



Infrastructure  
Concession  
Regulatory  
Commission

**THE FEDERAL GOVERNMENT OF NIGERIA**  
(REPRESENTED BY THE BUREAU OF PUBLIC ENTERPRISES; BPE)

**in line with the Infrastructure Concession Regulatory  
Commission (Est.) Act 2005 and the National Policy on  
Public Private Partnership (N4P)**

**REQUEST FOR QUALIFICATION (RFQ) PACKAGE FOR  
CONCESSION OF THE 700MW ZUNGERU  
HYDROPOWER PROJECT**

**Reference No: HIC/BPE/ZHPP/RFQ/1022/001**  
**October, 2022**

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## DISCLAIMER

This RFQ Package is not an agreement and is neither an offer nor invitation by the Grantor (as hereinafter defined) to the prospective Applicants or any other person. The purpose of this RFQ Package is to provide interested parties with information that may be useful to them in the formulation of their application for qualification pursuant to this RFQ Package (the "**Application**"). This RFQ Package includes statements, which reflect various assumptions and assessments arrived at by the Grantor in relation to the Project. Such assumptions, assessments and statements do not purport to contain all the information that each Applicant may require. This RFQ Package may not be appropriate for all persons, and it is not possible for the Grantor, its agencies, or advisors to consider the investment objectives, financial situation and particular needs of each party who reads or uses this RFQ Package.

The assumptions, assessments, statements and information contained in this RFQ Package may not be complete, accurate or adequate. Each Applicant should conduct its own investigations and analysis and should check the accuracy, correctness, reliability and completeness of the assumptions, assessments, statements and information contained in this RFQ Package and obtain independent advice from appropriate sources.

Information provided in this RFQ Package to the Applicants 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. The Grantor accepts no responsibility for the accuracy or otherwise for any interpretation or opinion on law expressed herein.

The Grantor, their agencies and advisors make no representation or warranty and shall have no liability to any person, including any Applicant or Bidder, under any law, statute, rules or regulations or tort, principles 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 this 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 this RFQ or arising in any way with qualification of Applicants for participation in the qualification process.

The Grantor also accepts no liability of any nature whether resulting from negligence or otherwise howsoever caused arising from reliance of any Applicant upon the statements contained in this RFQ. The Grantor may, in their absolute discretion but without being under any obligation to do so, update, amend or supplement the information, assessment or assumptions contained in this RFQ. The issuance of this RFQ does not imply that the Grantor is bound to select and short-list qualified Applications for the Project and the Grantor reserve the right to reject all or any of the Applications or Bids without assigning any reasons whatsoever.

The Applicant shall bear all its costs associated with or relating to the preparation and submission of its Application and the Grantor shall not be liable in any manner whatsoever for the same or for any other costs or other expenses incurred by an Applicant in preparation or submission of the Application.

## DEFINITIONS/ABBREVIATIONS

AMCON	The Asset Management Corporation of Nigeria
Applicant	An interested company, party or Consortium interested in submitting or submits an Application in accordance and response to this RFQ.
Application	The submission of an interested party or Consortium in response and in accordance with the provisions of this RFQ.
Authorized Representative	A natural person designated by the Applicant or Consortium who has the legal authority to represent the Applicant or Consortium for all matters relating to the RFQ.
Bid Documents	RFP and other documents to be provided by the BPE.
Bidder	A qualified and shortlisted Applicant.
Bidding Process	The two-stage process adopted by The BPE with the approval of the ICRC, involving the Qualification Stage followed by the Bid Stage.
Bids	Technical and financial offers to be submitted by bidders.
BPE	Bureau of Public Enterprises
Concession	30-year Operate, Maintain and Transfer (O&M) with private Hydropower plant managers undertaking the Operation and Maintenance and financing obligations, in consideration of the project revenues to be earned from power generation and power sale.
Concessionaire	Private Hydropower Generation and Management Company
Consortium	A group of entities coming together to submit an Application
Contact Person	A natural person designated by the Applicant or Consortium who acts as the contact person of the Applicant or Consortium for all matters relating to the RFQ.
Exchange Rate	NAFEX Rate as of the date of submission
FGN	Federal Government of Nigeria.
FIRS	Federal Inland Revenue Service
FMP	Federal Ministry of Power
FMWR	Federal Ministry of Water Resources
Form	Any form included in Section D of this RFQ.
Grantor	Federal Government of Nigeria (Through the BPE)
HPP	Hydropower Plant
ICRC	Infrastructure Concession Regulatory Commission.
Lead Member	The member identified and authorized to submit RFQ on behalf of the consortium by the execution of a Power of Attorney/Board

	Resolution and binding on all the members of the consortium.
MDA	Ministries, Departments and Agencies
NAFEX	Nigerian Autonomous Foreign Exchange Rate
NDA	Non-Disclosure Agreement to be signed by an Applicant prior to being issued the Bidding/RfP Document.
N4P	National Policy on Public Private Partnership.
OBC	Outline Business Case
O & M	Operate, Maintain and Transfer.
PDT	Project Delivery Team for the Concession of the Zungeru Hydropower Project.
PMF	Probable Maximum Flood
PPP	Public Private Partnership.
RFP	Request for Proposals.
RFQ	Request for Qualification. The first stage of the Bidding Process.
SPV	Special Purpose Vehicle established by a bidding Consortium.
Transaction Adviser	Halcrow Infrastructure Consortium
USD or US\$	United States Dollar.
ZHPP	Zungeru Hydropower Power Plant

## SECTION A: INTRODUCTION

1.1 Project Overview	
Requirements	Description
Asset Type	Hydropower Plant
Classification	Concession of Zungeru 700MW Hydropower Plant
Location	Zungeru Town, of Niger State
Project Site	Zungeru Dam located along the Kaduna River, 77KM downstream of Shiroro HPP in Niger State, Nigeria
Transaction Procedure	International Competitive Tender
Investment Structure	Incorporated privately-owned Special Purpose Vehicle
Nature of Grant	30-year Operate, Manage, Maintain and Transfer (O&M), in consideration of the project revenues to be earned from rental income and property leases, utility and management fees and so on.
Grantor/Sponsor	Federal Government of Nigeria through the Bureau of Public Enterprises ("BPE")
Concessionaire	Private Hydropower Manager/Operator
General Obligations of Concessionaire	<ul style="list-style-type: none"> <li>▪ Operate and Maintain</li> <li>▪ Ensure the Plant is run efficiently</li> </ul>
Fees	<ul style="list-style-type: none"> <li>▪ Commencement/ Upfront Fees: Entry Fee and Discounted Annual Concession Fee of Five (5) Years</li> <li>▪ Fixed Annual Concession Fee</li> <li>▪ Royalty Fees (Percentage of Revenue)</li> </ul>
Principal Project Agreements	<ul style="list-style-type: none"> <li>▪ Concession Agreement</li> <li>▪ Financing Agreements</li> </ul>
<p>For a detailed description and other information relating to the Project, please refer to the Investment Teaser for the Project which is available on the official website of the BPE (<a href="http://www.bpe.gov.ng">www.bpe.gov.ng</a>) OR ICRC (<a href="http://www.icrc.gov.ng">www.icrc.gov.ng</a>) OR Project Portal (<a href="http://www.zungeruhpp.com.ng">www.zungeruhpp.com.ng</a>)</p> <p>In accordance with the N4P, a Project Delivery Team (PDT) for the Concession of Zungeru 700MW Hydropower Plant (the "<b>PDT</b>") tasked with the responsibility of supervising the process has been established. In furtherance of the project, the BPE now issues a Request for Qualification ("<b>RFQ</b>") and seeks Applications from reputable power generation and management companies for the Concession of the 700MW Zungeru Hydropower Plant.</p>	

## 1.2 Background

The Federal Government of Nigeria (**FGN**)/ National Council on Privatisation (NCP), through its secretariat; the Bureau of Public Enterprises (BPE) ("**Grantor**"), seeks to concession the 700MW Zungeru Hydropower Plant (HPP). The project entails the adequate operation and maintenance of the HPP to ensure that the plant is efficiently run all year round, and that the power generated from the hydropower plant is evacuated and sold to support economic activities within the country. This document sets out the processes and requirements for the first stage of the procurement exercise to ensure robustness, sustainability of the proposed concession of the Zungeru HPP. This is with a view to ensuring that Nigeria's quest for sustainable electric power supply, energy efficiency, climate change control and overall economic diversification are realized.

The Federal Government of Nigeria's decision to construct the 700MW hydroelectric power plant at Zungeru Niger State, is to provide the much-needed sustainable power supply to Nigeria, using the potential energy of water stored in a reservoir to operate turbines. The turbines are connected to a large generator and can operate on varying volumes of water to adapt to changing demand for electricity. Hydroelectric power capacity is related to the height and capacity of a reservoir and requires certain conditions in local geography in addition to water source.

The Zungeru hydropower plant is located on the Kaduna river 8km upstream of the confluence of the Gumma River in Zungeru Town of Niger State. It lies within the coordinates of 0203570 (Northing) and 1095585 (Easting). This is approximately 17km northwest of Zungeru, 22km southeast of Tegna, 43km northwest of Minna and 77KM downstream of Shiroro Hydroelectric Power Plant. The project location has an area of 39,950km<sup>2</sup>, with approximately 150km at crow flight North West of Abuja the Nigeria's Federal Capital Territory.

The project has an installed capacity of 700MW, driven by the use of renewable resources of the Kaduna river. The Zungeru Hydroelectric Power Plant comprises;

- Reservoir at elevation of 230m,
- A concrete faced rock fill dam with a maximum height of approximately 113m,
- A concrete spillway equipped with four radial gates designed to pass probable maximum flood (PMF),
- A powerhouse located on the left bank dam toe containing four 175MW turbine/generating units for a total rated output of 700MW.

The dam is of Roller Compacted Concrete (RCC) in the valley and left bank, a rock fill with impervious clay core on the right bank, and earth fill with clay core for the straddle dam. The key project features consist of an 113m high and 2800m long dam, a powerhouse located at the dam toe, a spillway rated 11795m<sup>3</sup>/s, a 330KV



switchyard, four 300KV transmission line circuits, a tailrace channel, a thirty-kilometer access road and a transmission line. The impoundment is at the maximum operating reservoir elevation of 230m. The dam axis corresponds to the most upstream axis with two reservoir rim dikes (saddle dams) on the left bank (25 and 10m high) and six reservoir rim dikes (40m high for the highest on the right bank).

#### Transmission Infrastructure

The original EPC Contract which is funded from the China EXIM Bank loan has two transmission line components:

1. 330kV Shiroro-Jebba-Zungeru Transmission Line, and
2. 132kV Transmission Line to Tegina.

It is envisaged that these lines will be able to fully evacuate the power from the plant and at worst case scenario, replacement of the conductors on the triple point 330kV Shiroro-Jebba-Zungeru Transmission Line will suffice for the evacuation of power from the plant.

The FGN/BPE is desirous of procuring a suitably qualified and competent concessionaire to operate, manage and maintain the hydropower plant for the concession period of 30 years. It is against this backdrop and in line with the extant ICRC Act, and National Policy on Public Private Partnerships (N4P), that BPE engaged the services of Halcrow Infrastructure as Transaction Adviser and Anchor for the pre-concession phase, as well as providing advisory services to the BPE towards procuring a credible and capable concessionaire for the Operation and Maintenance of the 700MW Zungeru HPP.

### 1.3 Bidding Process

1.3.1	The BPE, with the approval of the ICRC, has adopted a two-stage bidding process (collectively referred to as the “ <b>Bidding Process</b> ”) for selection of the Bidder for award of the Project. The first stage (the “ <b>Qualification Stage</b> ”) of the process involves qualification (the “ <b>Qualification</b> ”) of interested parties/consortia who submit Applications in accordance with the provisions of this RFQ (the “ <b>Applicant</b> ”, which expression shall, unless repugnant to the context, include the Members of the Consortium). At the end of this stage, the BPE expects to announce a short-list of suitable qualified Applicants who shall be eligible for participation in the second stage of the Bidding Process (the “ <b>Bid Stage</b> ”) comprising Request for Proposals (the “ <b>Request for Proposals</b> ” or “ <b>RfP</b> ”).
1.3.2	In the Qualification Stage, Applicants would be required to furnish all the information specified in this RFQ. Only those Applicants that are qualified and short-listed by the BPE shall be invited to submit their Bids for the Project. Those who are shortlisted must execute a Non-Disclosure Agreement.
1.3.3	In the Bid Stage, the shortlisted Bidders will be called upon to submit their technical proposal and financial offers (the “ <b>Bids</b> ”) in accordance with the RfP

	and other documents to be provided by the BPE (collectively the " <b>Bidding Documents</b> ").
<b>1.3.4</b>	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 implementation of the Project.
<b>1.3.5</b>	As part of the Bidding Documents, the BPE will provide draft heads of terms for the Concession Agreement as well as other information pertaining/relevant to the Project.
<b>1.3.6</b>	Details of the process to be followed at the Bid Stage and the terms thereof will be spelt out in the Bidding Documents.

#### 1.4 Schedule of RFQ Process

The timeline of the RFQ process is stated below:

KEY MILESTONE	DATE
RFQ Package available for access to interested Applicants	27 <sup>th</sup> October, 2022
Deadline for RFQ Clarification	17 <sup>th</sup> November, 2022
Deadline for Submission of Response to RFQ by interested Applicants	24 <sup>th</sup> November, 2022

## SECTION B: INSTRUCTIONS TO APPLICANTS

<b>2.1 Scope of Application</b>	
<b>2.1.1</b>	This RFQ Package is issued for reputable and qualified applicants to submit applications for qualification in respect of the Project and only shortlisted Applicants may subsequently be invited to submit bids for the Project.
<b>2.2 Eligibility of Applicants</b>	
The following factors shall be applied to determine the eligibility of Applicants for qualification for the Project	
<b>2.2.1</b>	An Applicant may be a single entity or a group of entities (" <b>Consortium</b> ") coming together to submit an Application for the concession of the Project. However, no Applicant applying individually or as a member of a Consortium can be member/part of another Applicant. The term Applicant used herein would apply to both a single entity and a Consortium.
<b>2.2.2</b>	<p>A group of entities forming a Consortium must provide evidence thereto by a Consortium Agreement specifically entered into by all the entities for this application. However, when the preferred Applicant is selected, the Consortium shall be required to establish a special purpose vehicle ("<b>SPV</b>") in order to sign the Concession Agreement.</p> <p>A Consortium must have a Lead Member. All parties in a Consortium shall be jointly and severally liable for the relevant obligations in respect of the Application. Changes in the membership of a Consortium (whether by way of exit of existing members or entry of new members or internal reapportionment of the participation percentages) following the submission of the Application must be notified to the BPE no later than (2) two weeks before the submission of the Bids during the Bid Stage and provided:</p> <p>a) the Consortium continues to fulfil the minimum technical and minimum financial criteria set out under this RfQ; and</p> <p>b) any notification to the BPE in relation to any change in the membership of a Consortium by way of entry of new members must be accompanied by the necessary supporting documents as applicable otherwise the change shall not be approved.</p> <p>The formation of a new Consortium by any way following the submission of Application by the Applicant is not permitted.</p>
<b>2.2.3</b>	The eligibility criteria listed in this Clause 2.2 shall apply to the Applicant, including the parties constituting the Applicant.
<b>2.2.4</b>	An Applicant may have the nationality of any country, subject to the restrictions pursuant to Sub-clause 2.2.6. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered and operates in conformity with the provisions of the laws of that country, as evidenced by its Certificate of Incorporation/Registration or any other equivalent

	document evidencing registration of the company or companies (for a Consortium) in country of registration, Articles of Incorporation, Charters, or any document constituting its constitutional documents.
<b>2.2.5</b>	An Applicant shall submit only one Application in the same RFQ process, either individually as an Applicant or as a Member of a Consortium. No Applicant can be a subcontractor while submitting an Application individually or as a Member of a Consortium in the same process. An Applicant who submits, or participates in, more than one Application will cause all the applications in which the Applicant has participated to be disqualified.
<b>2.2.6</b>	Applicants from an eligible country may be excluded if: <ul style="list-style-type: none"> <li>i. As a matter of Nigerian law, regulations or international conventions to which Nigeria is a signatory, the FGN prohibits commercial relations with that country, provided that the BPE are satisfied that such exclusion does not preclude effective competition for the supply of goods, or the contracting of works required; or</li> <li>ii. By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the FGN prohibits any import of goods or contracting of works or services from that country, or any payments to persons or entities in that country.</li> <li>iii. The Applicant, promoter or major shareholder is prohibited or officially banned from trading or other commercial activity in Nigeria.</li> </ul>
<b>2.2.7</b>	An Applicant will be disqualified if it (or in the case of a Consortium, any of its members) does not meet any of the following exclusion criteria: Court affidavit in this regard is a requirement; <ul style="list-style-type: none"> <li>(a) The Applicant must not be in a state of bankruptcy or liquidation;</li> <li>(b) The Applicant must not be subject to a bankruptcy application;</li> <li>(c) The Applicant has not been found guilty of an offence which raises doubts about the professional integrity of the Applicant, its shareholders, or member(s);</li> <li>(d) The Applicant has not committed a grave error in the performance of its profession;</li> <li>(e) The Applicant has met its obligations with regard to the payment of social security contributions or taxes, in accordance with the legal requirements in the country in which it is established;</li> <li>(f) The Applicant has not been guilty of making false statements in the provision of information, including statements made for the purpose of an application and the information submitted on the basis thereof.</li> <li>(g) The Applicant is not Nigerian Government owned or controlled (whether wholly or partly), no present government official is an official or owns any interest in the Applicant</li> <li>(h) In the case of a Consortium, all Consortium Members have applied only once and are not Applicants in their own right or Consortium Member of another Applicant;</li> <li>(i) The Applicant nor any of its directors is not indebted to or has its assets</li> </ul>

	<p>taken over by AMCON.</p> <p>(j) The Applicant is not in default on any remittances due the Federal of Government of Nigeria (or any of its MDAs) in respect to Concession and Royalty Payments, etc.</p>
<b>2.2.8</b>	<p>Any Applicant found to have a Conflict of Interest in respect of this process shall be disqualified. An Applicant shall be deemed to have a Conflict of Interest, if;</p> <p>a) they have any government official as a stakeholder,</p> <p>b) is owned solely or partly by the government of Nigeria,</p> <p>c) has any stake holding/financial interest or interests in any other bidder,</p> <p>d) Shares Advisors/Consultants with any other bidder,</p> <p>e) Is part of or participates in another bid(der)/Consortium.</p>

### 2.3 Amendment to RFQ Package

<b>2.3.1</b>	The BPE may for any reason, whether at its own initiative or in response to clarifications requested by an Applicant, amend the RFQ Package by issuing an addendum at any time prior to the deadline for submission of applications.
<b>2.3.2</b>	Any addendum issued shall be part of the RFQ Package and shall be communicated in writing or by email to all Applicants who have obtained the RFQ Package.
<b>2.3.3</b>	The BPE may, at its discretion, extend the deadline for the submission of applications in order to give prospective Applicants reasonable time to take an addendum into account in preparing their applications.

### 2.4 Preparation of Application

<b>2.4.1</b>	<p><b>Number of Application(s)</b></p> <p>No Applicant shall submit more than one Application for the Project. An applicant applying individually or as a member of a Consortium shall not be entitled to submit another Application either individually or as a member of any Consortium, as the case may be.</p>
<b>2.4.2</b>	<p><b>Cost of Application</b></p> <p>The Applicant shall bear all costs associated with the preparation and submission of the Application. The BPE will not be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.</p>
<b>2.4.3</b>	<p><b>Language of Application</b></p> <p>The Application as well as all correspondence and documents relating to the RFQ exchanged by the Applicant and the BPE, shall be written in the English language</p>
<b>2.4.4</b>	<p><b>Currency</b></p> <p>All amounts and calculations in this Application shall be presented in the <b>Nigerian Naira (NGN)</b> or its <b>United States Dollar ("USD")</b> equivalent using the Nigerian Autonomous Foreign Exchange Rate (<b>NAFEX</b>) rates. In case the base</p>

	currency is not denominated in USD, the Applicant shall indicate the exchange rate(s) applied and the corresponding date(s) of exchange rate(s).
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## 2.5 Documents Comprising the Application

<b>2.5.1</b>	The Application shall comprise the following Forms: <ul style="list-style-type: none"> <li>(a) Application Submission Form (Form I);</li> <li>(b) Documentary evidence establishing the Applicant's eligibility to qualify (Forms II to VI); and</li> <li>(c) Documentary evidence establishing the Applicant's qualifications (Forms VII to IX).</li> <li>(d) Court Affidavit for conditions as listed in 2.2.7</li> </ul>
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## 2.6 Application Form

<b>2.6.1</b>	The Applicant shall submit RFQ Application using the forms furnished (Section D. Application Forms). The Application Forms must be completed without any alteration to their format (except as agreed and amended by the BPE).
<b>2.6.2</b>	The application shall be submitted in SIX (6) copies, ONE (1) ORIGINAL and FIVE (5) COPIES in a sealed envelope clearly marked "REQUEST FOR QUALIFICATION FOR THE CONCESSION OF THE 700MW ZUNGERU HYDROELECTRIC POWER PLANT (ZHPP)". Electronic submissions should be one digital copy in PDF format stored on a readable digital media preferably flash drive (no CDs or DVDs) and should be addressed as stated in the advert.
<b>2.6.3</b>	The BPE will not accept any responsibility for not processing any application submitted that was not identified as stated in Clause 2.6.2 above

## 2.7 Modification and Withdrawal of Applications

<b>2.7.1</b>	The Applicant may modify, substitute, or withdraw its Application after submission, provided that written notice of the modification, substitution or withdrawal is received by the BPE prior to the deadline for submission of Applications. No Application shall be modified, substituted, or withdrawn by the Applicant on or after the deadline for submission of Applications.
<b>2.7.2</b>	Any alteration/ modification in the Application or additional information supplied subsequent to the deadline for submission of Applications, unless the same has been expressly sought for by the BPE, shall be disregarded

## 2.8 Deadline for Submission of Applications

<b>2.8.1</b>	Applications shall be submitted no later than <b>2:00 p.m. on Thursday, 24th November 2022</b>
<b>2.8.2</b>	The BPE may, at its discretion, extend the deadline for the submission of applications by amending the RFQ package, in which case all rights and obligations of the BPE and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

<b>2.9 Late Submissions</b>	
<b>2.9.1</b>	Any Application received by the BPE after the deadline for submission of Applications prescribed in this instruction shall not be eligible for consideration and shall be disqualified.

<b>2.10 Contact Information</b>	
<b>2.10.1</b>	The Application shall state the name and the contact details of the Applicant as per format in Form II, and the Applicant's authorized representative and the Applicant's principal contact person and his/her designated alternate as per format in Form VI. The BPE shall only communicate with the principal contact person or his/her designated alternate in the absence of the former

<b>2.11 Clarifications</b>	
<b>2.11.1</b>	Applicants may request for clarifications on any information contained in the RFQ Package no later than five (5) working days before the deadline for the submission of applications. All such communication between the Applicants through its designated contact person pursuant to Clause 2.10 above with the BPE shall be by email to info@zungeruhpp.com.ng.
<b>2.11.2</b>	The BPE shall endeavour to respond to the questions raised or clarifications sought by the Applicants. However, the BPE reserves the right not to respond to any question or provide any clarification, in its sole discretion, and nothing in this clause shall be taken or read as compelling or requiring the BPE or the Grantor to respond to any question or to/ provide any clarification
<b>2.11.3</b>	When requesting clarifications, the subject line of the email should clearly indicate "[Applicant's name]: Request for Clarifications".
<b>2.11.4</b>	In order to keep all questions and responses accessible to all Applicants, a question-and-answer matrix will be maintained, that will serve as a directory of all comments or questions received along with the answers provided by the BPE or other stakeholders as relevant
<b>2.11.5</b>	The BPE may also on its own motion, if deemed necessary, issue interpretations and clarifications to all Applicants. All clarifications and interpretations issued by the BPE shall be deemed to be part of the RFQ.

<b>2.12 Acknowledgment</b>	
<b>2.12.1</b>	By submitting Applications in response to this RfQ, all Applicants fully acknowledge that: <ul style="list-style-type: none"> <li>(a) They have carefully examined all information in this RfQ package and received all information which they require to submit an Application; and</li> <li>(b) They accept the risk of any inadequacy, error or mistake in the information provided in the RfQ Package and agree to be bound by the relevant undertakings provided therein.</li> </ul>

<b>2.13 Acceptance/Rejection of Bids</b>	
<b>2.13.1</b>	Notwithstanding anything contained in this RfQ package, the BPE reserves the right to accept or reject any Application, annul the qualification process and reject all Applications, at any time without any liability or any obligation for such acceptance, rejection or annulment, and without assigning any reasons thereto. In the event that the BPE rejects or annuls all the Bids, it may, in its discretion, invite all eligible Bidders to submit fresh Bids hereunder
<b>2.13.2</b>	The BPE reserves the right at any time to disqualify any Application which it discovers to contain a material misstatement or misrepresentation.
<b>2.13.3</b>	If the Applicant/Bidder is a Consortium, then the entire Consortium will be disqualified/rejected.

<b>2.14 Anti-Corruption Matters</b>	
<b>2.14.1</b>	The Applicants and their respective officers, employees, agents and advisers shall observe the highest standard of ethics during the application process. Notwithstanding anything to the contrary contained herein, BPE may reject an Application without being liable in any manner whatsoever to the Applicant if it determines that the Applicant has, directly or indirectly, engaged in any corrupt, fraudulent, coercive, unethical or restrictive practice in the application process



### 3 SECTION C: FRAMEWORK/CRITERIA FOR EVALUATION OF APPLICATIONS

<b>3.1 Opening and Evaluation of Applications</b>	
<b>3.1.1</b>	The BPE shall open the Applications on a date after the deadline for submission of Applications. The BPE shall prepare a record of the opening of Applications which shall include, as a minimum, the name of the Applicant
<b>3.1.2</b>	Information relating to the evaluation of RfQ submissions, and recommendation for qualification, shall not be disclosed to Applicants or any other persons not officially concerned with such process or who is not a retained professional advisor advising the BPE in relation to, or on matters arising out of, or concerning the Bidding Process. The BPE will treat all information, submitted as part of Application, in confidence and will require all those who have access to such material to treat the same in confidence. The BPE may not divulge any such information unless it is directed to do so by any statutory entity that has the power under law to require its disclosure or to enforce or assert any right or privilege of the statutory entity and/or the BPE or as may be required by law or in connection with any legal process.
<b>3.1.3</b>	From the deadline for submission of RfQ to the time of notification of the results of the qualification, any Applicant that wishes to contact the BPE on any matter related to the RFQ process, may do so but only in writing.
<b>3.1.4</b>	To assist in the evaluation of RfQ submissions, the BPE may, at its discretion, ask any Applicant for a clarification of its submission which shall be submitted within a stated reasonable period of time. Any request for clarification and all clarifications shall be in writing.
<b>3.1.5</b>	When an Applicant does not provide clarifications of the information requested by the date and time set in the BPE's request for clarification, its application may be rejected. In case the Application is not rejected, the BPE may proceed to evaluate the Application by construing the particulars requiring clarification to the best of its understanding, and the Applicant shall be barred from subsequently questioning such interpretation of the BPE.
<b>3.1.6</b>	The BPE may reject any Application which is not responsive to the requirements of the RfQ Package and no request for alteration, modification, substitution or withdrawal shall be entertained by the BPE in respect of such Application. An Application shall be considered responsive only if: <ul style="list-style-type: none"> <li>(a) it is submitted prior to the deadline for submission of Applications;</li> <li>(b) it contains all the information and documents (complete in all respects) as requested in this RFQ;</li> <li>(c) it contains information in formats same as those specified in this RFQ Package</li> <li>(d) it does not contain any condition or qualification</li> </ul>

3.1.7	The BPE shall use the factors, methods, criteria, and requirements defined in Section C, Qualification Criteria and Requirements to evaluate the qualifications of the Applicants. Qualification Criteria in Section C are indicative of the qualification factors and may be amended prior to the dateline for submission of applications. Any amendments shall be communicated to all Applicants in accordance with Section B Clause 2.3.2.
3.1.8	Only the qualifications of subcontractors that have been identified in the Application may be considered in the evaluation of an Applicant. However, the general experience and financial resources of subcontractors may not be added to those of the Applicant for purposes of qualification of the Applicant
3.1.9	Any information contained in the Application shall not in any way be construed as binding on the BPE, its agents, successors or assigns, but shall be binding against the Applicant if the Project is subsequently awarded to it on the basis of such information.
3.1.10	The BPE reserves the right to accept or reject any Application, and to annul the qualification process and/or any other process before the execution of definitive/project agreements and reject all Applications at any time, without incurring thereby any liability to the Applicants.
3.1.11	Applicants are advised that qualification of Applicants will be entirely at the discretion of the BPE. Applicants will be deemed to have understood and agreed that no explanation or justification on any aspect of the Bidding Process or selection will be given.
3.1.12	All Applicants whose applications are deemed to have met or exceeded ("passed") the specified threshold requirements will be qualified by the BPE.

### 3.2 Qualification and Bidding

3.2.1	<p>After the evaluation of Applications, the BPE would notify short-listed qualified Applicants (Bidders) who will be eligible for participation in the RfP/Bid Stage and publish their list on the Project Portal (<a href="http://www.zungeruhpp.com.ng">www.zungeruhpp.com.ng</a>)</p> <p>Subject to Section B Sub-clause 2.2.2, Applicants whose Application have been rejected may seek inclusion in a Consortium that has been qualified. The BPE will not entertain any query or clarification from Applicants who fail to qualify.</p>
3.2.2	Bidders will be required to execute a Non-Disclosure Agreement (NDA) prior to being issued the RfP/Bidding Document. The Bidders will be requested to submit a Bid in the form and manner to be set out in the Bidding Documents. Only qualified Applicants shall be invited by the BPE to submit their Bids for the Project. The BPE is likely to provide a comparatively short time span for submission of the Bids for the Project. The Applicants are therefore advised to visit the site and familiarize themselves with the Project by the time of submission of the Application.

<b>3.2.3</b>	All documents and other information supplied by the BPE or submitted by an Applicant to the BPE shall remain or become the property of the BPE. Applicants are to treat all information as strictly confidential and shall not use it for any purpose other than for preparation and submission of their Application. The BPE will not return any Application, or any information provided along therewith.
<b>3.2.4</b>	Save and except as provided in this RFQ, the BPE shall not entertain any correspondence with any Applicant in relation to the acceptance or rejection of any Application.

### 3.3 Evaluation Parameters

<b>3.3.1</b>	Only those Applicants who meet the eligibility and qualification criteria specified in this Clause 3.3 shall qualify for evaluation. Applications of firms/consortia who do not meet these criteria shall be rejected.
<b>3.3.2</b>	The Applicant's competence and capability is proposed to be established by the following minimum parameters:
<b>3.3.2.1</b>	<p><u>Technical Minimum Criteria</u></p> <p>To demonstrate technical capacity and experience in the Operation and Maintenance of hydropower plants.</p> <ol style="list-style-type: none"> <li>a. General experience in the operations, maintenance and management and investment financing of energy/ power projects globally/locally (list all relevant track records)</li> <li>b. Specific experience and track records in operations, management, maintenance and financing of hydropower projects globally/locally (at least TEN relevant track records)</li> <li>c. Evidence of operations, maintenance and management of hydropower plant capacity of at least 500MW (at least TWO relevant track records).</li> <li>d. Emerging market experience in hydro power generation facilities; operations and maintenance (at least TWO relevant track records)</li> <li>e. Financing/Operating &amp; Maintaining of large-scale hydro power infrastructure in Sub- Saharan Africa would be an added advantage (at least one hydropower plant).</li> </ol> <p>In case of a Consortium, the combined technical capacity of the members should satisfy the above conditions of eligibility.</p> <p>In case the Applicant is not a Consortium, it shall be eligible only if it has equivalent experience of its own.</p>
<b>3.3.2.2</b>	<p><u>Financial Minimum Criteria</u></p> <p>The Applicant shall provide evidence of financial capacity, in support of the company or consortium's ability to undertake the 700MW Zungeru Hydropower Plant Project illustrated by:</p>

	<p>a. The average turnover per annum in the last three (3) years of at least Fifty Billion Naira (N50,000,000,000).</p> <p>b. Evidence of adequate financial resources to finance investment: interested applicants must have a minimum net worth of at least Fifty Billion Naira (N50,000,000,000) or its equivalent as shareholders' equity contribution.</p> <p>c. Letter of financial support from credible financial institutions that supports the bidder's ability to raise funding for the project.</p> <p>In the case of a Consortium, the member(s) nominated to be the financier of the Project, should satisfy the above conditions of eligibility. Alternatively, the Lead Member and other Members shall provide evidence of good financial standing and/or provide a letter of financial support from a credible financial institution that supports their proportional minimum holding threshold in the Consortium as stated above.</p>
<b>3.3.3</b>	<b>DETAILS OF TECHNICAL CAPACITY</b>
<b>3.3.3.1</b>	The Applicant should furnish the details of eligible experience for the last ten (10) financial years immediately preceding the deadline for submission of Application.
<b>3.3.3.2</b>	The Applicants must provide the necessary information relating to Technical Capacity as per format of related Forms attached.
<b>3.3.3.3</b>	The Applicant should furnish the required Project-specific information and evidence in support of its claim of Technical Capacity, as per format of Forms VIII and IX.
<b>3.3.4</b>	<b>FINANCIAL INFORMATION FOR PURPOSES OF EVALUATION</b>
<b>3.3.4.1</b>	The Application must be accompanied by the Audited Annual Reports of the Applicant (of each Member in case of a Consortium) for the last three (3) financial years, preceding the year in which the Application is made.
<b>3.3.4.2</b>	The Applicant must establish the minimum financial standing specified in Clause 3.3.2.2, and provide details as per format of Form IV.

Eligibility and Qualification Criteria			Compliance Requirements			Documentation
No.	Subject	Requirement	Single Entity	Consortium/ Joint Venture (JV)		Submission Requirements
				Lead Partner	Exclusive Partner	
<b>1. Declaration</b>						
1.1	<b>Letter of Response</b>	Letter must be signed without changes and additions.	Compulsory requirement	Compulsory requirement	N/A	Form I
<b>2. Capabilities of Applicant</b>						
2.1	<b>Business Information</b>	All boxes must be filled. Where not applicable it shall be so stated.	Compulsory requirement	Compulsory requirement	Compulsory requirement	Form II
2.2	<b>Consortium Agreement</b>			Compulsory requirement	Compulsory requirement	Form III
2.3	<b>Financial Capability</b>	All boxes must be filled. Required certificates and/or forms must be attached.	Compulsory requirement	Compulsory requirement	If applicable	Form IV
2.4	<b>Management and Operating Capabilities of Hydropower Plant, including Corporate Social Responsibility &amp; Sustainability</b>	All boxes must be filled.	Compulsory requirement	Compulsory requirement	If applicable	Form V-a; Form V-b; and Form V-c
2.5	<b>Authorized Representative</b>	Contact details of authorized representative(s) must be given.	Compulsory requirement	Compulsory requirement	N/A	Form VI
2.6	<b>Consortium Summary</b>	Details of Consortium.	N/A	Compulsory requirement	Compulsory requirement	Form VII

Eligibility and Qualification Criteria			Compliance Requirements			Documentation
No	Subject	Requirement	Single Entity	Consortium/ Joint Venture (JV)		Submission Requirements
				Lead Partner	Exclusive Partner	
<b>3. Investment, Management and Operating Experience</b>						
3.1	<b>Power Facility, Hydropower Plant Operating and Facilities Management Experience</b>	Prospective bidders must have a minimum of at least ten (10) years of management and operating experience of Hydropower plant(s). The information is to be summarized for each Hydropower asset managed and operated by the Applicant or by each Member of a Consortium.	Compulsory requirement	Must meet requirement where applicable	Must meet requirement where applicable	Form VIII
3.2	<b>Power Facility and Hydropower Plant Financing &amp; Investment Experience</b>	Applicants must have over the past 10 (ten) financial years preceding the deadline for submission of the Application: (a) participated in the Operation and Management of power plant(s); and (b) Operated and managed at least one (1) similar project in Nigeria; and/or Sub-Saharan Africa (c) Undertaken operations and facilities management services for Power projects. The information is to be summarized for each Power asset completed or in progress by the Applicant or by each Member of a Consortium.	Compulsory requirement	Must meet requirement where applicable	Must meet requirement where applicable	Form IX
<b>4. CURRICULUM VITAE of Key Personnel</b>						
4.1	<b>Curriculum Vitae of Key Personnel Intended for This Project</b>	Experience and Expertise of Key Personnel as illustrated by Curriculum Vitae (CV) of key management staff with relevant experience working on similar projects and at least 15 years in the power sector or in a similar industry.	Compulsory requirement	Compulsory requirement	Compulsory requirement	Form X
<b>5. COURT AFFIDAVIT</b>						
5.1	<b>Court Affidavit</b>	A duly executed Court Affidavit for the conditions of 2.2.7	Compulsory requirement	Compulsory requirement	Compulsory requirement	

## 4. SECTION D: APPLICATION FORMS

This letter must be signed without changes, additions and/or subtractions, except field indicated in square brackets.

### FORM I (Letter of Response)

[Date]

**The Director General,**  
Bureau of Public Enterprises  
11, Osun Crescent, Off IBB Way  
Maitama District, FCT, Nigeria

Dear Sir,

**RE: Request for Qualification to Operate, Maintain, Manage, and Transfer of the 700MW Zungeru Hydropower Plant, Along the Kaduna River in Zungeru Town of Niger State, Nigeria (Reference No. RFQ xx xx xx)**

1. We, the undersigned are duly authorized to represent and act on behalf of [\_\_\_\_\_] (“**Applicant**”) and having reviewed and fully understood all information provided in the Request for Qualification Package (“**RFQ Package**”), hereby apply to be qualified as an applicant for the above mentioned Project. The Application is unconditional and unqualified.
2. We hereby submit our qualification Application, which comprise the following:
  - (a) Form I – Letter of Response;
  - (b) Form II – Details of Applicant (Business Information and Experience);
  - (c) Form III – Consortium Agreement
  - (d) Form IV – Financial Strength;
  - (e) Form V – Investment, Management & Operating Experience;
    - Form V-a - Global;
    - Form V-b - Local; and
    - Form V-c – Corporate Social Responsibility & Sustainability;
  - (f) Form VI – Particulars of Authorised Representative;
  - (g) Form VII – Consortium Summary;
  - (h) Form VIII – Management & Operating Experience;
  - (i) Form IX – Operations, Financing & Investment Experience;
  - (j) Form X – Curriculum Vitae of Key Personnel; and
  - (k) Court Affidavit
  - (l) Other details and supporting documents as applicable.
3. [Applicable in case of a Consortium] The Lead Member of the Consortium applicant is [\_\_\_\_\_].

We acknowledge that soft copy submissions of our Application are required in accordance with the Instruction to Applicants.

4. We confirm that the Transaction Adviser and/or any of their authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this Application, and to seek clarification from our bankers and clients regarding any financial and technical aspects.

This Letter of Response will also serve as authorization to any individual or authorized representative of any entity referred to in the supporting information, to provide such information deemed necessary and requested by yourself to verify statements and information provided in this Application, or with regard to the resources, experience, and competence of the Applicant.

5. We declare that:
- (a) none of the director(s) of the Applicant has/have ever been convicted by any court of law;
  - (b) none of the officers of NCP/BPE/Federal Ministry of Power/ Federal Ministry of Water Resources/ ICRC or any agencies of the FGN is presently a director/staff or owns any interest of the Applicant [or any Member of the Consortium];
  - (c) the Applicant [and each Member of the Consortium] is not in receivership or under any other bankruptcy proceedings before any court of law.
6. We understand that:
- (a) All information submitted in this Application shall remain binding upon us at the time of submission;
  - (b) The Transaction Adviser and/or the Sponsor(s) may in their absolute discretion accept or reject my/our Application, and cancel the prequalification process at any time before the execution of definitive/ project agreements without any liability to us;
  - (c) Whilst every effort will be made to protect the confidentiality of the information submitted by the Applicant, the Transaction Adviser/Sponsor(s) and its authorized representatives cannot be held liable for any breach of confidentiality;



- (d) the Grantor/ Transaction Adviser have the right to reject our Application without assigning any reason or otherwise and hereby waive, to the fullest extent permitted by applicable law, our right to challenge the same on any account whatsoever.
7. We understand and agree that applicants who are shortlisted must execute a Non-Disclosure Agreement and make payment of any applicable administrative fees as advised by the Transaction Adviser/Sponsor(s) before receiving a copy of the Request for Proposal ("RFP") documents.
8. We declare that all statements made by us and all the information pursuant to this Application are complete, true and accurate to the best our knowledge and beliefs and nothing has been omitted which renders such information misleading; and all documents accompanying such Application are true copies of their respective originals.

For and on behalf of (name of Applicant or Lead Member of a Consortium Applicant)

Signed [\_\_\_\_\_]

Name [\_\_\_\_\_]

Designation [\_\_\_\_\_]

Date [\_\_\_\_\_]

*For a Consortium, where only the lead member signs, the power(s) of attorney/joint agreement/consortium agreement/document(s) authorizing the lead member to sign on behalf of the respective members shall be attached.*

## FORM II (Details of Applicant)

All boxes must be filled. Where not applicable it shall be stated

An application can be rejected if an Applicant does not include the following information or if it is incomplete.

All Applicants and each Member of a Consortium wishing to participate in the Bidding Process must complete the following:

*Please use a separate sheet for each member of a Consortium.*

Name of Applicant (or Member of a Consortium or JV)			
Nature of Entity			
Business No./ Company No./ Other Identification No.			
Certificate of Incorporation / Registration:  <i>[Evidence of Certificate of Incorporation/Registration or any other equivalent document evidencing registration of the company or companies (for a Consortium) in country of registration]</i>			
Registered Office Address			
Company Profile			
Website Address			
List of Major Shareholders			
Telephone		Name of Authorized Representative	
Fax		Email	
Place of Incorporation / Registration		Year of Incorporation / Registration	
Number of Staff			
Organizational Structure  <i>[To attach that of the Company and, if a Consortium, then that of each member of the Consortium]</i>			

<p>Company background and business history  <i>[Brief statement of company's background and history, and, if a Consortium, then also the background and history each member of the Consortium.]</i></p>	
<p>Resolution of the Board of Directors or any other equivalent governing body of the company or companies (for a Consortium) evidencing approval/authority to submit an application</p>	
<p>Letter of Confirmation issued by the Applicant disclosing that the company does not have any director who has been convicted in any country for any criminal offence relating to fraud of financial impropriety or criminal misrepresentation or falsification of acts relating to any matter</p>	
<p>Letter of Confirmation issued by the Applicant disclosing whether or not any official of the FGN, BPE or any of its agencies is a former or present director, shareholder or has any pecuniary interest in the bidder and confirmation that all information presented in the bid are true and correct.</p>	
<p><b>The requirements set out below shall not apply to non-Nigerian companies and consortia.</b></p>	
<p>Certified true copies of the current Form CAC 2A (Return of Allotment – Post Incorporation); Form 7A (Notice of Change of Directors etc.) and Memorandum and Articles of Association of the company or companies (for a Consortium)</p>	
<p>Evidence of Current Pension Clearance from the National Pension Commission (PENCOM)</p>	
<p>Evidence of Company Tax Clearance Certificate for the last three (3) years (2019,2020 &amp; 2021)</p>	
<p>Evidence of Current Certificate of Compliance in respect of the Industrial Training Fund Act CAP 19, LFN 2004 (the "IDTF Act") (as amended by the Industrial Training Fund Act, 2011)</p>	

## Form III (Consortium Agreement)

The members of a consortium are collectively referred to as the “**Parties**” and each is individually referred to as a “**Party**”

### WHEREAS:

- A. The Contracting Authority has invited submissions (the “**Application** s”) by its Request for Qualification No. .... dated ..... (The “**RFQ**”) for Qualification and short-listing of Applicants for Operate, Maintain and Manage of the Concession of the 700MW Zungeru Hydropower Project (the “**Project**”) through public-private partnership.
- B. The Parties are interested in jointly applying for the Project as members of a Consortium and in accordance with the terms and conditions of this RFQ document and other documents in respect of the Project, and
- C. It is a necessary condition under the RFQ document that the members of the Consortium shall enter into a Consortium Agreement on being selected for the next stage (RFP) of the Concession programme and furnish a copy thereof with the RFP.

### NOW IT IS HEREBY AGREED as follows:

#### 1. Definitions and Interpretations

In this Agreement, the capitalised terms shall, unless the context otherwise requires, have the meaning ascribed thereto under the RFQ.

#### 2. Consortium

- 2.1. The Parties do hereby irrevocably constitute a consortium (the “**Consortium**”) for the purposes of jointly participating in the Selection/Bidding Process for the Project.
- 2.2. The Parties hereby undertake to participate in the Selection/Bidding Process only through this Consortium and not individually and/or through any other consortium constituted for this Project, either directly or indirectly or through any of their Associates.

#### 3. Covenants

The Parties hereby undertake that in the event the Consortium is declared the selected Bidder and awarded the Project, it shall incorporate a Special Purpose Vehicle (the “**SPV**”) under the Companies and Allied Matters Act, 2020 for entering into a Concession Agreement with the Contracting Authority and for performing all its obligations as the Concessionaire in terms of the Concession Agreement for the Project.

#### 4. Role of the Parties

The Parties hereby undertake to perform the roles and responsibilities as described below:

- a. Party of the First Part shall be the Lead member of the Consortium and shall have the power of attorney from all Parties for conducting all business for and on behalf of the Consortium during the Selection/Bidding Process and until the Appointed Date under the Concession Agreement when all the obligations of the SPV shall become effective;
  - b. Party of the Second Part shall be the Technical Member (Dam Operators) of the Consortium;
  - c. Party of the Third Part shall be the Financial Member of the Consortium;
  - d. Party of the Fourth Part shall be the Operations & Maintenance Member of the Consortium;
- and

## 5. Joint and Several Liability

The Parties do hereby undertake to be jointly and severally responsible for all obligations and liabilities relating to the Project and in accordance with the terms of the RFQ, RFP (if selected from RFQ stage) and the Concession Agreement, till such time as the Financial Close for the Project is achieved under and in accordance with the Concession Agreement.

## 6. Representation of the Parties

Each Party represents to the other Parties as of the date of this Agreement that:

- a. Such Party is duly organized, validly existing, and in good standing under the laws of its incorporation and has all requisite power and authority to enter into this Agreement;
- b. The execution, delivery, and performance by such Party of this Agreement have been authorized by all necessary and appropriate corporate or governmental action and a copy of the extract of the charter documents and board resolution/power of attorney in favour of the person executing this Agreement for the delegation of power and authority to execute this Agreement on behalf of the Consortium Member is annexed to this Agreement, and will not, to the best of its knowledge:
  - i. require any consent or approval not already obtained;
  - ii. violate any applicable law presently in effect and having applicability to it;
  - iii. violate the memorandum and articles of association (or its equivalent), by-laws, or other applicable organizational documents thereof;
  - iv. violate any clearance, permit, concession, grant, license or other governmental authorization, approval, judgment, order or decree or any mortgage agreement, indenture or any other instrument to which such Party is a party or by which such Party or any of its properties or assets are bound or that is otherwise applicable to such Party; or
  - v. create or impose any liens, mortgages, pledges, claims, security interests, charges or Encumbrances or obligations to create a lien, charge, pledge, security interest, encumbrances or mortgage in or on the property of such Party, except for encumbrances that would not, individually or in the aggregate, have a material adverse effect on the financial condition or prospects or business of such Party so as to prevent such Party from fulfilling its obligations under this Agreement;
- c. This Agreement is the legal and binding obligation of such Party, enforceable in accordance with its terms against it; and
- d. There is no litigation pending or, to the best of such Party's knowledge, threatened to which it or any of its Affiliates is a party that presently affects or which would have a material adverse effect on the financial condition or prospects or business of such Party in the fulfillment of its obligations under this Agreement.

## 7. Termination

This Agreement shall be effective from the date hereof and shall continue in full force and effect until the Financial Close of the Project is achieved under and in accordance with the Concession Agreement, in case the Project is awarded to the Consortium. However, in case the Consortium is either not qualified for the Project or does not get selected for award of the Project, the Agreement will be terminated.

**8. Miscellaneous**

The Parties acknowledge and accept that this Agreement shall not be amended by the Parties without the prior written consent of the Contracting Authority.

IN WITNESS WHEREOF THE PARTIES ABOVE NAMED HAVE EXECUTED AND DELIVERED THIS AGREEMENT AS OF THE DATE FIRST ABOVE WRITTEN.

**SIGNED, SEALED, AND DELIVERED**

For and on behalf of

**LEAD MEMBER by:**

(Signature)

(Name)

(Designation)

(Address)

**SIGNED, SEALED AND DELIVERED**

For and on behalf of

**SECOND PART**

(Signature)

(Name)

(Designation)

(Address)

**SIGNED, SEALED AND DELIVERED**

For and on behalf of

**THIRD PARTY**

(Signature)

(Name)

(Designation)

(Address)

## FORM IV (Financial Strength)

All boxes must be filled. Required certificates and/or forms must be attached.

The Applicant shall be in a good financial position at the close of the preceding financial year and/or provide a letter of financial support from a credible financial institution that supports its ability to provide debt funding for the Project having regard to its contemplated equity stake in the project,

In case of a Consortium, the Member(s) nominated to be the financier of the Project, must provide financial information to demonstrate that they meet the requirements of good financial standing. Alternatively, the Lead Consortium and the Exclusive Members shall provide evidence of financial good standing and/or provide a letter of financial support from a credible financial institution that supports their proportional minimum holding threshold in the Consortium.

Please attach detailed audited financial statement for the past three (3) years.

Name of Applicant (or Member of a Consortium or JV)	
Audited account and Tax Clearance Certificates for the last three (3) years (2021, 2020 & 2019) of the company or companies (for a Consortium)	[Attach the required information to this FORM III]

Name of Banker		
Address of Banker		
Telephone		Contact Name and Position
Fax		
Email		

**Summarize Profit & Loss, actual assets and liabilities in reported currency for the last three (3) years.**

Financial Information	Formula	Last Financial Year 3 – 2019	Last Financial Year 2 – 2020	Last Financial Year 1 – 2021	Average for the last 3 financial years for all items except Revenue Growth (average of 2 years)
Total Capital	Short-Term Debt + Long-Term Debt + Equity				
Annual Net Assets	Total Assets – Short Term Liabilities – Long Term Liabilities				
Annual Revenue	Revenue (Yr1+Yr2+Yr3)/3				
Revenue Growth (%)	Current Year Revenue - Previous Year Revenue / Previous Year Revenue				
EBIT	EBIT (Yr1+Yr2+Yr3)/3				
EBIT Margin	[Sum (3 years' EBIT) / (3 years' Revenue)] *100	Sum			
Current Assets	-				
Inventory	-				
Current Liabilities	-				
Long Term Liabilities	-				
Interest	-				
Cash Ratio	Current Assets-Inventory / Current Liabilities				
Current Ratio	Current Assets / Current Liabilities				
EBIT Interest Coverage	EBIT/Interest				
Total Fund	(Fixed Assets + Current Assets) or (Capital and Reserves + Long Term Liabilities + Short Term Liabilities)				
Debt Ratio - Debt to Total Fund	(Long Term Liabilities + Current Liabilities) / Total Fund				



**Summarize Profit & Loss, actual assets and liabilities in USD for the last three years.**

Financial Information (USD)	Formula	Last Financial Year 3 – 2019	Last Financial Year 2 – 2020	Last Financial Year 1 – 2021	Average for the last 3 financial years for all items except Revenue Growth (average of 2 years)
Total Capital	Short-Term Debt + Long-Term Debt + Equity				
Annual Net Assets (USD)	Total Assets – Short Term Liabilities – Long Term Liabilities				
Annual Revenue (USD)	Revenue (Yr1+Yr2+Yr3)/3				
Revenue Growth (%)	Current Year Revenue - Previous Year Revenue / Previous Year Revenue				
EBIT	EBIT (Yr1+Yr2+Yr3)/3				
EBIT Margin	[Sum (3 years' EBIT) / Sum (3 years' Revenue)]*100				
Current Assets	-				
Inventory	-				
Current Liabilities	-				
Long Term Liabilities	-				
Interest	-				
Cash Ratio	Current Assets-Inventory / Current Liabilities				
Current Ratio	Current Assets / Current Liabilities				
EBIT Interest Coverage	EBIT/Interest				
Total Fund	(Fixed Assets + Current Assets) or (Capital and Reserves + Long Term Liabilities + Short Term Liabilities)				
Debt Ratio - Debt to Total Fund	(Long Term Liabilities + Current Liabilities) / Total Fund				

**Note: To state Exchange Rate applied for conversion to USD**

Evidence of financial capability, support and line of credit from credible financing institutions in support of your ability to Operate, Maintain and Manage the 700MW Zungeru Hydropower Plant.	Name of Financing Institution	
Address of Banker(s)		
Telephone		Contact Name and Position
Fax		
Email		

*Attach letter of financial support from a credible financial institution*

CONFIDENTIAL

Applicants, including each Member of a Consortium, must provide information on any history of litigation or arbitration resulting from agreements or normal course of business executed during the last five (5) years or currently under execution.

*Use a separate sheet for each Member of a Consortium or Joint Venture (JV).*

Year	Award FOR or AGAINST Applicant	Name of client, cause of litigation, and matter in dispute	Disputed amount (current value in USD or in National Currency)

- Please attach details of any financial commitments of a material nature that can reasonably be expected to influence adversely on the financial performance of any relevant Consortium Member.
- Please attach audited financial statements for the past three (3) years.
- Note: Where the audited financial statement is not in the English language, it is to be translated and certified by the external financial auditors of the submitting party.
- Please attach evidence of business operations in and outside Nigeria, especially operations in West and Central Africa.

## FORM V (Investment, Management & Operating Eligibility)

All boxes must be filled.

### (a) FORM V-a (Global Investment, Management & Operating Eligibility)

Applicant or in the case of a Consortium, all Members nominated to provide the management, operating and maintenance capacity for the Project must provide Hydropower facility, Power investment, management, operating and maintenance experience to demonstrate that they meet the requirements stated in this RfQ Package.

Name of Applicant (or Member of a Consortium or JV)		
<b>Investment Experience</b>		
Company has experience in Hydropower Plant Financing & Investment Experience		<input type="checkbox"/> Yes <input type="checkbox"/> No
		Project Name
		(1)
		(2)
		(3)
Details of Project	Type of project	
	Project commencement date	
	Project completion date (or ongoing)	
	Location	
	Project value	
	Name of Partner(s) if applicable	
	Funding share (Company %: Partners' %)	
	Supporting documents	<i>Please list documents here and attach them in application</i>

Development Experience	
Company has experience in Hydropower Power Plant Development Experience globally. <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Project Name
(1)	
(2)	
(3)	
Details of Project	Type of project
	Project commencement date
	Project completion date (or ongoing)
	Location
	Project value
	Name of Partner(s) if applicable
	Company's role in the development
	No <input type="checkbox"/> Yes <input type="checkbox"/> No Description:
<input type="checkbox"/> Yes <input type="checkbox"/> No Description:	
<input type="checkbox"/> Yes <input type="checkbox"/> No Description:	
<input type="checkbox"/> Yes <input type="checkbox"/> No Description:	
Supporting documents	<i>Please list documents here and attach them in application</i>

Management and Operating Experience			
Company has experience in hydropower plant operations and facility management globally		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		Project Name	
		(1)	
		(2)	
		(3)	
		(4)	
Details of Project		Type of project	
		Project commencement date	
		Project completion date (or ongoing)	
		Location	
Brief description of management and operating experience			
Experience in operating Hydropower Plants, Power Plants developments		<input type="checkbox"/> Yes <input type="checkbox"/> No Description:	
Experience in Provision of Facility Management services for Large Scale Power Infrastructural Developments		<input type="checkbox"/> Yes <input type="checkbox"/> No Description:	
Experience in successfully securing off-takers/ buyers for produced power		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		Name	Description of relationship/partnership
		(1)	
		(2)	
		(3)	
		(4)	
Experience in integrating power facility/energy operations with local businesses (i.e. employing local companies providing Services.)		<input type="checkbox"/> Yes <input type="checkbox"/> No Description:	
Relevant recognition, accolades and rankings on size of operations and performance		<input type="checkbox"/> Yes <input type="checkbox"/> No Description:	
Supporting documents		<i>Please list documents here and attach them in application</i>	

**(b) FORM V-b (Local Investment, Management & Operating Eligibility)**

Applicant or in the case of a Consortium, all Members nominated to provide the management and operating capacity for the Plant, must provide Hydropower management and operating experience to demonstrate that they meet the requirements stated in this RFQ Package.

Name of Applicant (or Member of a Consortium or JV)		
<b>Experience in Sub-Saharan Africa</b>		
Company has experience in investing, managing and/or operating, Hydropower Plants, Power Plants in Africa, any developing country particularly Nigeria, for the last ten (10) years		<input type="checkbox"/> Yes <input type="checkbox"/> No
		Project Name
		(1)
		(2)
		(3)
Details of Project	Type of project (investing, managing and/or operating)	
	Project commencement date	
	Project completion date (or ongoing)	
	Location	
	Project value	
	Brief description of experience	
	Name of Partner(s) if applicable	
	Funding share (Company %: Partners' %)	
	Company's role in the project	
	Supporting documents	<i>Please list documents here and attach them in application</i>

Company has experience in power management, operation and maintenance in Africa, particularly Nigeria	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Description:		
	<i>Please list documents here and attach them in application</i>		
Company has knowledge of and familiarity with developing nations, African, particularly Nigerian, market and business environment	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Description:		
	<i>Please list documents here and attach them in application</i>		
Company has knowledge of and familiarity with the relevant government agencies in Africa, particularly Nigeria	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Description:		
	<i>Please list documents here and attach them in application</i>		
Company has ability to generate and attract off-takers.	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Description:		
	<i>Please list documents here and attach them in application</i>		
Company has representation in Africa, particularly Nigeria	<input type="checkbox"/> Yes <input type="checkbox"/> No		
		Name	Address
	(1)		
	(2)		
	(3)		



Experience in Emerging Market	
Company has experience in investing, developing, managing and/or operating Energy/Hydropower, Large Scale Power Infrastructural assets in Emerging Markets for the last ten (10) years	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Project Name
	(1)
	(2)
	(3)
Details of Project	Type of project (investing, developing, managing and/or operating)
	Project commencement date
	Project completion date (or ongoing)
	Location
	Project value
	Brief description of experience
	Name of Partner(s) if applicable
	Funding share (Company %: Partners' %)
	Company's role in the project
	Supporting documents

**(c) FORM V-c (CSR & Sustainability Eligibility)**

Applicant or in the case of a Consortium, all members nominated with the Operation and Management capacity for the Plant, must provide evidence of compliance with applicable corporate governance, environmental and sustainability guidelines as it relates to Operations and Management of Hydropower plants, Power generating assets, including extant local laws and regulations.

Name of Applicant (or Member of a Consortium or JV)			
<b>Governance</b>			
Company identifies its main corporate governance, economic, social and environmental goals and objectives	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	(Please attach relevant document)		
Company documents its impact indicators and impact management tool	Fully documented	Some documented	Not documented
	Please tick appropriate box above		
	(Please attach relevant document)		
Company has formally established, documented and attached the copies of the following policies			
a. Environmental Policy	<input type="checkbox"/> Yes <input type="checkbox"/> No		
b. Community Relations Policy	<input type="checkbox"/> Yes <input type="checkbox"/> No		
c. Business Environment Policy	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Designated Management Person responsible for			
a. Social Sustainability	Name of relevant Management Person	Email	
b. Business Conduct & Compliance	Name of relevant Management Person	Email	
c. Environmental Sustainability	Name of relevant Management Person	Email	
Company's published Corporate Social Responsibility (CSR)/ Sustainability Report	Date of Publication	Available to the Public?	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
	(Please attach copy of publication)		
	Name of CSR project reported	Date of project	

	(1)		
	(2)		
	(3)		
	(4)		
Company provides and budgets annually for CSR	<input type="checkbox"/> Yes <input type="checkbox"/> No		
		Name	% of annual budget for CSR
	(1)		
	(2)		
	(3)		
	(4)		
Operations of all company's Hydropower Plants, Power plants and assets included in the CSR/Sustainability Report	<input type="checkbox"/> Yes <input type="checkbox"/> No		
		Name	Date of latest report
	(1)		
	(2)		
	(3)		
	(4)		
Company's Code of Conduct	Date of Code	Date of Latest amendment if any	Available to the Public?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
	Name of responsible Management Person enforcing the Code		Email
	(Please attach copy of the Code)		
Training sessions to enhance the understanding of Corporate Social Responsibility/Sustainability are conducted	<input type="checkbox"/> Yes <input type="checkbox"/> No		
		Name	Date of last training conducted
	(1)		
	(2)		
	(3)		
	(4)		

<b>Social Sustainability</b>			
Company provides training / education for the facility community	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	(Please attach relevant document)		
Company has established employment plans with targets for local employment	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	(Please attach relevant document)		
Company has established plans for assisting or facilitating set up of local enterprises within the port community or elsewhere	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	(Please attach relevant document)		
Company regularly conducts survey to gauge the operations of the power plant and community's satisfaction with its operations	<input type="checkbox"/> Yes <input type="checkbox"/> No		
		Name	Date of last survey done
	(1)		
	(2)		
	(3)		
Company has a Social Management System in place to manage the above mentioned social issues	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Documentation of above Social Management System	Full set of documented procedures	Some documented procedures	No documented procedures
Please tick appropriate box above			
Social Audits are conducted at all power/ hydropower complex sites	<input type="checkbox"/> Yes <input type="checkbox"/> No		
		Name	Name of auditing body    Date of audit
	(1)		
	(2)		
	(3)		
Company has a written health & safety policy in place, which complies with industry, national and international standards	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Policy in fully compliance with industry, national and international standards		Own policy not necessarily in full compliance with industry, national and international standards
Please tick appropriate box above			
Company has a certified Health and Safety Management System in place	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Environmental Sustainability			
Company has a formal environmental policy, which includes a commitment to legal compliance, continuous measurement and continuous improvements in environmental performance	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Please attach relevant document		
Following areas covered by environmental policy or the related processes and procedures			
b. Water usage	<input type="checkbox"/> Yes <input type="checkbox"/> No		
c. Air emission	<input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Waste management	<input type="checkbox"/> Yes <input type="checkbox"/> No		
e. handling of hazardous materials	<input type="checkbox"/> Yes <input type="checkbox"/> No		
All company's Power facilities have a Health and Environmental Management System in place	Name of Certifying Body	Date of certification	Date of next Review
Environmental Audits are conducted at all Power Plant sites	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Name	Name of Auditing Body	Date of last audit
	(1)		
	(2)		
	(3)		
	(4)		

## FORM VI (Particulars of Authorised Representative)

Contact details of authorized representative(s) must be given.

All applicants are to provide the following information for their Authorized Representative. In the case of a Consortium, this shall be the individual authorized to represent and act on behalf of the Consortium.

Name of Applicant (or Member of a Consortium or JV)	
Authorized Representative's name	
Designation	
Company	
Citizenship	
Address	
Telephone	
Fax	
Email	

All prospective applicants are to provide the following information for the individual who would serve as the Principal Contact Person for all communications with the Transaction Adviser/Grantor.

Principal Contact Person's name	
Designation	
Company	
Citizenship	
Address	
Telephone	
Fax	
Email	

A prospective applicant may designate another individual who would serve as an alternate to the Principal Contact Person to stand-in for communications with the Transaction Adviser/Grantor.

Alternate Principal Contact Person's name	
Designation	
Company	
Citizenship	
Address	
Telephone	
Fax	
Email	

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## FORM VII (Consortium Summary)

For Consortium Applicant, name of members and information regarding the role of each Member of the Consortium are to be provided in the table below:

Name of Applicant (or Member of a Consortium or JV)				
Consortium Agreement		<i>[This should identify the principal Member of the Consortium authorised to submit the RFQ and should show that all the Members of the Consortium shall be jointly and severally bound in relation to the RFQ process.]</i>		
Names of All Members of a Consortium		% Share in the Consortium	Intended Roles, Responsibilities and Relationships of each Member of a Consortium	
1	Lead Member*			
2	Member			
3	Member			
4	Member			

\* Consortium Lead and its Members may only be a formal part of one Application (RFQ) and one Bid (RFP), hence once an organisation is a Member or a Consortium or an Applicant in itself, that organisation is not allowed to become a Member in other Consortia.

Selected applicants for the RFP submission may adjust their Consortium by

1. Including new Members; and/or
2. Including Members which have not made it to the shortlist; and/or
3. Changing the individual positions within their Consortium.

Selected applicants for the RFP submission may **not**

1. Remove existing Members from their Consortium.
2. Change the Lead Member in the Consortium.
3. Include Members which would render the Consortium non-compliant to exclusion and minimum criteria.



## FORM VIII (Management & Operating Experience)

Applicants must have a minimum of at least ten (10) years' experience in managing and operating Hydropower Plants (Inclusive of accommodation). The information is to be summarized for each Hydropower Facility operated and managed by the applicant or by each Member of a Consortium.

Use a separate sheet for each port/ terminal facility.

Name of Applicant (or Member of a Consortium or JV)			
Name of Hydropower Facility			
Type of Facility			
Name of Owner/ Employer			
Address of Facility			
Tel		Fax	Name and Email of Contact Person
Number of Staff Involved			
1) Management		1)	
2) Non- Management		2)	
Project Role (tick one)			
<input type="checkbox"/> Owner	<input type="checkbox"/> Partner in the Consortium	<input type="checkbox"/> Appointed Operator	<input type="checkbox"/> Others, please specify:
Details of Roles/Services Provided			
Contract/Services Start Date			
Contract/Services Completion Date			
Size of the Facility (MW)			
Net Profit After Tax (NPAT) of the assets under management for last Three (3) Years of Contract Period  <i>Please state exchange rate used for conversion into USD</i>	Reported Currency (_____)	US Currency (USD)	
	1 <sup>st</sup> Year: 2 <sup>nd</sup> Year: 3 <sup>rd</sup> Year:	1 <sup>st</sup> Year: 2 <sup>nd</sup> Year: 3 <sup>rd</sup> Year:	
Salient Features of the Project			
Any Other Remarks			

## FORM IX (Operations, Financing & Investment Experience)

Applicants must have over the past 10 (ten) financial years preceding the deadline for submission of the Application:

- (a) Undertaken a leading role in the operations, management and maintenance of at least two large size hydropower plant with capacity of at least 500MW.
- (b) Evidence of a track record in the operations, management and finance of at least ten (10) hydropower projects globally/locally.
- (c) Participated in operating, financing and managing of at least one (1) hydropower plant development in Nigeria or sub Saharan Africa, for which the Applicant (or members of the Consortium) played a significant role such as Promoter, Main contractor, Core Investor and so on;

The information is to be summarized for each project completed or in progress by the applicants or by each member of a Consortium.

Name of Applicant (or Member of a Consortium or JV)					
Applicant Type	Project		Experience		
	Name/description of Project	Role in operations and management of Energy/Hydropower developments	Operating and financing of Energy/Hydropower developments in Nigeria	Track record in provision of facility management services for Energy/Hydropower developments	
Single entity Applicant	a				
	b				
	c				
Consortium Member 1	1a				
	1b				
	1c				
Consortium Member 2	2a				
	2b				
	2c				
Consortium Member 3	3a				
	3b				
	3c				

Name of Applicant (or Member of a Consortium or JV)					
Applicant Type	Project		Experience		
		Name/description of Project	Role in operations and management of hydropower plants.	Operation and financing of hydropower facilities, power developments in Nigeria.	Track record in provision of operations and maintenance for hydropower developments
Consortium Member 4	4a				
	4b				
	4c				

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## FORM X (Curriculum Vitae of Key Personnel)

Experience and Expertise of Key Personnel as illustrated by Curriculum Vitae (CV) of key management staff with relevant experience working on similar projects and at least 15 years in a relevant industry.

Use a separate sheet for each key personnel.

Name of Applicant (or Member of a Consortium or JV)	
Name of Staff	<i>[Insert full name; underline surname]</i>
Nationality	
Name of Firm/Company	<i>[Insert name of firm/company proposing the staff]</i>
Proposed Position	
Education	<i>[Indicate college/university and other specialized education of staff member, giving names of institutions, degrees obtained, and dates of obtainment]</i>
Membership of Professional Associations	
Other Training	<i>[Indicate significant training since degrees indicated in the "Education" field were obtained]</i>
Countries of Work Experience	<i>[List countries where staff has worked in the last ten years]</i>
Languages	<i>[For each language, indicate proficiency: good, fair, or poor in speaking, reading, and writing]</i>
Employment Record	<p><i>[Starting with present position, list in reverse order every employment held by staff member since graduation, giving for each employment (see *format here below): dates of employment, name of employing organization, and positions held.]</i></p> <p>*Format:</p> <p>From [Year]:</p> <p>To [Year]:</p> <p>Employer:</p> <p>Positions held:</p>
Detailed Tasks Assigned	<i>[List all tasks to be performed under this assignment]</i>

Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned	<p><i>[Among the assignments in which the staff has been involved, indicate the following information for those assignments that best illustrate staff capability to handle the tasks listed under the "Detailed Tasks Assigned" field]</i></p> <p><i>*Format:</i></p> <p>Name of assignment or project:</p> <p>Year:</p> <p>Location:</p> <p>Client:</p> <p>Main project features:</p> <p>Positions held:</p> <p>Activities performed:</p>
Certification:  I, the undersigned, certify that to the best of my knowledge and belief, this Curriculum Vitae correctly describes myself, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification of this Application.	
Signature	
Name	
Date	<i>[Day/Month/Year]</i>

