



REPUBLIC OF RWANDA

RUBAVU DISTRICT

**REQUEST FOR QUALIFICATION (RFQ) FOR
DEVELOPMENT AND MANAGEMENT OF RUBAVU BEACH**

**REQUEST FOR QUALIFICATION (RFQ)
PROCUREMENT METHOD: PUBLIC PRIVATE PARTNERSHIP (PPP)**

Publication Date: 07 March 2023



IMPORTANT NOTICE

The information contained in this Request for Qualification (RFQ) and the other tender document(s), which may be subsequently provided to Prospective Bidder(s), whether verbally or in documentary or any other form, by or on behalf of RUBAVU DISTRICT, RDB, or any of their employees or Advisers, is provided to the Prospective Bidder(s) on the terms and conditions set out in the RFQ and any other terms and conditions upon which such information is provided.

The information contained in this Request for Qualification has been compiled by RUBAVU DISTRICT, on behalf of the Government of Rwanda, with the assistance of RDB, and the Advisers to assist interested parties in qualifying to receive the RFP in relation to the "Project". It does not constitute, and will not form, part of any offer or invitation to make an offer in relation to the Project.

The RFQ does not constitute an agreement or offer by RUBAVU DISTRICT to the prospective bidders or any other person. The RFQ is provided to the recipient solely for use in preparing and submitting Qualification Applications. The RFQ include statements, which reflect various assumptions and assessments arrived at by RUBAVU DISTRICT in relation to the Project. Such assumptions, assessments and statements do not purport to contain all the information that each Prospective Bidder may require. The RFQ may not be appropriate for all persons and it is not possible for RUBAVU DISTRICT, RDB, or any of their employees or Advisers to consider the investment objectives, financial situation and particular needs of each party who reads or uses the RFQ. The assumptions, assessments, statements and information contained in the RFQ and associated documents may not be complete, accurate or adequate. Each Prospective Bidder should therefore, conduct its own investigations and analysis and should check the accuracy, adequacy, reliability and completeness of the assumptions, assessments, statements and information contained in the RFQ and obtain independent advice from appropriate sources at their own cost.

Information provided in the RFQ to the Prospective Bidder(s) is on a wide range of matters, some of which may depend upon interpretation of law. The information given is not intended to be an exhaustive account of statutory requirements and should not be regarded as a complete or authoritative statement of law. RUBAVU DISTRICT, RDB, their employees and Advisers accept no responsibility for the accuracy or otherwise for any interpretation or opinion on law expressed herein.

RUBAVU DISTRICT, RDB, their employees and Advisers make no representation or warranty and shall have no liability to any person, including any Prospective Bidder, under any law, statute, rule or regulation, principle of restitution or unjust enrichment or otherwise for any loss, damages, cost or expense which may arise from or be incurred or suffered on account of anything contained in the RFQ or otherwise, including the accuracy, adequacy, correctness, completeness or reliability of the RFQ and any assessment, assumption, statement or information contained therein or deemed to form part of the RFQ or arising in any way for participation in the Bidding Process.

RUBAVU DISTRICT, RDB, their employees and Advisers do not accept any liability of any nature whether resulting from negligence or otherwise howsoever caused arising from reliance of any Prospective Bidder upon the statements contained in the RFQ.

RUBAVU DISTRICT may, in its absolute discretion, but without being under any obligation to do so, update, amend or supplement the information, assessment or assumptions contained in the RFQ.

The issuance of the RFQ does not imply that RUBAVU DISTRICT is bound to select a Prospective Bidder or to appoint a Successful Bidder, as the case may be for the Project and RUBAVU DISTRICT reserve the right to reject all or any of the Prospective Bidders or bids without assigning any reason whatsoever.

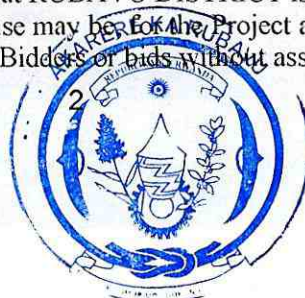


TABLE of CONTENTS

| Chapter No. and Description | Page No. |
|--|----------|
| IMPORTANT NOTICE | 2 |
| DEFINITIONS..... | 5 |
| 1. PROCURING AGENCY DETAILS | 9 |
| 2. PROJECT SUMMARY..... | 10 |
| 3. BIDDING PROCESS..... | 11 |
| 4. PROSPECTIVE BIDDERS..... | 11 |
| 5. QUALIFICATION PROCESS..... | 15 |
| 6. PREPARATION OF QUALIFICATION APPLICATIONS..... | 15 |
| 7. SELECTION OF QUALIFICATION APPLCATIONS..... | 16 |
| 8. QUALIFICATION APPLICATIONS OPENING AND EVALUATION | 16 |
| ANNEX 1 – QUALIFICATION CRITERIA | 19 |
| ANNEX 2 - CONTENT OF QUALIFICATION APPLICATION | 19 |
| FORM A – QUALIFICATION FORM..... | 22 |
| FORM B – POWER OF ATTORNEY..... | 24 |
| FORM C - BASIC INFORMATION FORM | 25 |
| FORM D – UNDERTAKING..... | 26 |
| FORM E- TECHNICAL CRITERION – PREVIOUS EXPERIENCE | 27 |
| FORM G - FORM OF CONFIDENTIALITY UNDERTAKING..... | 29 |



DEFINITIONS

a) The following Acronyms and Abbreviations in this RFQ shall, unless the context otherwise requires, have the meaning assigned hereunder:

| | |
|-----|---------------------------------------|
| BDS | Bid Data Sheet |
| BD | Bidding Document |
| DRC | Democratic Republic of Congo |
| EQC | Evaluation and Qualification Criteria |
| GCC | General Conditions of Contract |
| GoR | Government of Rwanda |
| ICB | International Competitive Bidding |
| IFB | Invitation for Bids |
| ITB | Instructions to Bidders |
| JV | Joint Venture |
| PCC | Particular Conditions of Contract |
| PPP | Public Private Partnership |
| RDB | Rwanda Development Board |
| RFP | Request for Proposal |
| RFQ | Request for Qualification |
| RWF | Rwandan Franc |
| TS | Technical Specifications |
| USD | United State Dollar |

b) The following capitalised terms and expressions in this RFQ shall, unless the context otherwise requires, have the meaning assigned hereunder:

| | |
|---|---|
| Address for Submission of Request for Qualification (RFQ) Application | means the address specified in Paragraph 4.7. |
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| Advisers | means any legal, financial, or technical adviser of GoR, RUBAVU DISTRICT, including the Transaction Advisers, in relation to the Project. |
| Affiliate | means any person who Controls or is Controlled by (directly or indirectly) another person, including where a person is a company, the ultimate holding company of such person, any holding company of such person and any subsidiary (direct or indirect) of such holding company. For the purposes of this definition, "Control" means the power, directly or indirectly, to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities or any interest carrying voting rights, or to appoint or remove or cause the appointment or removal of any directors (or equivalent officials) or those of its directors (or equivalent officials) holding the majority of the voting rights on its board of directors (or equivalent body), whether by contract or otherwise, and "Controlled" shall be construed accordingly. |
| Bidders Meeting Process | means a consultative process envisaged to discuss the project requirements and structure with Qualified Bidders. |
| Bidding Process | means the competitive bidding process implemented by RUBAVU DISTRICT in accordance with PPP Regulations in order to choose a private company to undertake the Project (including for the avoidance of doubt, the qualification process). |
| Concession Agreement | means the concession agreement to be entered into in relation to the Project by the Successful Bidder and RUBAVU DISTRICT. |
| Confidential Information | has the meaning given to that term in Annex 2, Form - G. |
| Consortium | means a consortium made up of several companies, firms, corporate bodies or other legal entities. |
| Consortium Member | means any member of a Consortium. |
| Content of Qualification Application | means all the documents specified in Annex 2 (<i>Content of Qualification Application</i>), which together constitute a complete Qualification Application. |
| Evaluation Committee | means the special purpose committee set up by RUBAVU DISTRICT to manage the bidding process and the evaluation of applications. |
| Government Authority | means the Government of Rwanda and any subdivision thereof, any provincial or local governmental authority or any part thereof, any department, authority, agency or judicial body of the Government of Rwanda or any such provincial or local governmental authority, and any court, tribunal or independent regulatory agency or body in Rwanda. |
| Indicative Timetable for Qualification Process | means the indicative timetable from the issuance of the RFQ to the announcement of Qualified Bidders, as set out in Paragraph 5.2 HERE KA RUBAVU |



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|---|--|
| Indicative Timetable for Commencement of the Bidding Process | means the indicative timetable from the announcement of Qualified Bidders to the commencement of the Bidding Process, as set out in Paragraph 9.1. |
| Invitation for Bids | means the document which sets out the specific details of the bidding process applying to Qualified Bidders and which will include the RFP. |
| Lead Member | means the member of a Consortium appointed by that Consortium to represent and irrevocably bind members of that Consortium in all matters related to the Bidding Process for the Project. |
| Non-qualified Bidder | means a Prospective Bidder whose Qualification Application has been determined not to meet the Qualification Criteria. |
| Qualification Application | means an application by a Prospective Bidder to RUBAVU DISTRICT to be qualified to bid for the Project. |
| Qualification Application Submission Deadline | means the date specified in Paragraph - 5.2.1. |
| Qualification Criteria | means the Technical Criteria and Financial Criteria set forth in Annex 1 (Qualification Criteria). |
| Qualified Bidder | means a Prospective Bidder whose Qualification Application has been determined to meet the Qualification Criteria. |
| PPP Regulations | Law governing Public Private Partnerships (Law No 14/2016) and subsequent PPP Guidelines, 2018, as amended or substituted from time to time. |
| Project | has the meaning given to it in Paragraph 2.2 |
| Prospective Bidder | means any person who wishes to submit a Qualification Application. |
| RDB | means the Rwanda Development Board. |
| RFP | means a request for proposals, which will be issued to Qualified Bidders and shall contain specific details of the Project, detailed instructions for preparing proposals, detailed instructions on the content and format of the technical and financial proposals to be submitted and a copy of the draft Concession |
| Request for Qualification or RFQ | means this Request for Qualification, issued by RUBAVU DISTRICT in association with , which sets out the qualification process applicable to Prospective Bidders. |
| RUBAVU DISTRICT Address for Communications | means the address specified in Paragraph - 4.6. However, all communication shall be done through email only. |
| Rwanda | means the Republic of Rwanda. |



[Handwritten signature]

| | |
|---------------------------|---|
| Steering Committee | means Steering Committee established under PPP Regulations. |
| Successful Bidder | means the Qualified Bidder selected by RUBAVU DISTRICT to undertake the project following successful completion of the Bidding Process in accordance with PPP Regulations |
| \$ or USD | means the United State Dollar, a currency of the United States of America. |

c) Capitalised words and expressions not defined herein, but defined in the PPP Regulations, shall unless contrary to the context herein bear the meaning ascribed thereto under the PPP Regulations



2


1. PROCURING AGENCY DETAILS


RUBAVU DISTRICT is the procuring agency. The communication details of RUBAVU DISTRICT are as follows:

Website : www.rubavu.gov.rw

Email : info@rubavu.gov.rw

 *@RubavuDistrict*

 *RubavuDistrict*

 *rubavudistrict*

Toll Free: 1020

Po.Box : 173 GISENYI



2. PROJECT SUMMARY

2.1 Project Background

Rwanda is located in the Central/Eastern Africa and is bordered by the Democratic Republic of Congo (DRC) on the west side, Uganda on the north side, Tanzania on the east side, and Burundi on the south side.

Tourism is one of the sectors prioritized by the government of Rwanda to accelerate economic growth by stimulating a vibrant and competitive environment that promotes the social, economic and environmental sustainable development growth pillars. The implementation of sustainable development, efficient marketing strategies and strong public-private partnerships continues to attract investment in the tourism sector through Foreign Direct Investment (FDI), Public Private Partnerships (PPP) and Private Investment. Overall the strategy aims to raise adequate sustainable revenue that contributes to the conservation of the natural environment, creates employment opportunities at different levels and contributes to the empowerment of the local community. From 2015 to 2029 tourism arrival numbers to Rwanda steadily increased from 1,298,552 to 1,633,383 in the year 2019. Rubavu beach is currently managed by the district and is in a state that needs to be improved to international standards given the calibre of tourists that visit the beach hence which is why the Rubavu district is looking for a potential experienced company to develop and manage both the beach and Avenue de la cooperation into a car free zone through PPP model.

Improving the beach infrastructure and standards will not only improve tourism numbers in the region more especially from neighbouring DRC.

RUBAVU DISTRICT with the help of GIZ commissioned a study to investigate and analyse the possibilities of developing the beach into a commercially viable project. The study has established that the project is both financially and technically feasible.

2.2 The Project

RUBAVU DISTRICT intends to select a Successful Bidder to undertake the development and management of Rubavu Beach and convert Avenue de la Cooperation into an attractive commercialized pedestrian zone with cafes, shops, and other related tourism services the (“Project”) on PPP basis. The project will be awarded to the Successful Bidder through a competitive bidding process in accordance with PPP Regulations and as detailed in the Para 3 of this document. The Project shall be awarded through **PPP Management Contract** for a concession period of **10 years**.

Rubavu Beach Improvement Plan focuses on the section of beach between the Serena Hotel and rocky outcrops to the west. It is intended to recharge, upgrade and improve the image of the beach, increase recreational and business opportunities for the local community in the area. The beach and the quality of the surrounding environment are of vital importance to the future of Rubavu City. Currently the beach includes some unsympathetic development that adds to the poor image of the area. It can accommodate a large number of visitors, which is important in its revenue generation potential, with ample scope and need to provide good and well maintained beach facilities. The landscape and a range of activities and facilities will transform the beach and surroundings. The proposed projects, infrastructure and amenities on the beach will include; Sports zone area, Beach volleyball court construction, Spectator facilities, Sanitation facilities, Green infrastructure and pathways, Boat parking area, new boat docking area, water sport and swim area and developing children play ground zone.

RUBAVU DISTRICT will award the Project through a fair and transparent international competitive bidding process in accordance with the applicable laws of GoR. The process set out in this document.



RUBAVU DISTRICT invites Qualification Applications from Prospective Bidders for the Project.

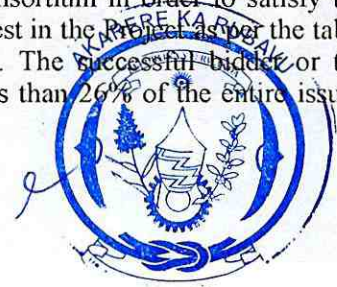
3. BIDDING PROCESS

- 3.1 RUBAVU DISTRICT has decided to adopt a two-stage process (collectively referred to as the "Bidding Process") for selection of the Successful Bidder for award of the Project in accordance with PPP Regulations. The first stage (the "Qualification Stage") of the process involves qualification (the "Qualification") of Prospective Bidders who make an Application in accordance with the provisions of this RFQ).
- 3.2 At the end of this stage, RUBAVU DISTRICT expects to announce a list of qualified bidders ("Qualified Bidders" or "Bidders") who shall be eligible for participation in the second stage of the Bidding Process (the "Bid Stage") comprising Request for Proposals (the "Request for Proposals" or "RFP").
- 3.3 In the Qualification Stage, Prospective Bidders would be required to furnish all the information specified in this RFQ. Only those Prospective Bidders that are qualified and short-listed by RUBAVU DISTRICT shall be invited to submit their Bids for the Project at the "Bid Stage".
- 3.4 At the Bid Stage, the Bidders will be called upon to submit their financial offers (the "Bids") in accordance with the RFP and other documents to be provided by RUBAVU DISTRICT (collectively the "Bidding Documents"). The Bidding Documents for the Project will be provided to every Bidder on payment of bidding fee which would be prescribed at the time of issuance of the list of qualified bidders.
- 3.5 During the Bid Stage, Bidders are invited to examine the Project in greater detail, and to carry out, at their cost, such studies as may be required for submitting their respective Bids for award of the concession including implementation of the Project.

4. PROSPECTIVE BIDDERS

4.1 Form of Prospective Bidder

- 4.1.1 A Prospective Bidder may either be a single legal entity or a Consortium. However, if the Successful Bidder is a Consortium, it will be required to incorporate a single legal entity to implement the Project.
- 4.1.2 Each Prospective Bidder shall submit only one Qualification Application. A Prospective Bidder shall not be a member of another Consortium, nor have an Affiliate which is a member of another Consortium. No Consortium Member shall be a member of more than one Consortium, nor have an Affiliate that is a member of another Consortium.
- 4.1.3 Prospective Bidders shall not change their composition following the submission of their Qualification Application without the prior written consent of RUBAVU DISTRICT who shall be free to accept or reject, at its discretion and in all cases taking into account the effect of the proposed change on the competitiveness of the Bidding Process. In application of the foregoing:
- (i) a single legal entity Prospective Bidder shall not transform itself into a Consortium; and
 - (ii) a Consortium shall not subtract members, without the prior written consent of RUBAVU DISTRICT.
- 4.1.4 The Successful Bidder (and if the Successful Bidder is a Consortium, the designated Lead Member and any Consortium Members whose experience is used by that Consortium in order to satisfy the Qualification Criterion as specified in Annex 1) shall retain their interest in the Project as per the table provided below, following execution of the Concession Agreement. The Successful bidder or the designated Lead Member in case of a Consortium, shall hold not less than 26% of the entire issued



share capital in the corporate entity used to implement the Project and be entitled to exercise an equivalent percentage of the voting rights of such entity.

| Time Period | Minimum % Share of Lead Member | Minimum Share of other Members |
|---|--------------------------------|--------------------------------|
| Till the 1 st Anniversary of the COD (Commercial Operation Date) | > 50% | 26% |
| From 1 st till the 3 rd Anniversary of COD (Commercial Operation Date) | 33% | 26% |
| From 3 rd till 5 th Anniversary of COD (Commercial Operation Date) | 26% | 15% |

4.1.5 The RFQ document can be obtained at <http://www.rubavu.gov.rw> All queries quoting the above Tender Title and Number should be emailed to the address provided in the address for communication provided in Para 4.6.

4.1.6 Interested Prospective Bidders with relevant experience must apply **online ONLY** as per para 4.7 of this document.

4.2 Rules Applicable to Consortia

4.2.1 A Consortium shall appoint a Lead Member. The Lead Member should satisfy at least one of the Qualification Criteria as provided in Para 2.1 (a), Para 2.1 (b) or Para 2.2 of Annex-1 of this RFQ document.

4.2.2 Notwithstanding the appointment of a Lead Member, all members of a Consortium shall be joint and severally liable during the Bidding Process.

4.3 Eligible Prospective Bidders

A person shall not be eligible to participate as a Prospective Bidder (whether a single entity or as a member of a Consortium) if:

4.3.1 such person is a "Prohibited Person" being a person or entity:

- (i) with whom Rwanda persons may not conduct business under Rwanda law or any international treaty to which the Government of Rwanda (GoR) is a party;
- (ii) such person is debarred or suspended from contracting with the GoR or any ministry, agency, instrumentality or institution thereof (or that is subject to any action of or by Governmental Authorities which has the effect of debarring or suspending it from contracting with the GoR or any ministry, agency, instrumentality or institution thereof) including but not limited to the list of debarred entities held by the Rwanda Public Procurement Authority (RPPA);
- (iii) that is, subject to Rwanda or multilateral economic or trade sanctions in which Rwanda participates, owned or controlled by or acting on behalf of any government's corporation.



- (iv) it originates from countries currently subject to UN sanctions or is otherwise listed on a UN or World Bank sanctions list;
- (v) that is an Affiliate of any entity listed above.

4.3.2 it has been engaged in corrupt, fraudulent, coercive, collusive or obstructive practices;

For the purposes of these provisions and the annexes to this RFQ:

- (i) "**corrupt practice**" means the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official, or the threatening of any person, property or reputation, in connection with the Bidding Process or the project contracts in order to obtain or retain business or other improper advantage in the conduct of business;
 - (ii) "**fraudulent practice**" means a misrepresentation of facts in order to influence the Bidding Process or the execution of a contract to the detriment of RUBAVU DISTRICT, and includes collusive practices among Prospective Bidders (prior to or after submission of Qualification Applications) designed to establish bid conditions at artificial, non-competitive levels and to deprive the other Prospective Bidders of the benefits of free and open competition;
 - (iii) "**coercive practice**" means impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
 - (iv) "**collusive practice**" means an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party; and
 - (v) "**obstructive practice**" means (i) deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making of false statements to investigators, in order to materially impede any investigation into allegations of a corrupt, fraudulent, coercive or collusive practice, and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or (ii) acts intended to materially impede the exercise of RUBAVU DISTRICT access to contractually required information in connection with an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice;
- 4.3.3 it or any of its Affiliates owns more than twenty-six per cent (26%) of the shares (directly or indirectly, in terms of voting rights and/or rights to dividends) or is otherwise the single largest shareholder of another individual Prospective Bidder or member of another Consortium;
- 4.3.4 a member of the board of directors, officer, employee or agent of a Prospective Bidder, any Consortium Member, or any of their Affiliates (of either the Prospective Bidder or any of its Consortium Members), involved in the Bidding Process for such Prospective Bidder or its Consortium Member, is also directly involved in any capacity related to the Bidding Process for the Project for another Prospective Bidder or any Consortium Member of any other Prospective Bidder; or
- 4.3.5 any of RUBAVU DISTRICT's advisers or external consultants advising RUBAVU DISTRICT for the Project, holds any shares in the individual Prospective Bidder or a Consortium Member.



4.4 Responsibility of Prospective Bidders

Notwithstanding any information given in the RFQ and any additional communication from RUBAVU DISTRICT including supplemental notices, addendum to RFQ and bid bulletins, it is the sole responsibility of any Prospective Bidder to:

- 4.4.1 be fully acquainted with the laws, requirements, terms, and conditions of the Bidding Process;
- 4.4.2 examine the RFQ and all other relevant documents, including but not limited to, all instructions, annexes, forms, schedules, terms, and specifications;
- 4.4.3 familiarise itself with the constitution, all existing laws, decrees, acts, rules, and ordinances, whether national or local, of Government of Rwanda which may affect the Project; and
- 4.4.4 determine and satisfy itself, at its own cost and risk, and by such means as it considers necessary and desirable, as to all matters pertaining to the execution of the Project, including but not limited to the location and nature of the Project; the relevant terrain, geological, meteorological, and hydrological conditions; the requirements and availability of labour, materials, equipment, aggregate sources, water, power, roads, communications and other relevant factors; relevant resource requirements; and risks and contingencies that may affect the cost, duration, execution and completion of the Project.

By submitting Qualification Application, a Prospective Bidder shall be presumed to have fully examined and accepted all the terms and conditions of the RFQ.

4.5 Cost

Each Prospective Bidder shall bear all its costs associated with or relating to the preparation and submission of its Qualification Application including but not limited to preparation, copying, postage, delivery fees, and expenses associated with any demonstrations or presentations which may be required by RUBAVU DISTRICT or any other costs incurred in connection with or relating to its Qualification Application. All such costs and expenses will remain with the Prospective Bidder and RUBAVU DISTRICT shall not be liable in any manner whatsoever for the same or for any other costs or other expenses incurred by a Prospective Bidder in preparation or submission of the Qualification Application, regardless of the conduct or outcome of the Bidding Process.

4.6 Address for Communications

All communications shall be undertaken over email only. With respect to the Qualification Application (except for the submission of the Qualification Application), all emails shall be addressed to: **Rubavu District,**
at Email: info@rubavu.gov.rw

4.7 Address for submission of Qualification Applications

The Qualification Applications shall be submitted info@rubavu.gov.rw, with the subject as “**Request for Qualification for Development and Management of Rubavu Beach & Avenue De la Cooperation on PPP Mode**”

RUBAVU DISTRICT would not be responsible for late or non-delivery of the email. The Prospective Bidders are advised to get a confirmation from RUBAVU DISTRICT about the receipt of their Qualification Application before the Qualification Applications Submission Deadline.



5. QUALIFICATION PROCESS

5.1 Clarification of Request for Qualification Document

- 5.1.1 A Prospective Bidder requiring any clarification on this RFQ or instructions may send an electronic request for clarification through email to the RUBAVU DISTRICT Address for Communications as mentioned in para 4.6, on or before the date mentioned in para 5.2.1 of this RFQ document.
- 5.1.2 Electronic copies of the response, including an explanation of the query but not identification of its source shall be uploaded on the website of RUBAVU DISTRICT on or before the date mentioned in para 5.2.1. RUBAVU DISTRICT may choose to provide a single response to a group of similar or repeated queries.

5.2 Indicative Timetable for Qualification Process

- 5.2.1 The Indicative Timetable for Qualification Process is shown in the following table.

| Activity | Due Date* |
|---|---|
| Issuance of Call for Expression of Interest | 07 March 2023 |
| An optional site visit | 19 March 2023 at 14 O'clock Rwandan time |
| Clarification Requests Submission Deadline | 24 March 2023 |
| Deadline of responses to request for clarifications | 27 March 2023 |
| Expression of Interest bids submission deadline | 04 April 2023 between 13 O'clock and 15 O'clock Rwandan time. ❖ Note that bids submitted before or after determined time will be rejected . |

** the dates mentioned in the table can be changed by RUBAVU DISTRICT at its discretion without any liability towards anyone.*

- 5.2.2 RUBAVU DISTRICT may, in its sole discretion and without prior notice, amend the Indicative Timetable for Qualification Process and RUBAVU DISTRICT shall not incur any liability whatsoever arising out of amendments to the Indicative Timetable for Qualification Process.

6. PREPARATION OF QUALIFICATION APPLICATIONS

6.1 Language of Qualification Application

The Qualification Application prepared by the Prospective Bidder, and all correspondence and documents related to the Qualification Application, shall be submitted in English or French Any scanned literature or document furnished by Prospective Bidders written in another foreign language shall be accompanied by an English translation certified by the translator that the English translation is a complete and accurate translation of the original.

6.2 Documents Comprising the Qualification Application



Each Prospective Bidder shall submit evidence that it meets the Qualification Criteria. The Qualification Applications submitted by the Prospective Bidder shall comprise all the documents specified in the Content of Qualification Application, in the format prescribed therein.

6.3 Submission of Evidence of meeting Qualification Criteria

6.3.1 The entity, which fulfils the Qualification Criteria, may be:

- (i) if the Prospective Bidder is a single entity, the Prospective Bidder itself or its Affiliate; or
- (ii) if the Prospective Bidder is a Consortium, a Consortium Member in the Consortium or such Consortium Member's Affiliate.

6.3.2 The Prospective Bidder, or if the Prospective Bidder is a Consortium, the relevant Consortium Member, must include evidence of work/projects undertaken by itself or its Affiliate to satisfy the Qualification Criteria in the form of a self-certified undertaking, in the format specified in Form E of Annex 2.

6.3.3 RUBAVU DISTRICT may ask for documentary evidences in support of the projects undertaken during evaluation and the Prospective Bidder shall provide such documents within one week from such request or within the extended timeline as approved by RUBAVU DISTRICT. Failure to provide such documentary evidence within the stipulated time, shall be considered as non-compliance and Qualification Application may be rejected.

7. SELECTION OF QUALIFICATION APPLICATIONS

7.1 Format and Signing of Qualification Applications

- 7.1.1 All Applications will be formally submitted online ONLY on to the email address provided in Para 4.7.
- 7.1.2 The Qualification Application shall be submitted in PDF format
- 7.1.3 Any Qualification Application received after the Qualification Application Submission Deadline, shall be summarily rejected.

8. QUALIFICATION APPLICATIONS OPENING AND EVALUATION

8.1 Evaluation Committee

- 8.1.1 RUBAVU DISTRICT will set up the Evaluation Committee for evaluation of Qualification Application in accordance with Qualification Criteria. The Evaluation Committee shall prepare a summary evaluation report for approval by the PPP Steering Committee in accordance with PPP Regulations.
- 8.1.2 The members of the Evaluation Committee shall be prohibited from participating or providing assistance directly or indirectly in the preparation and/or submission of any Qualification Application.

8.2 Determination of Responsiveness



- 8.2.1 Prior to the evaluation of the Qualification Applications in accordance with Qualification Criteria, the Evaluation Committee shall conduct a detailed examination of the Qualification Applications in order to determine whether they are substantially responsive to the requirements set forth in this RFQ.
- 8.2.2 A substantially responsive Qualification Application is one that:
- (i) is complete, contains documents properly signed and stamped and is generally in order; and
 - (ii) conforms to all the terms and conditions of this RFQ without material deviations,
- 8.2.3 RUBAVU DISTRICT may reject any Qualification Applications that have been determined not to be substantially responsive.

8.3 Evaluation as per Qualification Criteria

- 8.3.1 The Evaluation Committee shall then carry out a detailed evaluation of the Qualification Applications that have not been rejected, to determine whether they meet the Qualification Criteria.
- 8.3.2 A Prospective Bidder whose Prequalification Application is determined by the Bidding Committee:
- (i) to meet the Prequalification Criteria, shall be designated as being a "Qualified Bidder"; or
 - (ii) not to meet the Prequalification Criteria, shall be designated as being a "Non-Qualified Bidder".

8.4 Clarification of Qualification Applications

Where the Evaluation Committee deems it convenient or necessary, it may request supplementary information or documentation from a Prospective Bidder (including each member of a Consortium) for determining its eligibility to meet the Qualification Criteria, by such date as may be specified by RUBAVU DISTRICT.

9. INVITATION FOR BIDS

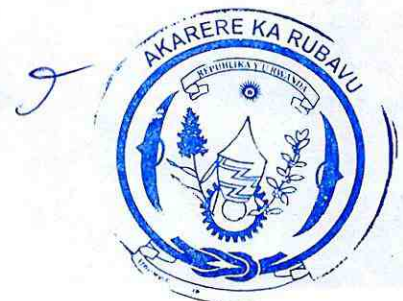
At the end of the Qualification Applications evaluation, RUBAVU DISTRICT shall notify each Prospective Bidder to confirm whether it has been designated as being a Qualified Bidder or a Non-Qualified Bidder. Qualified Bidders will be entitled to participate in the next stage of Bidding Process and receive a copy of the Invitation for Bids.

9.1 Indicative Timetable for Commencement of the Bidding Process

9.1.1 The Indicative Timetable for Commencement of the Bidding Process is shown in the following table.

| Activity | Timeline* |
|--|--------------|
| Issuance of draft terms and conditions for undertaking the Project | 18 May 2023 |
| Commencement of Bidders Meetings Process | 01 June 2023 |

** the timeline mentioned are indicative and can be changed by RUBAVU DISTRICT at its discretion without any liability to anyone*



9.1.2 RUBAVU DISTRICT may, in its sole discretion and without prior notice, amend the Indicative Timetable for Commencement of the Bidding Process, and RUBAVU DISTRICT shall not incur any liability whatsoever arising out of such amendments. RUBAVU DISTRICT shall notify the Qualified Bidders of changes to the Indicative Timetable for Commencement of the Bidding Process.

9.2 Partnering between Qualified Bidders

Any Qualified Bidder shall be precluded from partnering (directly or indirectly) with another Qualified Bidder without the written approval of RUBAVU DISTRICT, who shall be free to accept or refuse at its discretion, and in all cases taking into account the likely effects of the proposed partnering on the competitiveness of the Bidding Process. If the Prospective Bidder is a Consortium, the above sentence shall apply to all members of the Consortium.

9.3 Partnering between Qualified Bidders and Non-Qualified Bidders

A Non-Qualified Bidder shall be entitled to partner with a Qualified Bidder, provided that:

- (a) the Consortium, including the Non-Qualified Bidder, continues to fulfil all Qualification Criteria; and
- (b) RUBAVU DISTRICT (at its discretion) provides its written approval, in all cases taking into account the likely effects of the proposed partnering on the competitiveness of the tender process.



ANNEX 1 – QUALIFICATION CRITERIA

Each Prospective Bidder shall comply with the following Qualification Criteria:

1. Introduction

RUBAVU DISTRICT will evaluate all the Qualification Applications received in response to the RFQ document. After assessing the responsiveness of the Qualification Applications, the Qualification Applications will be ranked in accordance with the criterion mentioned below in Para 2: Qualification Criteria.

As RUBAVU DISTRICT intends to qualify a minimum of three (3) Prospective Bidders on the basis of the mentioned Evaluation Criteria, the qualified bidders will be selected from the ranked list from top.

2. Qualification Criteria

2.1 Technical Criteria

The Prospective Bidder or in case of a Consortium, the Consortium should have the experience:

- a) Development and management of beaches, and
- b) Should have on regular employment an experienced professional having at least 7 years' experience of management and operations of similar project

requirements.

2.2 Financial Criterion

The Prospective Bidder shall provide in the form attached as Form FIN - 1 (*Financial Criterion*) data evidencing the annual average revenue of no less than US\$ 1 million (US\$ one million) in the last three years preceding the Qualification Applications Submission Deadline year.

3. Ranking Criteria

Prospective Bidders are required to provide information (at the end of its latest financial year preceding Qualification Applications Submission Deadline) for the Technical and Financial criterion. Experience of the Prospective Bidders who meet the minimum criteria, as stated in the Qualification Criteria above, will be ranked in order of decreasing annual average revenue in the last three years preceding the Qualification Applications Submission Deadline year.

ANNEX 2 - CONTENT OF QUALIFICATION APPLICATION

A Qualification Application shall contain all the following documents, presented in three (3) separate parts as follows:

| Part | Description |
|------|-------------|
|------|-------------|



| | |
|----------|---|
| Part I | Qualification Form and Other Documents required under Section 1 of this Annex 2 |
| Part II | Documents Demonstrating Compliance with Qualification Criteria required under Section 2 of this Annex 2 |
| Part III | Consortia Documents (only if the Prospective Bidder is a Consortium) required under Section 3 of this Annex 2 |

1. Part I - Qualification Form and Other Documents

In Part I of the Qualification Application, each Prospective Bidder shall provide the following:

1. A Qualification Application signed by the Prospective Bidder (or if the Prospective Bidder is a Consortium, the Lead Member) in the form attached hereto as Form A (*Qualification Form*).
2. A written power of attorney in the form attached hereto as Form B (*Power of Attorney or PoA*), indicating that the person(s) signing the Qualification Application has been authorised to sign the Qualification Application and to represent the Prospective Bidder in connection with the Qualification process for the Project and where such Prospective Bidder is a consortium, the written power of attorney is to be provided by each Consortium Member. *The PoA shall be scanned and submitted along with the soft copy of the technical proposal.*
3. The following background information:
 - (i) basic information on the Prospective Bidder (or each member of a Consortium), as detailed in Form C (*Basic Information Form*), including an up-to-date list of shareholders of the Prospective Bidder (or one list for each Consortium Member);
4. An undertaking, detailed in Form D (Undertaking), confirming that the Prospective Bidder or each member of the Consortium:
 - (i) is a duly established legal entity, and in the case of a consortium each member of the consortium is a duly established legal entity;
 - (ii) is not in bankruptcy or liquidation proceedings;
 - (iii) has not been convicted of, fraud, corruption, collusion or money laundering;
 - (iv) has paid all tax obligations as well as all other public duties according to regulations of the country in which it is established;
 - (v) is not aware of any conflict of interest or potential conflict of interest arising from prior or existing contracts or relationships which could materially affect its capability to participate in the Project; and
 - (vi) has not been subject to any criminal or misdemeanour procedures in relation to their professional activity.
5. In consideration of provision of the Confidential Information by RUBAVU DISTRICT, an undertaking from the Prospective Bidder for keeping in confidential (Form G)
6. Statement on any past or pending legal actions (either civil or administrative) brought against the Prospective Bidder (or, in the event that the Prospective Bidder is a Consortium, against each member of the Consortium).



2. **Part II - Documents Demonstrating Compliance with Qualification Criteria**

In Part II of the Qualification Application, each Prospective Bidder shall provide the following:

Compliance with Technical Criteria

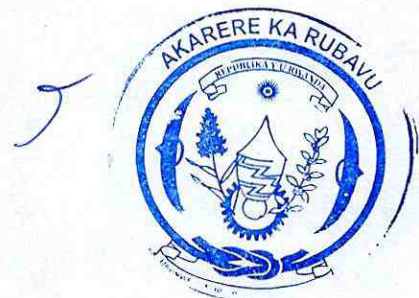
Technical Criterion - Previous Experience

The Prospective Bidder (or, in the event that the Prospective Bidder is a Consortium, at least one of the Consortium Members) shall provide details of its previous experience in the form attached hereto as Form E (*Technical Criterion - Previous Experience*).

3. **Part III - Consortia Documents**

A Prospective Bidder wishing to qualify as a Consortium shall submit a consortium agreement, signed by the legal representatives of all its members, as Part III of the Qualification Application. The consortium agreement shall contain at least the following information:

- (i) each member's binding commitment to the Consortium;
- (ii) identification of the member that will assume the role of Lead Member on behalf of the other members; and
- (iii) irrevocable power for the Lead Member to represent the Consortium and bind all its members in connection with the Qualification Application and the Bidding Process.



FORM A – QUALIFICATION FORM

Date: _____

Re: [name of the Project]

To: [name of RUBAVU DISTRICT]

Dear [Sir/Madam]

Pursuant to the RFQ dated [●], we, [Name of Prospective Bidder] hereby submits our Qualification Application in conformity with this RFQ and requests to be considered for qualification for the Project. Capitalised terms not otherwise defined in this letter shall have the meaning given to them in the RFQ.

[Name of Prospective Bidder] hereby applies to become a Qualified Bidder in the RFQ for the Project.

[Name of Prospective Bidder] hereby confirms that it:

- (a) agrees to comply with all the bidding rules, laws and regulations governing the Qualification and the bid as issued by the relevant authorities from time to time.
- (b) accepts the right of RUBAVU DISTRICT and its Evaluation Committee to (i) request additional information reasonably required to assess the application, (ii) amend the procedures and rules or make clarifications thereof, and (iii) extend or amend the schedule of the Qualification and the bid;
- (c) accepts the exclusive application of applicable laws of Rwanda with respect to these qualification procedures;

[Name of Prospective Bidder] hereby represents and warrants that as of the date of this letter:

- (d) all of the information submitted in this Qualification Application, including the enclosed forms and documents, is accurate in all respects;
- (e) [Name of Prospective Bidder], [including any of our Consortium Members], has not been subject to any voluntary or involuntary bankruptcy or insolvency or similar proceeding during the last five (5) years; and
- (f) [Name of Prospective Bidder], [including any of our Consortium Members], has paid all taxes due, except those which are being contested in good faith by appropriate proceedings and for which adequate reserves have been established.

Attached herewith to this Qualification Application are the following documents, as appropriate:

- (g) Power of Attorney (Form B)
- (h) Basic Information Form (Form C)
- (i) Affidavit (Form D);
- (j) Documents Demonstrating Compliance with Qualification Criteria, including Experience Forms (Form E and Form F); and



(k) Other documents required in Annex 2 (*Content of Qualification Application*) of the RFQ.

[*Name of Prospective Bidder*] hereby designates [●] as its representative to receive notices in respect of the qualification and the tender at the following address, telephone and facsimile numbers:

[*Representative's address, telephone, facsimile numbers and email*]

[*signature*]

In the capacity of [*position*]

Authorised to sign this Qualification Application for [*Name of Prospective Bidder*]



FORM B – POWER OF ATTORNEY

On this [day] day of [month and year]

The undersigned:

Mr. /Ms. [name of legal/authorised representative]

Duly authorised, in his/her capacity as [capacity] of [name of Prospective Bidder/Consortium Member]

Nationality: [●]

Holder of Passport or ID no. [●] issued by [●] dated [●]

Residing at [●]

hereafter the Grantor,

Hereby:

1. authorises Mr./Ms. [name of representative] in his/her capacity as _____ of [name of Prospective Bidder/ Lead Member] (hereafter the "Authorised Representative"), to:
 - (a) execute under hand, or under seal, and deliver to the competent authorities all the documents listed in paragraph (d) below;
 - (b) deliver and receive any document or instrument in relation to the following documents listed in paragraph (d) below;
 - (c) do all things necessary and incidental in respect of the matters set out herein including to do, execute and perform any other deed or act ought to be done executed or performed to perfect or otherwise give effect to the documents listed in paragraph (d) below;
 - (d) the documents concerned by this Power of Attorney are the following:
 - ALL DOCUMENTS IN RESPECT OF THE QUALIFICATION FOR THE [NAME OF PROJECT] PROJECT, AS MORE FULLY DESCRIBED IN THE REQUEST FOR QUALIFICATION DOCUMENT DATED [●], AND INCLUDING WITHOUT LIMITATION THE QUALIFICATION APPLICATION FOR THE AFORESAID PROJECT, AND CLARIFICATIONS AND OTHER COMMUNICATIONS WITH RUBAVU DISTRICT IN RESPECT OF THE QUALIFICATION APPLICATION FOR THE AFORESAID PROJECT,
2. authorises the Authorised Representative to appoint others for all or part of the powers delegated by this Power of Attorney.

IN WITNESS WHEREOF the Grantor has executed this Power of Attorney [under seal] on the date set out above.

[SEAL]

[Signature]

[Name / Title of Grantor representative]



FORM C - BASIC INFORMATION FORM

Prospective Bidder Information (or Lead Member, if applicable):

1. Name:
2. Type: (Corporation, Partnership, etc.)
3. Commercial registration no.:
4. Domicile:
5. Address of principal office:
6. Telephone number:
7. Fax number:
8. E-mail address:
9. Primary areas of business:
10. Incorporation Certificate/Articles of Incorporation (or similar documents), including any amendments thereto
11. List of shareholders directly or indirectly holding at least twenty-six percent (26%) of shares (if applicable):

Other Consortium Members Information: (if applicable, fill in details for all Consortium Members other than the Lead Member)

Name:

Type: (Corporation, Partnership, etc.)

Commercial registration no.:

Domicile:

Address of principal office:

Telephone number:

Fax number:

E-mail address:

Primary areas of business:

List of shareholders directly or indirectly holding at least twenty-six percent (26%) of shares (if applicable):



FORM D – UNDERTAKING

Date: _____

Re: Request for Qualification (RFQ) for Development and management of Rubavu beach on PPP mode

To: [name of RUBAVU DISTRICT contact person]

[Name of Prospective Bidder/Lead Member of Consortium] hereby represents and warrants that, as of the date of this letter [Name of Prospective Bidder/Lead Member of Consortium], and each member of our consortium (if applicable):

- (a) is a duly established legal entity, and in the case of a consortium each member of the consortium is a duly established legal entity;
- (b) is not in bankruptcy or liquidation proceedings and has not been subject to any voluntary or involuntary bankruptcy or insolvency or similar proceedings during the last five (5) years;
- (c) has not been engaged in corrupt, fraudulent, coercive, collusive or obstructive practices and otherwise does not fall within any of the circumstances for ineligibility set out in Paragraph- 4.3 of this Request for Qualification;
- (d) has paid all tax obligations as well as all other public duties according to regulations of the country in which it is established except those which are being contested in good faith by appropriate proceedings and for which adequate reserves have been established;
- (e) is not aware of any conflict of interest or potential conflict of interest arising from prior or existing contracts or relationships which could materially affect its capability to participate in the Project; and
- (f) has not been subject to any criminal or misdemeanour procedures in relation to their professional activity.

Yours sincerely,

Authorised Signature
Name and Title Signatory
Name of Firm
Address



FORM E- TECHNICAL CRITERION – PREVIOUS EXPERIENCE

TECHNICAL QUALIFYING EXPERIENCE

- a. To be submitted by the entity or entities which fulfill the Technical Criteria as provided in Para 2.1 of Annex-I – Qualification Criterion.
- b. Required attachment for Technical Criterion:
 - (i) Certificate of experience
 - (ii) Profile of the experienced professional in the format placed at FORM E-Appendix I
- 1. Entity that fulfills the criteria requirement.

| | |
|---|---|
| Name of the entity | |
| Entity which fulfills the requirement: | <i>(Prospective Bidder/ Consortium Member/ Affiliate)</i> |
| If an Affiliate, then Prospective Bidder/Consortium Member to which this entity is related: | <i>(Prospective Bidder/Consortium Member)</i> |

For citing the experience towards the Technical Criterion, a certificate shall need to be produced by the entity claiming such experience as an evidence for having the said experience. Such certificate shall need to be obtained from the company’s auditor. Such certificate shall cover the details required in the format prescribed below.

Certificate from Company’s auditor (Applicable for Prospective Bidder / Consortium Member satisfying Technical Criteria)

Based on its latest available books of accounts [*and <please include any other published information referenced by the auditor>*], this is to certify that *(Name of the Prospective Bidder / Member of Consortium / Affiliate)*

- A. *Experience development and management of beaches from(start date) to (end date)¹. The beach is operated in and its identification is (name / registration ID or other relevant detail)*
- B. *Number of regular employees who are engaged in beach management (excluding functions such as finance, accounts etc) is*

| | |
|-------------------------|---|
| Name of the Audit firm: | |
| Seal of the Audit firm: | |
| Designation: | Signature, name and designation of the Signatory) |

¹ To be given separately for each vessel having capacity of 50 or more passengers



FORM E- Appendix I - Profile of the experienced professional in the format placed at FORM E-Appendix I

| | | | | |
|----|---|-----------------------|------------------|---------------------|
| 2. | Name of Staff | | | |
| 3. | Name of Organisation where the staff is employed | | | |
| 4. | Date of Birth | | Nationality | |
| 5. | Education | Names of institutions | Degrees obtained | Dates of obtainment |
| | | | | |
| | | | | |
| 6. | Membership in Professional Associations: NA | | | |
| 7. | Other Training: N/A | | | |
| 8. | <p>Employment Record: Starting from the most recent employment please provide the details of past employment. For each employment the minimum details to be provided are:</p> <ul style="list-style-type: none"> • Name of the Employer • Duration of employment (including starting and ending dates) • Designation held • Key responsibilities. | | | |
| 9. | <p>Work undertaken that Best Illustrates Capability and experience in development and Management of beaches</p> | | | |



FORM G - FORM OF CONFIDENTIALITY UNDERTAKING
RELATING TO THE [•] PROJECT

WHEREAS

- A. On [•], RUBAVU DISTRICT published the RFQ in respect of the Project.
- B. In connection with the Project contemplated by the RFQ, Prospective Bidders that qualify for the Project may request and receive information regarding the Project, including, but not limited to, financial and technical data, legal agreements and business plans, as well as information regarding RUBAVU DISTRICT (all such information being referred to as “**Confidential Information**”).
- C. In consideration of provision of the Confidential Information by RUBAVU DISTRICT, the Prospective Bidder undertakes to keep it strictly confidential.
- D. Unless otherwise defined in this undertaking, capitalised terms shall have the meaning given to them in the RFQ.

NOW, THEREFORE, THIS UNDERTAKING WITNESSETH AS FOLLOWS:

- 1. The Prospective Bidder hereby agrees and warrants that, as from the date of this document, (“the **Confidentiality Undertaking**”) until its second (2nd) anniversary, to the extent it receives Confidential Information, the Prospective Bidder shall: (a) keep and maintain the Confidential Information strictly confidential; (b) disclose such Confidential Information (if at all) only to its controlling persons, its attorneys and professional advisers, and to such employees who have a reasonable need to know such Confidential Information (subject in each case to such person’s agreement to make no further disclosure), or as may be required by law; (c) use such Confidential Information solely for the purpose of determining whether to enter into the Project; and (d) promptly upon request of RUBAVU DISTRICT disclosing Confidential Information following the abandonment of the Project, return such Confidential Information (and all copies thereof) to RUBAVU DISTRICT.
- 2. Confidential Information does not include, however, information which (a) is or becomes generally available or obvious to the public other than as a result of a disclosure by the Prospective Bidder (unless such disclosure is itself public, for example, on RUBAVU DISTRICT’s website); (b) was available or obvious to the Prospective Bidder on a non-confidential basis prior to its disclosure by RUBAVU DISTRICT; or (c) becomes available or obvious to the Prospective Bidder on a non-confidential basis from another person who is not otherwise bound by a confidentiality agreement with RUBAVU DISTRICT, or is not otherwise prohibited from transmitting the information in question.
- 3. RUBAVU DISTRICT makes no representations or warranties, express nor implied, as to the Confidential Information, including, without limitation, any representation or warranty relating to its accuracy or completeness, and shall have no liability to any Prospective Bidder resulting from the use of any Confidential Information by the Prospective Bidder. This Confidentiality Undertaking does not obligate the Prospective Bidder to enter into the Project.
- 4. This Confidentiality Undertaking shall be binding upon the Prospective Bidder, its representatives, successors and assigns, and shall inure to the benefit of and be enforceable by RUBAVU DISTRICT and its representatives, successors and assigns.
- 5. This Agreement shall be governed by and construed in accordance with applicable laws of Rwanda.



IN WITNESS WHEREOF, the Prospective Bidder has caused this Confidentiality Undertaking to be executed by its duly authorised representative as of [insert date].

THE PROSPECTIVE BIDDER, represented by:.....

Done at Rubavu, on 07 March 2023

Name: RUHAMYAMBUGA Olivier
Executive Secretary of Rubavu district

