices at the following address:

[Address]

In case electronic submission are required, the EOI shall be submitted in PDF format at the following address:

[email address]

Any communications shall be addressed to [•] and include at minimum the following text in the reference field:

Procurement # [•] – RFQ for [Name of Project]

Prospective Bidders must submit a redacted copy of their EOI in compliance with the instructions and content as described in this RFQ.

2.5. Prohibited Communications, Non-Collusion, Rejections

Except for questions submitted by interested parties on or before the date indicated in Section [2.4] of this RFQ, or as otherwise provided herein, communications with other representatives of the Procuring Authority and its advisers or the Government of the Republic of Ghana regarding any matter related to the contents of this RFQ are prohibited during the submission and selection processes. Failure to comply with these communications restrictions will result in rejection of the EOI or subsequent proposal, as the case may be.

If any or all EOI are rejected as a result of applying the evaluation process as described in this RFQ, the Procuring Authority reserves the right to re-solicit Expressions of Interest accordingly.

2.6. Questions and Requests for Clarifications

Any questions or request for clarification regarding this RFQ or the evaluation of EOI shall be submitted [15] days before the submission date mentioned in Section [2.4] in writing via electronic mail according to the instructions in Section [2.4]. No telephone or text/SMS inquiries will be accepted.

Requests shall be addressed by email, mentioning the procurement reference [#] and Project name, as well as an indication of the purpose (e.g. *Request for Clarification for ...*) of the communication as follows:

[Name]

[Title]

[Procuring Authority]

Email: [Name]

Answers will be shared to all parties that have requested the RFQ documents. Note that all questions and answers will be anonymised as they will be disclosed to all Prospective Bidders.

2.7. Prospective Procurement Timeline

The following table provides the indicative planning for the execution of the Tender.

Target Date	Procurement Stage
DD/MM/20YY	Publication of RFQ
DD/MM/20YY	Deadline for submission of requests for clarifications on RFQ
DD/MM/20YY	Submission of EOI
DD/MM/20YY	Shortlist and RFP issued
DD/MM/20YY	Pre-bid conference and site visit
DD/MM/20YY	Deadline for submission of first round of questions and clarifications
DD/MM/20YY	Deadline for submitting marked-up Draft Project Agreements
DD/MM/20YY – DD/MM/20YY	One-on-one pre-bid individual sessions
DD/MM/20YY	Deadline for submission of last round of questions and requests for clarifications
DD/MM/20YY	Proposals' Submission Deadline
DD/MM/20YY	Notification of Award

If one-on-one sessions require more time (or rounds) than foreseen, the above planning shall be adjusted accordingly to maintain the same period from publication of the final draft of the RFP and the submission of proposals.

This planning is indicative and will be adjusted when the RFP is expected to be issued. The Procuring Authority reserves the right to amend the planning during the course of the Tender.

2.8. Revisions to the RFQ

The Procuring Authority may issue addenda in the event it becomes necessary to revise any part of this RFQ. Additionally, the published questions and answers and any other pertinent information will be provided as addenda to the RFQ iterations.

2.9. No Obligation to Contract

Issuance of this RFQ does not constitute a commitment by the Procuring Authority or any other representative of the Government of the Republic of Ghana to execute any contract.

3. Scope of the Project

[add]

4. EOI Submission, Evaluation and Selection

4.1. Obtaining of the RFQ Documents

The RFQ is available [Define: for a fee or free of charge] to any party requesting the same. Only electronic versions of the RFQ are available for the preparation of EOIs.

4.2. One Bidder, One Submission

Each Prospective Bidder may submit only one [1] EOI. A Prospective Bidder (or any of its Affiliates) intending to submit an Expression of Interest or a Consortium Member intending to submit an EOI as part of a joint-venture, consortium, or partnership of firms, cannot submit another EOI as a Prospective Bidder or be a Consortium Member of another joint-venture, consortium or partnership of firms that is submitting an EOI.

4.3. Access to Data Room

No access to a data room is deemed necessary for the purpose of preparing and submitting an EOI. Once the shortlist is established, Prequalified Bidders will be notified accordingly and provided instructions and access rights to a Project-specific data room for the Tender.

Subsequent instructions and guidelines addressed to Prequalified Bidders and published in conjunction with the RFP will contain details on the data room access and content.

4.4. Submission of a Bid Security

For the submission of the EOI, Prospective Bidders are not required to provide a bid security or bond.

4.5. Evaluation of Expressions of Interest

The Procuring Authority will examine all EOIs to determine if they meet the submission requirements prior to subjecting an EOI to scoring and ranking as described in this RFQ.

For submissions that are materially deficient in meeting the minimum requirements or have omitted material documents, at the discretion of the Procuring Authority and not automatically, a Prospective Bidder may be requested to provide those within a given deadline; failure to provide such documentation in due time may lead to the rejection of the EOI.

EOIs that comply with all mandatory administrative requirements will be independently evaluated and be assigned a score for each evaluation criterion.

At the term of the EOIs evaluation and scoring, the Procuring Authority will establish the shortlist of Prequalified Bidders.

5. Submission Requirements and Qualification Criteria

5.1. Requirements of Legal Entities

Prospective Bidders that are corporations, partnerships or any other legal entity, shall be properly registered or capable to be registered to do business for the submission of their EOI. It is anticipated that the Preferred Bidder will be required to register a legal entity in Ghana to implement and manage the Project. For the sake of clarity, it is not necessary to establish such entity for the submission of EOIs, participation in the Tender or prior to the contract award and contract execution.

5.2. Mandatory Administrative Requirements (EOI Compliance)

5.2.1. Legal and Administrative Representations

Prospective Bidders that submit an EOI must provide documents and statements demonstrating that the following general administrative requirements are met. Note that, in case of a submission as a joint-venture, consortium or partnership of firms, these requirements shall apply to each Consortium Member individually:

- Proof of Prospective Bidder or Consortium Member registration in the Chamber of Commerce register or equivalent in their country of registration/establishment;
- A Sworn statement containing the following declarations:
 - that the Prospective Bidder or Consortium Member is in compliance with payment of all tax and pensions obligations due in its jurisdiction of establishment;
 - that the Prospective Bidder or Consortium Members has no criminal records;
 - that Prospective Bidder or Consortium Member is not under or has not filed or petitioned for bankruptcy;
 - that the Prospective Bidder or Consortium Member has not been suspended or debarred by international financial institutions such as, but not limited to, the World Bank, the European Bank for Reconstruction and Development, the Asian Development Bank, the Inter-American

Development Bank and African Development Bank Group, any government, a UN agency or other international multilateral organisations, whether as an individual contractor, partnership, corporation, or any other juridical entity, or as a member of a joint venture or consortium;

- that the Prospective Bidder or Consortium Members is not prohibited to conduct business in the Republic of Ghana;
- that the Prospective Bidder or Consortium Members has not engaged in any corrupt, fraudulent, collusive, coercive or obstructive practices in competing for this Tender or for similar tenders procedures;
- Prospective Bidder or Consortium Members has provided audited Financial Statements for the past three [3] fiscal years or equivalent financial records.

The sworn statement described above shall be made in company letterhead using the template in [Appendix 3] and signed by a duly authorised representative.

5.2.2. Mandatory Submission Documents

Besides the above requirements and their respective supporting evidence or sworn statements, the EOI shall include the following items for being declared compliant:

- An EOI Submission Letter (cover letter), using the Prospective Bidder's letterhead and signed by the Prospective Bidder's authorised representative, using the template in [Appendix 1];
- In case of submission as a joint-venture, consortium or partnership of firms, a signed statement of all Consortium Members identifying the Consortium Member acting as consortium lead representative, being authorised to act on behalf of the joint-venture, consortium or partnership of firms and contractually engage those, using the template in [Appendix 2]; any statement or document signed by the designated lead representative will be deemed to be binding for all Consortium Members;
- The sworn statement(s) presented in [Appendix 3], duly signed and executed by the authorised signatory.

5.3. Qualification Criteria

The EOI shall include the information necessary to demonstrate the qualification of the Prospective Bidder and its capability to participate in the Tender (individually or as a Consortium Member). This includes demonstrating technical capabilities and financial capabilities expressed by the following criteria.

5.3.1. Technical Qualification Criteria

The following qualifications shall be demonstrated by means of project references which include:

- [Experience in development of IPP projects in similar technology]
- [Geographic experience in similar technology]
- [Successful implementation of energy projects of value equal or higher than [x] USD]
- [Current ownership and operations of similar operations and/or related technologies]
- [Experience in raising finance for similar projects]

References shall be those of the Prospective Bidder (or any of its Affiliates), a Consortium Member or a key nominated subcontractor.

Changes to the composition of a JV/consortium shortlisted on basis of the EOI which may occur during the RFP stage are subject to Contracting Authority's approval and will not be allowed if such change would have caused that JV/consortium not to be prequalified at RFQ stage.

5.3.2. Financial Qualification Criteria

To demonstrate sufficient financial capacity, each Prospective Bidder or Consortium Member must provide copies of audited Financial Statements for the past [3] years, together with any other relevant financial information. (These are required for Administrative Compliance, see Section [5.2].

For demonstrating its financial qualifications, a Prospective Bidder must provide information (in the audited statement) to calculate the following criteria:

- **Average Annual Turnover** (expressed in USD equivalent) based on its three [3] most recently available audited financial statements, according to the following formula:

$$\text{Average Annual Turnover} = (\text{TO}_{[t]} + \text{TO}_{[t-1]} + \text{TO}_{[t-2]}) / 3$$

Where: **TO** = turnover

t = is the most recent year for which Audited Financial Statements are available

If the Prospective Bidder is a joint-venture, consortium, partnership or association of firms, the above Average Annual Turnover shall be the aggregated Average Annual Turnover of up to [3] Consortium Members with the largest participation in the joint-venture, consortium, partnership or association of firms.

- **Solvency** as evidenced by Prospective Bidder's latest audited Financial Statements made available as part of the EOI submission, which must be for a financial year ending not earlier than [•].

To ensure financial stability and the capacity to fulfil contractual obligations, Prospective Bidders must demonstrate adequate solvency as follows:

$$\text{Solvency Ratio} = \text{LT Liabilities} / \text{Total Assets}$$

Where: **LT Liabilities** = all long term liabilities financial obligations that a company is required to settle beyond a 12-month period from the date of the balance sheet, excluding shareholders equity or net worth

Total Assets = is total assets amounts specified on the (audited) balance sheet

If the Prospective Bidder is a joint-venture, consortium or partnership, the Solvency Ratio is calculated by aggregating the LT Liabilities and Total Assets of all Consortium Members having at least twenty-five per cent (25%) equity interest in the joint-venture, consortium or partnership, or such Consortium Member's Affiliate.

5.3.3. Presentation of Project References

For demonstrating qualification under the Technical Criteria (Section. [5.3.1]), project references shall be presented in the prescribed template as provided in [Appendix 4].

While evaluating the EOIs, the Procuring Authority may request additional clarifications to the Prospective Bidder to assess if one or more of the references presented are fulfilling the qualification criteria.

5.4. No Apparent Conflict of Interest

The Procuring Authority shall assess whether any given party intending to participate in the does not present possible conflict of interest which may negatively affect the Project, the Procuring Authority or the Government.

The Procuring Authority reserves the right to reject any EOI received in response to this RFQ, when determined to be in The Procuring Authority's, the Government or the Project's best interest. The Procuring Authority further reserves the right to make such investigations or request clarifications as deemed necessary to assess the existence of perceived conflicts of interest (including conflict of interest of a mere commercial nature, to be determined as such at Procuring Authority's sole discretion) of Prospective Bidders submitting an EOI in response to this RFQ. The mere appearance of a conflict of interest shall constitute sufficient cause for the rejection of an EOI.

6. EOI Submission Format and Content

6.1. Part 1 – Administrative Documentation

Part 1 of the EOI document contains all administrative documents, forms and statements. It shall include the EOI Submission Letter described in Section. [5.2.2], (in the company letterhead) using the template in this RFQ. The person signing the cover letter shall be duly authorised to act in this capacity on behalf of the Prospective Bidder and Consortium Member(s) (if applicable).

The EOI Submission Letter shall also include the full, legal names of all key subcontractors or Consortium Members involved in the EOI.

The EOI document shall also include a table of contents that clearly identifies the location of all material within the EOI document by section and page number.

Elements to be included in the administrative dossier are:

- The EOI Submission Letter duly signed and executed [Appendix 1].
- Statement of Authorisation to Act as Lead Member [Appendix 2].
- Sworn Statement of Bidder / Consortium Members of Performance and Good Conduct [Appendix 3]
- Project Reference Prescribed Form [Appendix 4] for each individual project reference presented.

6.2. Part 2 – Description of Qualifications

This part of the EOI section includes all elements, information and statements deemed relevant to enable the Procuring Authority to assess the technical qualification and financial qualifications of the respondent. This part of the EOI includes at minimum:

- General description of the Prospective Bidder’s organisation and business. In the case of a joint submission, the document shall provide description of each individual party.
- Motivation of the rationale for the combination or association (in case of a joint-venture, consortium or partnership of firms) or, in case the Prospective Bidder is a single entity, description of how such party is able to bring all the required expertise and qualifications to undertake the Project.
- A list of project references matching the qualifications listed in Section. [5.3], using the prescribed format. **Each project references may not exceed one [1] page.** A minimum of [•] references and a maximum of [•] references should be included in the EOI. If more references are submitted, the evaluation will only be done for the references which are numbered 1 to [•]; if the references are not or inconsistently numbered, the Procuring Authority shall randomly select [•] references among all the references submitted in the EOI.

7. Evaluation and Scoring of EOIs

7.1. Compliance of Submission

Prior to performing the evaluation and scoring of the EOI returned before the submission date and time, an administrative compliance check is be performed as described above. If any document, statement or form is missing, The Procuring Authority may, at its discretion:

- Notify the contact person mentioned in the EOI and request that missing items are submitted within a specified time and date; or
- Reject EOI submissions if the additional documentation is not deemed sufficient or appropriate, or if such is not submitted within this time and date.

The review of compliance results in assigning a **PASS** or **FAIL** status to the EOI submitted. If **PASS** is assigned, the next section is evaluated.

7.2. Scoring of Qualifications

The Procuring Authority shall assign a score to the EOI elements as follows:

7.2.1. Description of the Prospective Bidder and Rationale

This element is for information only and is not considered to be a scoring element.

7.2.2. Technical Qualification Criteria – Project References

The Technical Qualification Criteria is scored on the basis of the submitted project references (using the prescribed template) as follows:

<i>Grading</i>	<i>Description</i>	<i>Points</i>
Exceptional	Directly relevant project with significant scale, completed recently, relevant geographical location and demonstrates outstanding outcome; showcasing innovative or relevant financing structure	5 pts

<i>Grading</i>	<i>Description</i>	<i>Points</i>
Strong	Closely related project with good scale and positive outcomes, completed within the past 5 years, with solid financing arrangements	4 pts
Moderate	Relevant project with acceptable scale and satisfactory outcomes or standard financing, completed within the past 7 years	3 pts
Limited	Some relevance but lacks in scale, recency, or demonstrated outcomes; financing structure unclear or insufficiently detailed	2 pts
Marginal	Minimal relevance with insufficient details on scale, recency, outcomes or mode of financing	1 pts
None	No relevant project experience provided	0 pts

To assign a grade and related score, project references are evaluated among other (but not exclusively) on the following aspects:

- **Relevance to the Project:** similarity in technology, scale (MW capacity), and geographical location.
- **Recency:** projects completed within the last 5 years are preferred, projects completed before are considered but given less weight.
- **Role and Responsibility:** depth of involvement of the applicant, such as lead developer, EPC contractor, or operator.
- **Performance Outcomes:** evidence of successful outcomes, including meeting performance guarantees, timelines, and budgets.
- **Financing Experience:** demonstrated ability to structure and secure financing for similar projects, including details on funding sources, financial close, and any innovative financing mechanisms employed.
- **Local Content Contribution:** how the project promoted inclusion of local partners, workforce, or materials.

7.2.3. Financial Qualification Criteria

The following criteria are evaluated :

- **Average Annual Turnover:** must be equal or higher than [X].
- **Solvency Ratio¹:** must be equal or higher than [0.x] for the most recent audited financial statement provided

¹ Note to user: common ratio level is 0.5, which is considered prudent (less than half of the company's assets are financed by long-term debt; a ratio between 0.5 and 0.6 is acceptable in capital-intensive industries, remaining acceptable but less stable; a ratio above 0.6 can be considered high [*Delete note after selection*]).

Each of the criteria is assigned a **PASS** or **FAIL** status. If at least one **PASS** is assigned, the EOI is not deemed to qualify for participating in the procurement.

7.3. Establishing the Shortlist of Prequalified Bidders

All EOIs that a-have been deemed compliant and b- do not get assigned a **FAIL** at any of the two [2] financial qualification criteria are given a score by aggregating the points given to each reference submitted for assessment of the technical criteria, then ranked from highest to lowest.

The Procuring Authority shall shortlist a maximum of [*Insert number of Prequalified Bidders retained*] Prequalified Bidders eligible to participate in the Tender and invited to submit a Proposal.

In the event that two or more Prospective Bidders receive an equal score, resulting in the situation where more of parties are mathematically be eligible to be prequalified than the maximum number Prequalified Bidder as specified above, the Procuring Authority shall request each of these Prospective Bidders to submit, within a set deadline, a specified number of additional project references, either in relation of the technical qualification criteria or the financial qualification criteria, to conduct an supplemental comparative assessment of their respective qualifications, on a quantitative basis. The Procuring Authority will then decide which of these parties may eventually be shortlisted.

The Procuring Authority shall separately notify each Prequalified Bidders of the outcome of the RFQ evaluation and provide the RFP documents and access to a data room in due course (the communication shall provide an indicative planning for the RFP to be issued).

Other parties that have submitted an EOI but not retained as a Prequalified Bidder are notified individually of the negative outcome of their submission and their rights for appeal according to the Applicable Law.

8. General Conditions of the (Subsequent) Tender

8.1. Confidentiality of Expression of Interest

The Procuring Authority may, for compliance with regulations and transparency purpose, make the evaluation report public. Parties submitting an EOI are therefore requested to mark in the EOI which information they considered sensitive and can be considered confidential or proprietary. The Procuring Authority will assume that any information NOT marked as confidential or proprietary can freely be disclosed to other stakeholders for purpose of executing the Tender. Any reference as confidential or proprietary shall however not prevent the Procuring Authority from disclosing such information if so required by law or if mandated by a Court of Justice, and the Procuring Authority is waiving any liability in doing such disclosure.

8.2. Rejection of Expression of Interest or Cancellation of RFQ

The Procuring Authority reserves the right to accept or reject, in whole or part, and without further explanation, any or all EOIs submitted and/or cancel the RFQ procedure if none of the EOIs submitted sufficiently fulfil the requirements successfully delivering the Project or if the Procuring Authority deems that doing so is in the best interest of the Government.

The Procuring Authority may reject any EOI, at its sole discretion, that does not meet the requirements or that is not in compliance with any Applicable Laws, rules or regulations. The Procuring Authority reserves the right to waive any informalities and/or irregularities in an EOI if it deems that doing so is in its best interest or that of the Government.

8.3. Ownership and Costs of Expression of Interest Submissions

All materials submitted in response to this RFQ shall become the property of The Procuring Authority. Selection or rejection of an EOI does not affect this provision.

All costs associated with the preparation of EOIs are the sole responsibility of Prospective Bidders. Neither the Procuring Authority or the Government will be deemed responsible for any expenses incurred in the preparation, submission or presentation of the EOI, including oral interviews, or the disclosure of any information or material received in relation to this RFQ.

8.4. Errors or Omissions

The Procuring Authority reserves the right to reject EOIs that contains errors or omissions, to request correction of any error or omission and/or to request any clarification or additional information form any Prospective Bidder, without requesting clarifications to all Prospective Bidders.

9. Review and Consideration

In accordance with Section 79 of the Public Procurement Act, 2003 (Act 663), as amended, Prequalified Bidders have a right of recourse and may seek administrative review by filing a claim. Complaints must be submitted in writing within twenty-one (21) days after the Prequalified Bidders became aware, or ought to have become aware, of the circumstances giving rise to the complaint. Upon receipt of a complaint, the procurement proceedings shall be suspended until the complaint is resolved, unless the Procuring Authority certifies in writing that urgent public interest considerations require the procurement to proceed. Such certification must state the grounds for the finding and be made part of the procurement proceedings record.

10. Appendices

Appendix 1. Expression of Interest Submission Letter Form

[To be drafted in the Prospective Bidder's letterhead and signed by a duly authorised representative of the Prospective Bidder or of the Consortium Member designated as lead member by the Consortium Members. The text below may not be altered except for the fields in italic to be populated or deleting by the Prospective Bidder as appropriate]

+++++

To: **[Procuring Authority]**
Attn: **[Name and Function]**
[Address]

Re: EOI Submission Letter - [Name of Project / Procurement] ([RFQ or Tender #/reference])

Dear **[x]**,

We, *[Name of Prospective Bidder / lead Consortium Member]* are pleased to submit our Expression of Interest for **[Name of Project / Procurement] ([RFQ or Tender #/reference])**, as described in the RFQ dated **[DD/MM/YYYY]**. We have reviewed and acknowledged with the terms and conditions of the RFQ, on the basis of which we submit our Expression of Interest for prospective participation in the upcoming Tender.

We submit this EOI as *[delete as appropriate]*:

- Sole Prospective Bidder.
- Lead Consortium Member of a *[joint-venture/consortium/partnership of firms]*, for which we are designated authorised representative by all Consortium Members as per the signed statement of all Consortium Members using the relevant form.

We hereby submit our Expression of Interest in compliance with the terms and specifications of the RFQ referenced above. By submitting this EOI, we hereby confirm that we meet the minimum compliance and qualification criteria as described in the RFQ.

We also acknowledge that:

- Neither the Prospective Bidder nor any of its Affiliates have submitted two concurrent EOIs for this RFQ, nor intend to do so in the subsequent Tender in such case we are designated as a Prequalified Bidder; and
- the Procuring Authority is under no obligation to accept any Expression of Interest it receives.

We remain available for any question and clarification or to provide supplementary information you may need for evaluating our EOI. You can contact us by email at *[email address]* or by phone to our corporate offices at *[phone number]*.

Yours faithfully,

For and on behalf of *[Name of Prospective Bidder / lead Consortium Member]*

[signature]

Name & Title of Authorised Signatory

Place, Date

Appendix 2. Statement of Authorisation to Act as Lead Consortium Member

[To be completed in case of submission of an EOI as a joint-venture, consortium or partnership of firms where Consortium Members designate a representative of the joint-venture, consortium or partnership of firms appointed as authorised representative, referred to as the lead Consortium Member. The text below may not be altered except for the fields in italic to be populated or deleted by the Prospective Bidder as appropriate]

+++++

To: **[Procuring Authority]**
 Attn: **[Name and Function]**
[Address]

Re: Statement of Authorisation to Act as Lead Consortium Member - [Name of Project / Procurement] ([RFQ or Tender #/reference])

Dear **[x]**,

We, the undersigned, collectively hereby designate *[Name of lead Consortium Member]* as lead Consortium Member of our *[joint-venture/consortium/partnership of firms]* (delete as appropriate) for our participation in the above-mentioned RFQ and as authorised signatory of our EOI.

As lead Consortium Member, *[Name of lead]* is authorised to represent and commit all Consortium Members in relation to the submission of our EOI and subsequently, should we be designated as Prequalified Bidder, for the submission of a Proposal on the basis of the RFP to be issued.

<p>For and on behalf of <i>[Designated Lead Member]</i></p> <p><i>[signature]</i></p> <hr/> <p>Name & Title of Authorised Signatory</p>	<p>For and on behalf of <i>[Consortium Member]</i></p> <p><i>[signature]</i></p> <hr/> <p>Name & Title of Authorised Signatory</p>
<p>For and on behalf of <i>[Consortium Member]</i></p> <p><i>[signature]</i></p>	<p>For and on behalf of <i>[Consortium Member]</i></p> <p><i>[signature]</i></p>

<hr/> Name & Title of Authorised Signatory	<hr/> Name & Title of Authorised Signatory
For and on behalf of [<i>Consortium Member</i>]	For and on behalf of [<i>Consortium Member</i>]
 [<i>signature</i>]	 [<i>signature</i>]
<hr/> Name & Title of Authorised Signatory	<hr/> Name & Title of Authorised Signatory

[*add / delete rows as appropriate*]

Appendix 3. Sworn Statement of Prospective Bidder / Consortium Members of Performance and Good Conduct

[To be drafted in the Prospective Bidder's letterhead and signed by a duly authorised representative of the Prospective Bidder. In case of a submission as a joint-venture, consortium or partnership of firms, each Consortium Member shall provide a sworn statement with respective company letterhead. The text below may not be altered except for the fields in italic to be populated or deleting by the Prospective Bidder as appropriate]

+++++

To: **[Procuring Authority]**
Attn: **[Name and Function]**
[Address]

Re: Sworn Statement of Performance and Good Conduct - [Name of Project / Procurement] ([RFQ or Tender #/reference])

Dear **[x]**,

We, *[Name of Prospective Bidder or Consortium Member]*, submitting an Expression of Interest *[as sole Prospective Bidder / as member of the joint-venture/consortium/partnership of firms– delete as appropriate]* for the above referenced **[RFQ or Tender #/reference]**, hereby solemnly declare that:

- Our firm is in compliance with payment of all tax and pensions obligations due in its jurisdiction of establishment;
- Our firm and its Directors have no criminal records;
- Our firm are not under or have not filed or petitioned for bankruptcy;
- Our firm has not been suspended or debarred by international financial institutions such as, but not limited to, the World Bank, the European Bank for Reconstruction and Development, the Asian Development Bank, the Inter-American Development Bank and African Development Bank Group, any government, a UN agency or other international multilateral organisations, whether as an individual contractor, partnership, corporation, or any other juridical entity, or as a member of a joint venture or consortium;
- Our firm is not subject to any restrictions or prohibition by any public authority or agency to conduct professional commercial services in the Republic of Ghana;
- Our firm has currently no pending or outstanding litigation or claims with the Procuring Authority at the time of submission of our EOI.

For and on behalf of *[Name of Prospective Bidder / lead Consortium Member]*

[signature]

Name & Title of Authorised Signatory

Place, Date

Appendix 4. Project Reference Prescribed Form

Technical Reference # [X]	
1. Name and location of project	
2. Technology involved, installed capacity or relevant specification	
3. Contracting counterpart / client / authority or offtaker	
4. Entity involved in the project	
5. Description of the services provided by Prospective Bidder/Consortium Member and percentage of interest in the project	
6. Amount of investment / debt financing ticket and equity ticket arranged, if applicable	
7. Start date and completion date of the operating or PPA period	
8. Contractual involvement of the Prospective Bidder / Consortium Member (main contractor, consortium partner, subcontractor, operator) submitting the reference	
9. Description of performance and outcome (e.g. successfully implemented, commercial and technically successful)	
10. Description of if and how local content was included (requirement or strategic choice, which content, etc.)	

Guidance for filling project references:

- Client may be a public authority or utility offtaker or a private offtaker
- If two or more Consortium Members have jointly participated in the referenced project, use one single reference for all Consortium Members. A reference involving two or more Consortium Members nominated in the EOI will only be counted as one [1] qualifying project reference

- Contractual role may not necessarily imply an equity ownership in the reference project; however, a role as equity investor only does not automatically constitute evidence of qualification to undertake the Project.