Tender No: 8 of 2018/19
Swaziland Electricity Company

Request for Qualification

Lavumisa 10 MW Solar PV Plant

Addendum No. 01: Revised RFQ Document

Date of Issue: 22 June 2018
INTRODUCTION

The Swaziland Electricity Company ("SEC") issues this Addendum ("Addendum No. 01") pursuant to Section 7.2 of the Request for Qualification for the Lavumisa 10 MW Solar PV Plant (the "Project") published on the Swaziland Public Procurement Regulatory Agency ("SPPRA") website on 06 June 2018 (the "RFQ"), and is subject to all the terms and conditions contained therein.

Terms defined in the RFQ and used in this Addendum No. 01 with capitalized initial letters, bear the meanings given to them in the RFQ, unless otherwise defined herein.

The purpose of this Addendum No. 01 is to provide a revised RFQ document which takes account of requests for clarifications received by SEC from interested parties on the RFQ and the Project. The SEC has also made additional amendments to the RFQ as deemed appropriate.

Annexure A to this Addendum No. 01 contains the revised RFQ document for the Project. This revised RFQ document supersedes the original RFQ document previously published on the SPPRA – Swaziland website. Applicants are required to use this revised RFQ document for the purposes of preparing and submitting Applications. The SEC accepts no responsibility for Applicants who submit non-compliant Applications and are disqualified from the RFQ process as a result of utilising the original RFQ document in preparing and submitting the Applications.
Annexure A: Revised RFQ Document for Lavumisa Solar PV Plant
Tender No.: Tender No.8 of 2018/19

Swaziland Electricity Company

Request for Qualification

Lavumisa 10 MW Solar PV Plant

Revised RFQ Document

Date of Issue: 22 June 2018
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Disclaimer

While all reasonable care has been taken in preparing the Request for Qualification (“RFQ”), the information contained herein does not purport to be comprehensive or to have been verified by the SEC, any of its officers, employees, servants, agents, advisors or any other person. Accordingly, neither the SEC nor any of its advisors accept any liability or responsibility for the adequacy, accuracy or completeness of any of the information or opinions stated herein.

Save where expressly stipulated otherwise, no representation or warranty (either express or implied) is or will be given by the SEC or any of its officers, employees, servants, agents, advisors or any other person in respect of the information or opinions contained herein, or in relation to any Briefing Notes (as defined below) issued in relation hereto.

The SEC reserves the right to amend, modify or withdraw the RFQ or to terminate any of the procedures or requirements during the procurement process of the Project (as defined below) in respect of which the RFQ has been issued, at any time, without prior notice and without liability to compensate or reimburse any person in relation thereto.

The terms and conditions set out in the RFQ are stipulated for the express benefit of the SEC, and save as expressly stated to the contrary, may be waived at the SEC’s discretion at any time. The SEC reserves the right to adopt any proposal made by any person responding hereto at any time and to include such proposal in any procurement documentation, which may or may not be made available to all other persons responding hereto at any stage of the procurement process, without compensation.

Any data contained in the RFQ has been prepared for information purposes only. It does not constitute advice and should not be relied on for this purpose. In addition, it does not constitute an offer to enter into any contract with the SEC or their advisors and none of the data in this document shall be deemed to form part of any contract between the SEC and any party. Neither any data nor any opinion contained herein constitutes an offer on behalf of the SEC to buy or sell any investment, product or service. The SEC reserves the right to make changes to its data at any time without notice.

No Applicant shall have any claim against the SEC, its officers, employees, servants, agents or advisors arising out of any matter relating to the Project of any nature whatsoever where such claim is based on any act or omission by the SEC of any nature whatsoever under any circumstances whatsoever, or such claim is based on the content of or any omission from the RFQ of any nature whatsoever.
## Glossary

<table>
<thead>
<tr>
<th>Defined term/Acronym</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addendum or Addenda</td>
<td>Any amendment(s) to the RFQ issued by the SEC pursuant to Section 7.4, entitled “Addendum”, each to be consecutively numbered and referenced to the Project.</td>
</tr>
<tr>
<td>Applicant</td>
<td>A juristic entity, company, consortium or joint venture applying to qualify in response to the RFQ and for the avoidance of doubt excludes subcontractors and/or suppliers.</td>
</tr>
<tr>
<td>Application</td>
<td>An application to qualify made under the terms and conditions of the RFQ.</td>
</tr>
<tr>
<td>Application Fee</td>
<td>The fee stipulated in the Project Information Sheet that Applicants are required to pay in order to be eligible to submit an Application.</td>
</tr>
<tr>
<td>Applicant Member</td>
<td>A member of the Applicant.</td>
</tr>
<tr>
<td>Bid</td>
<td>A bid to be submitted by a Bidder in response to and in accordance with the RFP to be issued by the SEC.</td>
</tr>
<tr>
<td>Bidder or Bidding Group</td>
<td>The party or parties who have qualified subsequent to the RFQ and are invited to submit proposals in response to the RFP to be issued by the SEC.</td>
</tr>
<tr>
<td>Briefing Notes</td>
<td>Written documentation issued by the SEC in accordance with Section 7.3 to disseminate further instructions, programme changes, information updates and clarifications in relation to the RFQ or the Project, entitled “Briefing Note”, each to be consecutively numbered and referenced to the Project.</td>
</tr>
<tr>
<td>Business Day</td>
<td>Any day of the week other than Saturdays, Sundays or public holidays in eSwatini.</td>
</tr>
<tr>
<td>Commercial Operation Date or COD</td>
<td>The commercial operation date of the Project as set out in Section 5.1 of the RFQ.</td>
</tr>
<tr>
<td>Coercive Practice</td>
<td>Harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the procurement process or affect the execution of a contract.</td>
</tr>
<tr>
<td>Collusive Practice</td>
<td>A scheme or arrangement between two or more Applicants or Bidders, with or without the knowledge of the SEC, designed to establish bid prices at artificial, non-competitive levels.</td>
</tr>
<tr>
<td>Defined term/Acronym</td>
<td>Meaning</td>
</tr>
<tr>
<td>----------------------</td>
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</tr>
<tr>
<td>Corrupt practice</td>
<td>The offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the action of a public official in the procurement process or in contract execution.</td>
</tr>
<tr>
<td>Emalangeni or E</td>
<td>The official currency of the Kingdom of eSwatini.</td>
</tr>
<tr>
<td>EPC</td>
<td>Engineer, procure and construct.</td>
</tr>
<tr>
<td>EPC Contract</td>
<td>The engineering, procurement and construction contract to be entered into between the SEC and the EPC Contractor pursuant to the Project.</td>
</tr>
<tr>
<td>EPC Contractor</td>
<td>The contractor engaged by the SEC to undertake the engineering, procurement and construction of the Project in accordance with the EPC Contract.</td>
</tr>
<tr>
<td>Eskom</td>
<td>Eskom Holdings Limited.</td>
</tr>
<tr>
<td>Facility</td>
<td>The Lavumisa 2 x 5 MW Solar PV Plant including the Facility Substation to be situated at the Site.</td>
</tr>
<tr>
<td>Facility Substation</td>
<td>The substation which comprises transformation from 11 kV to 66 kV to be constructed by the EPC Contractor for the purposes of connecting the Facility to the grid in accordance with the EPC Contract.</td>
</tr>
<tr>
<td>Fraudulent practice</td>
<td>A deliberate or wilful misrepresentation or omission of facts in order to influence a procurement process or the execution of a contract.</td>
</tr>
<tr>
<td>Government</td>
<td>The Government of the Kingdom of eSwatini.</td>
</tr>
<tr>
<td>IPP</td>
<td>An independent power producer.</td>
</tr>
<tr>
<td>Lead EPC Contractor</td>
<td>The legal entity that will enter into the EPC Contract with the SEC and who will take overall responsibility for managing and co-ordinating the design, construction, commissioning and handover of the Project.</td>
</tr>
<tr>
<td>Lead Member</td>
<td>The Applicant Member legally authorised by Applicant Members to sign the Application and to bind the members of that Applicant.</td>
</tr>
<tr>
<td>Defined term/Acronym</td>
<td>Meaning</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Post-Qualified Bidder</td>
<td>A Qualified Bidder having experienced a change of composition or control, which change has been approved by the SEC in terms of Section 8.3.</td>
</tr>
<tr>
<td>Preferred Bidder</td>
<td>In relation to a Bid in response to the RFP, the Bidder selected by the SEC after the RFP Bid evaluation process to enter into the EPC Contract pursuant to the Project.</td>
</tr>
<tr>
<td>Project</td>
<td>The Facility and the Transmission Connection Equipment pursuant to the SEC project entitled: &quot;Lavumisa 10 MW Solar PV Plant&quot;, more particularly described in Sections 3 and 4.</td>
</tr>
<tr>
<td>Project Information Sheet</td>
<td>The table and its contents provided in Appendix A which contains the key information relating to the RFQ process.</td>
</tr>
<tr>
<td>Qualified Bidder</td>
<td>Those parties authorised by the SEC, pursuant to submitting an Application in accordance with the RFQ, as being entitled to bid for the Project in accordance with the RFP to be issued by the SEC.</td>
</tr>
<tr>
<td>RFP</td>
<td>The request for proposals to be issued by the SEC in relation to the Project.</td>
</tr>
<tr>
<td>RFQ</td>
<td>The request for qualification (together with its Addenda and Briefing Notes) issued by the SEC for shortlisting Bidders to participate in the RFP process.</td>
</tr>
<tr>
<td>SPPRA</td>
<td>The Swaziland Public Procurement Regulatory Authority.</td>
</tr>
<tr>
<td>eSwatini</td>
<td>The Kingdom of eSwatini, formerly known as the Kingdom of Swaziland.</td>
</tr>
<tr>
<td>Site</td>
<td>The site upon which the Facility is to be located.</td>
</tr>
<tr>
<td>Transmission Connection Equipment</td>
<td>The transmission equipment, which excludes the Facility Substation, to be constructed by the EPC Contractor for the purposes of evacuating electrical power from the Facility to the grid.</td>
</tr>
</tbody>
</table>
2 Interpretation

In the RFQ, except where the context otherwise requires:

a) words importing one gender include the other gender, and words importing the singular include the plural and vice versa;

b) “enactment” means any statute or statutory provision of eSwatini and any other subordinate legislation, regulations or guidelines made under any such statute or statutory provision;

c) a reference to any enactment shall be construed as including a reference to any enactment which such subsequent enactment has directly or indirectly replaced (whether with or without modification), and that enactment as re-enacted, replaced or modified from time to time, whether before, on or after the date of the RFQ;

d) a list of contents, glossary and headings to the parts and Sections of the RFQ are for ease of reference only and shall not affect the interpretation of the RFQ;

e) the Appendices form part of the RFQ, and have the same force and effect as if expressly set out herein;

f) the RFQ shall be governed and construed in accordance with the laws of eSwatini; and

g) all monetary amounts are expressed in Emalangeni (E) or Swazi Lilangeni (SZL) unless expressly provided otherwise.
3 Introduction

3.1 Background to the Project

The Kingdom of eSwatini and is a landlocked country located in Southern Africa with a population of just over 1.3 million. The country relies on electricity imports from Eskom to meet the bulk of the country’s power supply needs. Historically, the costs of the electricity imports have been relatively low due to the surplus generation capacity in the region. Over the recent past few years, however, it has become clear that the region, and in particular Eskom, is facing power supply constraints. As a result, eSwatini may not be able to rely on imports from Eskom for maintaining security of supply due to the recent sharp and unpredictable tariff increases from Eskom which are set to continue in the foreseeable future.

These developments have prompted the Government to look closely at developing generation capacity within eSwatini to meet the country’s power supply needs. The Ministry of Natural Resources and Energy (“MNRE”) has established a Swaziland Independent Power Producers Policy (“SIPPP”) that is aimed at increasing the utilization of local renewable energy resources including biomass and solar photovoltaic (“PV”) to enhance energy security and self-sufficiency. In addition, eSwatini, as a member of the Sustainable Energy for All (“SE4ALL”) initiative, has developed an action plan that is aimed at increasing the renewable energy generation in the national energy mix to 50% by the year 2030.

To meet these objectives, the MNRE, in conjunction with the Swaziland Electricity Company (the “SEC”) identified a potential for a 2 x 5 MW solar PV plant to be located in the Lavumisa area in the South Eastern parts of eSwatini (the “Lavumisa 10 MW Solar PV Plant” or the “Project”) which will form part of the SEC’s portfolio of generating plants. The SEC intends to develop the plant in two phases of 5 MW each. It is anticipated that the plant will connect to a nearby Maloma 66 kV substation situated 11 km away. The Project will be funded by the SEC.

The SEC wishes to procure the services of an EPC Contractor to design, construct and commission the Facility together with all the required grid infrastructure to connect the Facility to the grid (collectively the “Project”). The SEC may, at its sole discretion, choose to appoint the EPC Contractor for only one of the two phases (1 x 5 MW) or for both phases (2 x 5 MW).

3.2 Purpose of the RFQ

The SEC prepares the Request for Qualifications (“RFQ”) to shortlist EPC Contractors who demonstrate appropriate qualifications to carry out the Project. The RFQ includes sufficient information to assist the parties in preparing their Applications. The RFQ has been prepared for the following purposes:

- to enable the SEC to select and qualify suitable Applicants that:
  - are technically, financially and legally qualified and meet the criteria described in the RFQ;
  - have sufficient experience, resources and commitment to meet the requirements of the RFP; and
  - are able to execute the Project, once in a properly constituted Bidding Group.
- to set out the rules of the qualification process referred to in the RFQ;
- to give guidance to prospective Applicants on the preparation of their Applications; and
• to facilitate the gathering of information from Applicants that is verifiable and can be evaluated for the purposes of selecting qualified parties for further participation in the RFP process.

As indicated in Section 7.1, prospective Applicants intending to submit an Application pursuant to the RFQ are requested to notify the SEC of their intention by the date provided in the Project Information Sheet.
4 Technical overview of Project

4.1 Plant capacity
The Facility plant will be developed in two phases with each phase having a capacity at the Point of Connection (“PoC”) of 5 MW AC at a network power factor of 0.95 lagging and leading.

4.2 Module technology
The SEC will permit PV modules based on any of the following technologies:

- Mono crystalline;
- Polycrystalline; and
- Thin film (CdTe, CIGS or amorphous silicon).

The EPC Contractor will need to ensure that the module technology selected complies fully with the requirements of the minimum functional specification that is to be provided with the RFP.

4.3 Inverters
For each phase of the Project, the aggregate inverter capacities (calculated as the sum of the nominal nameplate inverter capacities at standard testing conditions) shall be no less than the inverter capacity required to achieve 5 MW AC at the PoC at a power factor of 0.95. The inverters shall have the capability of providing reactive power support to the grid during times when there is no active power production from the Facility e.g. night time. The inverters shall be from reputable suppliers using proven technology.

4.4 Tracking technology
The SEC proposes that the Facility uses single axis tracking system with or without backtracking technology to maximise energy yield. The annual minimum guaranteed performance ratio shall be no less than 79% for the first two years of operation. The tracking system shall also be from reputable suppliers using proven technology.

4.5 Grid connection arrangements
The Facility will connect to the existing Maloma substation located approximately 11 km north of the Site. The grid connection infrastructure will consist the following:

- Lavumisa substation
  - 1 x 11 kV busbar and associated works
  - For each phase, 1 x 11/66 kV transformers including associated switchgear, control and protection equipment
  - 1 x 66 kV busbar and associated works
  - 1 x 66 kV feeder bay with associated breaker, control and protection equipment
  - All associated communication works
- Maloma substation
  - 1 x 66 kV busbar at Maloma substation and associated works
  - 1 x 66 kV feeder bay at Maloma substation with associated breaker, control and protection equipment
- All associated communication works
- A 11 km, 66 kV monopole transmission line from the Lavumisa substation to Maloma substation.

4.6 Project Site

The SEC has identified three potential sites in the Nhlalukane region for the development of the Project. The SEC is currently in the process of finalising the site selection process and a geotechnical specialist has been appointed to assess the ground conditions on each site which will include but not limited to the water table tests and soil stability tests. Based on the outcome of the geotechnical survey, the SEC will select the site that is most suitable for the Project.
5 Tender process and timetable

This section outlines the process by which the EPC Contractor will be selected and appointed by the SEC for the development of the Project.

5.1 Outline of tender process

The tender process has been designed to attract sufficient interest from qualified EPC contractors for the design, construction and commissioning of the Project at the most effective price.

At RFP stage, Qualified Bidders will be requested to submit Bids that meet closely-defined project requirements in terms of technology type, plant size and plant design. The indicative outline plan for the formal tendering process which includes the appointment of EPC Contractor and commercial operation of the Facility is provided in Table 5-1 below.

Table 5-1: Indicative tender process timetable

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Issue of RFQ</td>
<td>06 June 2018</td>
</tr>
<tr>
<td>2.</td>
<td>Deadline for submission of Applications</td>
<td>13 July 2018</td>
</tr>
<tr>
<td>3.</td>
<td>Notification of Qualified Bidders</td>
<td>27 July 2018</td>
</tr>
<tr>
<td>4.</td>
<td>Issue of RFP</td>
<td>06 August 2018</td>
</tr>
<tr>
<td>5.</td>
<td>Deadline for submission of Bids</td>
<td>07 September 2018</td>
</tr>
<tr>
<td>6.</td>
<td>Announcement of Preferred Bidder</td>
<td>21 September 2018</td>
</tr>
<tr>
<td>7.</td>
<td>Signature Date</td>
<td>05 October 2018</td>
</tr>
<tr>
<td>8.</td>
<td>Scheduled Commercial Operation Date</td>
<td>09 August 2019</td>
</tr>
</tbody>
</table>

The SEC may amend the dates set out in Section 5.1 above and will notify Applicants or Qualified Bidders of any such amendments.

5.2 Qualification process

Following publication of the RFQ, the SEC will:

- qualify Applicants based on the requirements in the RFQ;
- inform Applicants whether or not they have become a Qualified Bidder; and
- obtain any further information required from prospective Bidders in order to finalise the RFP.

5.3 Preparation of RFP documentation

The SEC is currently in the process of finalising the following in preparation for the issue of the RFP:

- RFP documentation to be issued to the Qualified Bidders;
- key terms and conditions for the EPC Contract. The SEC intends to contract on the basis of a single turnkey EPC Contract substantively based on the FIDIC Silver Book contract form;
- site selection and negotiations with the landowners; and
- environmental and social impact assessment and permitting processes for the Site.
5.4 Tender period

Once the RFP has been issued, the SEC intends to:

- provide responses to questions raised by Bidders through a request for clarification process;
- hold a Bidders’ conference and conduct a site visit;
- conclude work and consultation on the environmental and social impact assessment; and
- evaluate the Bids and select a Preferred Bidder with the intention to enter into the EPC Contract with that Preferred Bidder.
6 Qualification process and assessment

This section outlines the qualification requirements and the evaluation criteria which will be used to assess the Applications.

6.1 Qualification

The SEC is seeking to qualify an appropriate number of Applicants that have the qualifications, skills, experience and financial strength to prepare and submit suitable responses to the forthcoming RFP process. This will require an Applicant to demonstrate to the satisfaction of the SEC that it has, or has access to, sufficient:

- **experience** as an EPC contractor on the development of solar PV projects and grid connection projects;
- **track record and reputation** with project developers, owners and reputable suppliers;
- **project management** expertise to be able to deliver the Project within the envisaged timelines and quality;
- **financial strength**; and
- **local Swazi participation**.

It should be noted that the RFP will specify any minimum requirements for local Swazi participation in the Project. Applicants are required to indicate in their Applications the scope of work in the Project that may be suitable for Swazi registered companies and/or nationals and the indicative percentage of the EPC contract value that will be allocated to those Swazi registered companies and/or nationals.

6.2 Applicant membership and subcontractors/suppliers

The SEC acknowledges that at the RFQ stage, Applicants may not necessarily have identified all Applicant Members, subcontractors and/or suppliers that will be included in the RFP Bids. If the Applicant intends for the Lead EPC Contractor to be a consortium or joint venture, the details of each Applicant Member that will constitute the Lead EPC Contractor shall be provided. At this RFQ stage, the SEC does not require Applicant Members seeking to qualify as a consortium or joint venture to have established any legal entity or to be formally bound to each other.

For the purposes of the RFQ, Applicants shall include details of the following in their Applications (as required in Application Form 3):

1. The Applicant Members constituting the Applicant and the envisaged role of each Applicant Member;
2. The Lead EPC Contractor; and
3. Major subcontractors (if already identified by the Applicant at this RFQ stage).

Any change in the Applicant membership subsequent to becoming a Qualified Bidder shall be subject to the provisions of Section 8.3.

Applicants shall also include in their Applications the following information relating to equipment suppliers (as required in Application Form 6):
• A list of up to six (6) reputable suppliers of solar PV modules that the Applicant would consider using for the Project with letters from at least two (2) of these suppliers confirming that they would support the Applicant in the Project; and

• A list of up to six (6) reputable suppliers of inverters that the Applicant would consider using for the Project with letters from at least two (2) of these suppliers confirming that they would support the Applicant in the Project.

Qualified Bidders shall obtain prior approval from the SEC during the RFP stage if they intend to utilise solar PV module suppliers or inverter suppliers that they did not include in Application Form 6 when submitting the Applications.

6.3 Bid bonds at RFP stage

No bond is required for the RFQ Applications. However, at RFP stage, the SEC will require Qualified Bidders to demonstrate their commitment by providing a bid bond in a format which will be provided in the RFP which:

• in the event that a Qualified Bidder does not submit a compliant Bid, may be called upon by the SEC; or

• in the event that a Qualified Bidder submits a compliant Bid, will be returned to the Bidder when the Preferred Bidder lodges its subsequent bid bond with the SEC.

The RFP bid bond (which shall be a bank guarantee issued by a registered bank in eSwatini) shall be to the value of three hundred thousand Emalangeni (E$300 000) and shall be lodged with the SEC by all Qualified Bidders within fourteen (14) Business Days after the issue of the RFP. Should any Qualified Bidder fail to submit this bid bond in the required period, the SEC reserves the right to disqualify the Bidder, and may nominate the next best Applicant from the RFQ process as a Qualified Bidder.

Subsequent to the receipt of responses to the RFP and the RFP evaluation phase, the Bidder selected as the Preferred Bidder will be required to lodge a Preferred Bidder bond with the SEC within fourteen (14) Business Days of being notified of its Preferred Bidder status. This Preferred Bidder bond shall be to the value of one million Emalangeni (E$1 million).

6.4 Evaluation of Applications

The SEC intends to conduct the evaluations of the Applications in two stages. These are set out below. In order to facilitate the evaluation process Applicants shall prepare their responses according to the format specified in the RFQ.

6.4.1 Stage 1 – Completeness of Application

Applications will be assessed by the SEC to ensure that all of the information requested is provided and that the Application is, therefore, complete. The completeness assessment will determine if:

i. the Applicant has paid the Application Fee and has submitted proof of payment as required in Section 7.2;

ii. the required Application Forms have been submitted; and

iii. that such Application Forms have been submitted in the format as set out in the RFQ.
For Applications that are not substantially complete, the SEC may, at its sole discretion, either request further information to complete the Application or disqualify the Applicant. All substantially complete Applications will proceed to the Stage 2 evaluation.

6.4.2 Stage 2 – Scoring of Applications

In Stage 2, the SEC will implement a point score-based evaluation approach to qualify Applicants. Points out of 100 will be allocated according to the criteria specified below. An Application must obtain a minimum score of 70 points in order to pass the Stage 2 evaluation. The SEC will select a shortlist of Qualified Bidders from the Applicants who have passed the Stage 2 evaluation based on the Applicants receiving the highest scores.

(a) **Relevant experience: 30 points**
   (i) experience acting as a lead EPC contractor on utility scale solar PV projects (of capacity 5 MW or more) in Southern Africa that have successfully achieved COD within the past five (5) years and are currently in commercial operation;
   (ii) experience acting as a lead EPC contractor on utility scale solar PV projects (of capacity 5 MW or more) developed outside Southern Africa (within Africa and internationally) that have successfully achieved COD within the past five (5) years and are currently in commercial operation;
   (iii) experience in the design, construction and commissioning of grid connection infrastructure in Africa; and
   (iv) Additional demonstrated experience relevant for the Project.

(b) **Track record and reputation: 20 points**
   (i) Support from reputable suppliers as evidenced by letters from solar PV module suppliers and inverter suppliers;
   (ii) Track record of delivery of solar PV projects as evidenced by letters from owners/developers;
   (iii) Track record in using proven technology; and
   (iv) Additional demonstrated track record and reputation relevant for the Project.

(c) **Project management capability: 20 points**
   (i) sound Project management approach including provision of a suitable Project organogram, Project management structure and Project management team;
   (ii) track record of completing projects of similar nature on time and to the satisfaction of the owner/developer; and
   (iii) relevant experience of the Project management team and key personnel.

(d) **Financial strength: 20 points**
   (i) financial strength of each Applicant Member more particularly the Lead EPC Contractor.

(e) **Swazi participation: 10 points**
(i) proposed portion of the EPC contract value to be allocated to Swazi registered companies and/or nationals.

Applicants who satisfy the RFQ requirements and become qualified may be disqualified subsequently if evidence emerges between the date of qualification and the date of RFP launch which suggests the Applicant no longer has the qualifications, skills, experience, financial strength or other capabilities to implement the Project. The SEC reserves the right to require further supporting evidence to re-assess qualification.
7 Requirements of RFQ and submission of Applications

7.1 Intention to submit an Application

The SEC requires that prospective Applicants intending to submit Applications pursuant to the RFQ notify the SEC of their intention to do so by the date specified in the Project Information Sheet. Such notifications shall be e-mailed to the Commercial Services Manager and copied to the Project Officer at the e-mail addresses provided in the Project Information Sheet.

7.2 Application Fee

Applicants are required to pay the Application Fee to the SEC in order to be eligible to submit an Application. The Application Fee amount and the SEC banking details are specified in the Project Information Sheet. Applicants are required to include as part of the Application the proof of payment of the Application Fee (Application Form 9). The recipient reference on the proof of payment shall identify the Tender No. as provided in the Project Information Sheet and the name of the Applicant.

Applicants who do not include the proof of payment of the Application Fee will be disqualified from the RFQ process.

7.3 Clarification of the RFQ

All clarifications from prospective Applicants regarding the RFQ shall be e-mailed to the Commercial Services Manager and copied to the Project Officer at the e-mail addresses provided in the Project Information Sheet.

The SEC will respond to any request for clarification in the form of Briefing Notes provided that such request is received no later than five (5) Business Days prior to the deadline for submission of Applications. Briefing Notes to the RFQ will be sent to those Applicants who have notified the SEC of their intention to submit an Application and/or may be published on the SEC website (http://www.sec.co.sz). Applicants are advised to regularly check the SEC website for any notices, Briefing Notes or Addenda during the RFQ process.

Should the SEC deem it necessary to amend the RFQ as a result of a clarification, it shall do so following the procedure under Section 7.4.

7.4 Amendment of the RFQ

At any time prior to the deadline for submission of Applications, the SEC may amend the RFQ by issuing Addenda. Any Addendum issued shall be part of the RFQ and will be communicated to all Applicants who have notified the SEC of their intention to submit Applications and/or will be made available on the SEC website (http://www.sec.co.sz). To give prospective Applicants reasonable time to take an Addendum into account in preparing their Applications, the SEC may, at its discretion, extend the deadline for the submission of Applications.

7.5 Correspondence from Applicants

All correspondence from the Applicants shall be e-mailed to the Commercial Services Manager and copied to the Project Officer at the email addresses provided in the Project Information Sheet. All such correspondence must clearly indicate the name of the sender, their position and the name of their organisation. The correspondence shall be legally binding on the Applicant.
7.6 Language of Applications

The Application, as well as all correspondence and documents relating to the RFQ exchanged by the Applicant and the SEC, shall be written in the English language. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages into English, in which case, for purposes of interpretation of the Application, the English version shall govern.

7.7 Format of Applications

Applicants should read the appropriate sections of the RFQ thoroughly before preparing an Application. In order to facilitate the evaluation process Applicants shall prepare their responses according to the format specified in the RFQ.

7.8 Submission of Applications

7.8.1 Method of delivery

The Applications must be delivered by hand to the address provided in the Project Information Sheet.

Each Applicant shall prepare one original of the documents comprising the Application which should be clearly marked “ORIGINAL”. The original of the Application shall be printed in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant.

The Applicant shall submit two (2) copies of the signed original Application, and clearly mark them “COPY 1” and “COPY 2”. In the event of any discrepancy between the original and the copies, the original shall prevail.

The Applicant shall enclose the original and the copies of the Application in a sealed envelope which shall bear the name and address of the Applicant together with the name of the Project and the RFQ Tender No.. This envelope shall then be enclosed in an outer package which should not reveal the identity of the Applicant but shall bear the name of the Project, the RFQ Tender No. and the address of the SEC.

The name of the Project, the RFQ Tender No. and the SEC address are provided in the Project Information Sheet.

The SEC will accept no responsibility for not processing any Application that was not identified as required.

7.8.2 Deadline for submission of Applications

The deadline for submission of the Application is as stated in the Project Information Sheet. On or before this date, Applicants must submit their Applications to the SEC as described in Section 7.8.1 above. The SEC will provide a receipt for all Applications received.

The SEC may, at its discretion, extend the deadline for the submission of Applications by amending the RFQ in which case all rights and obligations of the SEC and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

7.8.3 Late submissions

Any Application received by the SEC after the deadline for submission of Applications prescribed in the Project Information Sheet will be returned unopened to the Applicant.
7.8.4 Opening of Applications

The SEC will prepare a record of the opening of Applications. This will include, as a minimum, the name of the Applicants.
8 Terms and conditions

Applicants submitting an Application will be deemed to have done so on the basis of the RFQ and that they acknowledge and accept the following terms and conditions of the RFQ.

8.1 Non-eligible persons

The following parties are not eligible to be an Applicant or to participate in any capacity in an Applicant:

(a) The company, its partners, subcontractors or suppliers appears on the World Bank listing of ineligible firms and individuals or any similar listings by other financial institutions;

(b) The company, its partners or subcontractors has as its members or directors, persons who are currently members, directors or employees of the SEC or the Government;

(c) The company, its partners or subcontractors, whether in a principal or subcontracting role, has previously acted or is currently acting in the role of an adviser to the SEC on the Project;

(d) The company, its partners or subcontractors has a conflict of interest in participating in the RFQ or RFP process;

(e) The company, its partners or subcontractors have legal disputes with the SEC that are pending in court; and /or

(f) The company, its partners or sub-contractors have been found guilty in a court of law of fraud or corruption related crimes.

A Qualified Bidder may be disqualified from the RFP process if evidence emerges between the date of qualification through to the announcement of the Preferred Bidder which suggests that the Qualified Bidder no longer meets the necessary requirements of the RFQ. The SEC reserves the right to require further supporting evidence to re-assess the Qualified Bidder’s status on any aspect of the qualification criteria.

8.2 Acknowledgement of Law

By the time of submitting its Application, each Applicant is required to become fully acquainted with the laws of eSwatini related to the subject matter of the Project, and to declare that it will comply with such laws. The declaration required to be made is set out in Application Form 2.

8.3 Legal personality of Applicant

With respect to the Applicant:

(a) No change is permitted to an Application or to the membership of an Applicant, after submission of the Application without the prior written consent of the SEC.

(b) In the event that the Applicant undergoes a change in its membership, the SEC reserves the right to require the relevant entity to supply such further information with regard to such a change as to enable the SEC to fully consider the impact of such a change.

(c) If an event contemplated in paragraphs (a) or (b) above occurs, the Applicant shall be required to re-qualify in accordance with the terms of the RFQ, which
re-qualification shall be at the SEC’s sole discretion. Upon being notified by the SEC that it has re-qualified, such Applicant shall constitute a Post-Qualified Bidder.

(d) Any person not previously included as part of the Applicant, or any person taking a substantially different participation in the Applicant may be required to submit such information as is required in relation to the Applicant and its various members as contemplated in the RFQ.

(e) The SEC is not obliged to consider any extension of time in relation to any stage of the RFQ or RFP processes on the account of any change in the Applicant membership (as contemplated above).

(f) The RFQ evaluation process applicable to the Applicants shall similarly apply to any person seeking to qualify as a Post-Qualified Bidder.

(g) The SEC shall notify any Applicant seeking to become a Post-Qualified Bidder whether or not it is successful in its Application, as soon as is reasonably possible after receipt of all information required from such party. The decision of the SEC in this regard shall be in its sole discretion, shall be final and binding, and not subject to appeal.

(h) Any decision with regard to Post-Qualified Bidders shall be announced to all the other Qualified Bidders by the SEC.

(i) Should the composition or control of an Applicant change without the SEC’s prior written consent, the SEC shall be entitled in its sole discretion to disqualify the Applicant from participating in any further stages of the RFQ or RFP processes, or to allow the Applicant to continue in the RFQ or RFP processes, subject to such conditions as the SEC determines appropriate.

8.4 Cost of submitting Applications

Each Applicant shall bear all of its costs (of whatsoever nature) associated with the preparation and submission of its Application. The SEC will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the qualification process.

8.5 Bid bonds

Qualified Bidders will be required to submit a bid bond to the SEC within fourteen (14) Business Days after the issue of the RFP. The bid bond shall be a bank guarantee issued by a registered bank in eSwatini and shall be to the value of three hundred thousand Emalangeni (E300 000). Failure to provide such a bid bond in the time allowed the SEC may terminate such Qualified Bidder status at its sole and absolute discretion.

8.6 Confidentiality

In submitting an Application, each Applicant Member agrees to keep its Application confidential from third parties other than the SEC. The SEC undertakes to only share the Application with the parties who are required to assess Applications for the purposes of the Project.

All information and data submitted by an Applicant shall become the sole property of the SEC, with the exception of copyrighted material, trade secrets or other proprietary information clearly identified as such by the Applicant. Applicants, by virtue of their Applications, agree to indemnify the SEC and hold it harmless from any loss, damage, liabilities, claims, actions,
proceedings, demands, costs, charges or expenses of whatsoever nature suffered by the SEC for its refusal to disclose materials marked confidential, trade secret or other proprietary information to any person seeking access thereto.

The provisions of this Section 8.6 shall not apply to any information which is made available as required by any law or any regulatory authority, or which is or becomes public knowledge, other than by way of breach of this Section 8.6 or which was in the possession of such party prior to its disclosure or which is received from a third party who lawfully acquired and is under no obligation restricting its disclosure.

Each Qualified Bidder, subcontractors and their agents and advisors may be required to sign confidentiality undertakings as shall be included within the RFP documentation. All confidential information disclosed to the Qualified Bidder or to the Post-Qualified Bidder, subcontractors and their agents and advisors shall remain the property of the SEC and shall be returned to the SEC on demand.

8.7 Corrupt gifts and payments
The SEC requires that Applicants observe the highest standards of ethics during the procurement and execution of the Project. In this respect the SEC will:

(a) reject a proposal for award if it determines that the Applicant recommended for qualification has, directly or through an agent, engaged in corrupt, fraudulent, Collusive or Coercive practices in competing for qualification; and

(b) sanction a firm or individual, including declaring them ineligible, either indefinitely or for a stated period of time, to be awarded a contract by the SEC if it at any time determines that they have, directly or through an agent, engaged, in corrupt, fraudulent, Collusive or Coercive practices in competing for, or in executing, an SEC contract.

8.8 No contractual obligations
The RFQ does not constitute an offer by the SEC to enter into a contractual relationship with any Applicant but is merely a solicitation of Applications to select the parties who shall be entitled submit Bids for the Project in response to the RFQ.

8.9 No collusion
Applicants are prohibited from colluding in respect of the Project with anyone in general and not just other Applicants. In submitting an Application, each Applicant certify that its Application:

(a) has been prepared without consultation, communication or agreement for restricting competition with any other Applicant, member of another Applicant, or any other competitor or potential competitor;

(b) has not been disclosed by it, nor will it be disclosed by it to any other Applicant, member of another Applicant, or any competitor or potential competitor; and

(c) no attempt has been made or will be made by it to induce any other person not to submit an Application for the purpose of restricting competition.
8.10 Non-compliance

(a) Any material failure on the part of an Applicant to comply with the terms of the RFQ, read together with all Briefing Notes, may result in its Application being treated as non-compliant.

(b) The SEC reserves the right to reject any non-compliant Applications without further evaluation.

(c) Any Application received without all information or data requested in terms of the RFQ, or with insufficient information for substantive evaluation thereof, will be marked as incomplete and may at the SEC’s sole and absolute discretion be rejected.

8.11 Signing requirements

Each Applicant shall have a representative Lead Member that will be authorised to sign the Application and make statements on behalf of and receive instructions for the members of the Applicant.

The Lead Member is required to sign the Declaration Letter as provided in Application Form 2 confirming that all documentation forming part of the Application is factually correct and true, that the Application shall remain valid for a period of at least 120 days after the deadline for submission of Applications and that the Applicant, and each member of the Applicant and its subcontractors where named agree to be bound by the terms of the RFQ.

8.12 The SEC’s discretion

Where it is stipulated in the RFQ that the SEC’s prior written consent shall be required, the determination by the SEC as to whether to grant or refuse such consent shall be at the SEC’s sole and absolute discretion, and the decision with regard thereto shall be final and binding.
## Appendix A  Project Information Sheet

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>Lavumisa 10 MW Solar PV Plant</td>
</tr>
<tr>
<td>RFQ Tender No.</td>
<td>Tender No. 8 of 2018/19</td>
</tr>
<tr>
<td>Date for notifying the SEC of intention to submit an Application</td>
<td>29 June 2018</td>
</tr>
<tr>
<td>Application Fee amount</td>
<td>Five thousand Emalangeni (E5000)</td>
</tr>
<tr>
<td>The SEC banking details</td>
<td>Bank: Standard Bank Swaziland Ltd</td>
</tr>
<tr>
<td></td>
<td>Account No: 9110003236261</td>
</tr>
<tr>
<td></td>
<td>Branch Code: 663164</td>
</tr>
<tr>
<td></td>
<td>Branch: Swazi Plaza</td>
</tr>
<tr>
<td></td>
<td>Or</td>
</tr>
<tr>
<td></td>
<td>Bank: Nedbank Swaziland</td>
</tr>
<tr>
<td></td>
<td>Account No: 020000286843</td>
</tr>
<tr>
<td></td>
<td>Branch Code: 360164</td>
</tr>
<tr>
<td></td>
<td>Branch: Mbabane</td>
</tr>
<tr>
<td></td>
<td>Or</td>
</tr>
<tr>
<td></td>
<td>Bank: First National Bank Swaziland</td>
</tr>
<tr>
<td></td>
<td>Account No: 62154679735</td>
</tr>
<tr>
<td></td>
<td>Branch Code: 280164</td>
</tr>
<tr>
<td></td>
<td>Branch: Mbabane</td>
</tr>
<tr>
<td></td>
<td>Or</td>
</tr>
<tr>
<td></td>
<td>Bank: Swaziland Development &amp; Savings Bank</td>
</tr>
<tr>
<td></td>
<td>Account No: 77034028101</td>
</tr>
<tr>
<td></td>
<td>Branch Code: 770001</td>
</tr>
<tr>
<td></td>
<td>Branch: Mbabane</td>
</tr>
<tr>
<td>Address for submitting Applications</td>
<td>The Commercial Services Manager</td>
</tr>
<tr>
<td></td>
<td>Swaziland Electricity Company</td>
</tr>
<tr>
<td></td>
<td>Eluvatsini House</td>
</tr>
<tr>
<td></td>
<td>Mhlambanyatsi Road</td>
</tr>
<tr>
<td></td>
<td>Mbabane</td>
</tr>
<tr>
<td></td>
<td>eSwatini</td>
</tr>
<tr>
<td>Deadline for submission of Applications</td>
<td>12:00 noon, 13 July 2018</td>
</tr>
<tr>
<td>Communication to the SEC relating to the RFQ including requests for clarifications should be e-mailed to:</td>
<td>The Commercial Services Manager</td>
</tr>
<tr>
<td></td>
<td>E-mail: <a href="mailto:sec.tenders@sec.co.sz">sec.tenders@sec.co.sz</a></td>
</tr>
<tr>
<td></td>
<td><strong>copied to:</strong> The Project Officer</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Mr Joseph Ncwane</td>
</tr>
<tr>
<td>E-mail:</td>
<td><a href="mailto:joseph.ncwane@sec.co.sz">joseph.ncwane@sec.co.sz</a></td>
</tr>
</tbody>
</table>
Appendix B  Application Forms

Applicants shall complete and submit with their Applications all the Application Forms in this Appendix B in accordance with the requirements of the RFQ. These Application Forms represent a key aspect of the evaluation process and failure to complete and submit one or more of them may result in the Application being rejected and the Applicant disqualified from the RFQ process.
<table>
<thead>
<tr>
<th>APPLICANT IDENTITY:</th>
<th>DATE:</th>
</tr>
</thead>
</table>

**APPLICATION FORM 1: COVERING LETTER**

*Insert covering letter from the Lead Member on behalf of the Applicant.*
Applicants shall submit a Declaration Letter in the form set out below prepared on the letterhead of the Lead Member.

[Date]

Commercial Services Manager
Swaziland Electricity Company
Mhlambanyatsi Road, Mbabane, Swaziland
Email address: sec.tenders@sec.co.sz
Tel: +268 2409 4000 (switchboard)

Dear Sir

RE: REQUEST FOR QUALIFICATION FOR THE LAVUMISA 10 MW SOLAR PV PLANT

Capitalised terms utilised in this letter shall have the same meaning as ascribed thereto in the RFQ, unless the context indicates otherwise.

In making this Application, the Applicant and/or its subcontractors:

1. agree to abide to the terms of the RFQ and insofar as obligations are imposed on the Applicant and/or subcontractors agree to be bound thereto;
2. confirm that all documentation forming part of this Application is factually correct and true;
3. confirm that this Application shall remain valid for a period of at least 120 days after the deadline for submission of Applications;
4. declare that we accept the authority of the SEC to organise, facilitate and appraise the Applications for the Project; and
5. declare that, we are or, if we become qualified under the RFQ then we shall become, fully acquainted with the laws of eSwatini in relation to the subject matter of the Project, and in making this Application, as well as any subsequent Bid should we be selected as a Qualified Bidder, shall comply fully with the terms thereof.

Yours faithfully

__________________________
Name: 
Designation: 
Who warrants his authority hereto.
This form shall be completed by each Applicant Member and major subcontractors (if already identified). In addition, each Applicant Member shall submit their company profile and company capability statement demonstrating capability and experience as EPC contractor for solar PV projects.

<table>
<thead>
<tr>
<th>Item No</th>
<th>Item description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Name of Applicant Member</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Main activity/role in Project</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Nationality/laws pursuant to which member is organised</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Principal office address and place of incorporation or establishment</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Registered number of incorporation or equivalent</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Telephone/Telex/Fax</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Regional office address</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Telephone/Telex/Fax</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Name and position of contact person</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Main activity or business of Applicant Member</td>
<td></td>
</tr>
<tr>
<td>APPLICANT IDENTITY:</td>
<td>DATE:</td>
<td></td>
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<tr>
<td>-------------------</td>
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<tr>
<td><strong>APPLICATION FORM 4: APPLICANT’S RELEVANT EXPERIENCE</strong></td>
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<td></td>
</tr>
</tbody>
</table>

The Applicant shall provide evidence of experience as a lead EPC contractor on solar PV projects developed within the Southern African region each having achieved commercial operation within the past five (5) years and which is currently in commercial operation.

To demonstrate wider experience of having acted as a lead EPC contractor, the Applicant shall provide details of experience on solar PV projects developed outside Southern Africa (within Africa and internationally) each project having achieved commercial operation within the past five (5) years and which is currently in commercial operation.

For each project, the Applicants shall provide the following information:

1. **Plant name and location**;
2. **Installed MW capacity**;
3. **Brief description of the technology**;
4. **Manufacturers and/or suppliers of main equipment**;
5. **Brief description of project**;
6. **Role of Applicant Member in the project**;
7. **Brief description of the grid infrastructure constructed for the listed projects and the party responsible for its construction**;
8. **Name, address email and telephone contact details of the client or plant owner and its managing director**;
9. **Evidence of achievement of commercial operations date; and**
10. **A letter from the owner confirming that the relevant Applicant Member acted as a lead EPC contractor for the project listed and a statement by the owner on the satisfactory performance or otherwise of the EPC contractor on the listed project.**
**APPLICATION FORM 5: PROJECT MANAGEMENT**

Each Applicant shall provide the following as part of this Application Form 5:

(i) a copy of the Project management accreditation and procedures that it intends to employ for the execution of the Project;

(ii) organograms of key personnel in the Project team showing the Project manager(s), site manager(s), site supervisor(s); and

(iii) Curriculum vitae of the key personnel, indicating relevant experience.
Applicants are required to provide information on equipment suppliers as indicated below:

- A list of up to six (6) reputable suppliers of solar PV modules that the Applicant would consider using for the Project with letters from at least two (2) of these suppliers confirming that they would support the Applicant in the Project; and

- A list of up to six (6) reputable suppliers of inverters that the Applicant would consider using for the Project with letters from at least two (2) of these suppliers confirming that they would support the Applicant in the Project.

The letter of support shall be on the letterhead of the supplier and signed by an authorised signatory. The letter shall confirm the willingness of the supplier to supply the equipment to the EPC Contractor for the Project if requested to do so.

It should be noted that Qualified Bidders will be required to obtain prior approval from the SEC if they intend to utilise solar PV module suppliers or inverter suppliers that they did not include in this Application Form 6 at RFP stage.
Each Applicant Member is required to provide audited financial statements for the past three years. If audited statements are not available for most recent financial year, provide latest interim financial results.
Applicants are required to provide the scope in the Project that they have identified as being suitable for Swazi registered companies and/or nationals as well as an indicative percentage of the EPC contract value to be allocated to Swazi registered companies and/or nationals.
<table>
<thead>
<tr>
<th>APPLICANT IDENTITY:</th>
<th>DATE:</th>
</tr>
</thead>
</table>

**APPLICATION FORM 9: PROOF OF PAYMENT**

Applicants are required to provide proof of payment of the Application Fee as part of this Application Form 9.
APPENDIX NO. 01 - REVISED RFQ DOCUMENT

APPlicant identity: Date:

APPLICATION FORM 10: ADDITIONAL EXPERIENCE AND TRACK RECORD OF APPLICANT

Applicants are invited to submit this Application Form 10 with any information, additional to that which it has provided in other Application Forms, which it considers relevant to be considered.