



Investing for Employment

Open Call for Concept Notes n° 2 by the Investing for Employment Facility (IFE) for the Award of Co-Financing Grants for Job Creation Projects in Tunisia

Guidelines for Applicants

Thank you for your interest in the Call for Concept Notes n° 2 in Tunisia.

This document is intended to help interested Applicants by providing detailed information on the conditions, timelines and procedures applicable to the Call for Concept Notes. It also provides background information as to "Invest for Jobs" and the Facility « Investing for Employment » (IFE).

Please read this document in its entirety before registering with the online application system SmartME to start your application process.

1. Special Initiative on Training and Job Creation

Africa needs about 20 million new jobs per year in order to provide its young population with prospects for the future. With its "Special Initiative on Training and Job Creation", the Federal Ministry for Economic Cooperation and Development (BMZ) has set itself the goal of supporting German, European and African businesses and investors engaging in Africa. The Special Initiative aims to remove obstacles to investment in African partner countries, facilitate investment and thereby contribute to (i) creating decent jobs, improving income and working conditions; (ii) Creating possibilities for training and further education; and (iii) Increasing private investment. The Special Initiatives hereby pursues three principle strategies:

- Foster the attractiveness of business locations and industries
- Support sustainable investments by eliminating investment constraints and trade barriers
- Promote the SME sector and stimulate international business cooperation.

For more information regarding the Special Initiative and its range of activities, please visit <https://invest-for-jobs.com/en>.

1.1 The Facility « Investing for Employment »

The Facility « Investing for Employment » (“the Facility” or “IFE”) is a regional investment facility, created by KfW Development Bank (KfW) on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) and is an integral part of the “Special Initiative on Training and Job Creation”.

Within the scope of the Special Initiative, IFE provides funding to companies, non-profit organisations and public partners to overcome obstacles to investments. IFE contributes co-financing grants for employment-enhancing investments, accompanying advisory services and the set-up of investments, such as environmental and social impact assessments. This will remove barriers to creating additional and better jobs in the private sector.

The grant funds are made available by means of competitive calls for proposals on the basis of transparent funding criteria. The selection of Projects is based on a competitive application process. IFE looks for an optimal allocation of available funding to Projects with the highest plausibility of success and expected return in terms of the number and quality of new jobs created. IFE provides co-financing grants for new investment Projects with a high job creation impact.

In order to ensure a high degree of ownership as well as the sustainability of the investment programs, accepted Applicants are expected to co-finance their Projects. Contribution from the Applicants range from 10% to 75% of total Project costs (see details in section 3.3).

Please visit www.invest-for-jobs.com/en/investing-for-employment for more information on the Facility « Investing for Employment ».

2. Call for Proposals Timeline

The estimated timeline for the CfP n° 2 in Tunisia is indicated in the table below:

Deadline for submission of Questions	January 15th 2021 at 5:00pm CET
Deadline for submission of Concept Notes	January 22nd 2021 at 5:00 pm CET

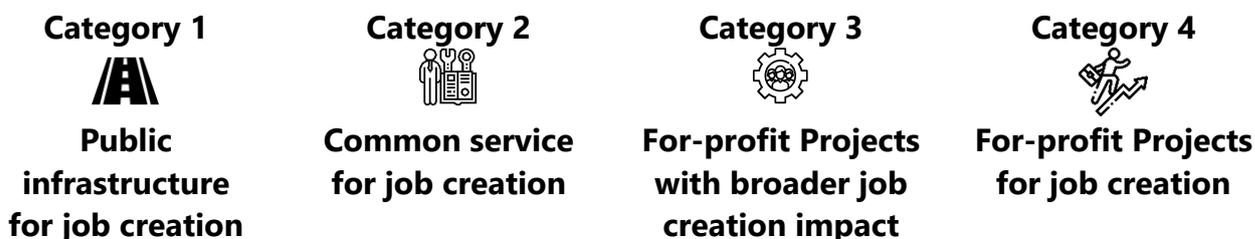
IFE reserves the right to change dates of the different stages of the Call for Proposal.

Any changes to dates will be made public on the website: <https://invest-for-jobs.com/en/ife-call-for-proposals-tunisia> or <https://invest-for-jobs.com/fr/ife-appel-a-propositions-tunisie>.

3. Project, Applicant and cost eligibility

3.1 Eligible Projects

In order to qualify for an IFE grant, a Project must lead to the creation of decent employment (as defined in Section 4.2). IFE provides grants to four (04) categories of Projects:



Category 1 - Public infrastructure for job creation

Category 1 Projects are public Infrastructure measure in support of job creations, do not generate revenue, and can be submitted by public sector or non-profit Applicants. An example of a Project co-financed under this category would be the construction of an access road for an industrial cluster.

Category 2 – Common service for job creation

Category 2 Projects create common services to support job creations, may generate revenue but not profits for the Applicants and can be submitted by public, non-profit or private-public-partnership Applicants. For example: hard- and software equipment for organizations promoting investments and job creation in a new high-skills sectors. Another example would be training equipment for an academy providing vocational training to trainees to be employed by various enterprises in a new high-skills industrial area.

Category 3 - For-profit Projects with broader job creation impact

Category 3 Projects create direct jobs with a broader impact or benefit beyond the Project owners, and can be submitted by commercial Applicants, such as – for example – the construction of a cooling solution that offers its services to a wider range of marketplace participants, thereby strengthening the agricultural value chain.

Category 4 – For-profit Projects for job creation

Category 4 Projects create direct jobs by profit-oriented Applicants/Project owners, such as – for example – the expansion of a manufacturing enterprise by introducing a new business line in addition to the existing core business.

3.2 Grant size

IFE grants range between €1 million and €10 million per Project. Notably, grants are in addition to the Applicant's own financial contribution.

3.3 Requirements on Counterpart Contribution / Own Contribution

An Applicant (individual entity or consortium) must provide own financial contributions towards the overall Project expenditure in the required proportion. The counterpart proportion is defined by the type of Project, as outlined below:

Project category	Applicant contribution towards the Project budget at least:	IFE grant contribution towards the Project budget up to:
Category 1 Public infrastructure for job creation	10%	90%
Category 2 Common service for job creation	25%	75%
Category 3 For-profit Projects with broader job creation impact	50%	50%
Category 4 For-profit Projects for job creation	75%	25%

The Applicant's contribution can be **in cash** or **in-kind** towards the overall Project budget or a mix of both types of contributions.

Cash contributions:

- Must be in Euro (or listed in Euro equivalent)
- Can stem from own funds, or loans or other types of financial support, such as grants from third parties,

Applicants must demonstrate documentary evidence for cash contributions (signed MoUs, bank statements, etc.).

In-kind contributions

- Implementation of Project-related (in-kind) measures that can be quantified in cash terms. Examples would be:
 - Ownership titles of land or leases of land,
 - Project-related construction, equipment or similar,
 - Soft in-kind contributions (e.g. preparatory studies or other measures implemented in the planning phase of the Project).
 - Other soft in-kind contributions such as sweat equity

Applicants must provide evidence (e.g. inventory lists, lease agreements etc. covering the stated Project-related in-kind items) for easy verification of the in-kind measures and values.

3.4 Eligible Applicants for IFE Grants

Applicants can be any **entity with a proper legal body and which enjoys budgetary autonomy:**

- Companies
- Corporate Foundations or Trusts
- National Chambers of Commerce
- Industry Associations
- NGOs
- National Ministries and National agencies involved in the development of the private sector
- Investment agencies
- Employment agencies

The Call is open to individual (i.e. an entity applying alone) or consortia of Applicants (i.e. an entity applying with partners).

Applicants must fulfill the following conditions to be eligible:

When applying as an individual entity:

- An individual Applicant must be a separate legal entity registered in Tunisia. The exact type of legal form must be clearly disclosed in the application form.
- Individual Applicants must be duly registered and operating under all licenses required for a given line of business in Tunisia.

When applying as a consortium of entities:

- The consortium must nominate one lead Applicant amongst its entities.
- All Applicants of the consortium must each be a separate legal entity registered in Tunisia, in Africa or EU/EFTA. The exact type of legal form must be clearly disclosed in the application form. Entities registered outside of Tunisia, EU/EFTA or Africa are not eligible.
- At least one member of the applying consortium must be duly registered and operating under all licenses required for the given line of business in Tunisia.

For all Applicants, whether individual entity or consortia entities, the following applies:

- All Applicants must document **compliance** by verifying that:
 - neither they nor their partners are engaged in activities featuring on the IFC Exclusion List as adapted by KfW¹ or otherwise contravene KfW's Environmental and Social Guidelines²;
 - the Project to be co-financed with the Facility's contribution does not feature on that list,
 - they have signed the Declaration of Undertaking (see Annex 1).
- All Applicants must document the following general requirements in terms of **legal authority and overall good standing**:

¹ https://www.kfw.de/PDF/Download-Center/Konzernthemen/Nachhaltigkeit/Ausschlussliste_EN.pdf and

² https://www.kfw-entwicklungsbank.de/PDF/Download-Center/PDF-Dokumente-Richtlinien/Nachhaltigkeitsrichtlinie_EN.pdf

- Clearly disclose their key shareholders/Board of Directors/Owners up to the level of ultimate beneficial owners, or (in the case of entities without shareholders) the main sources of their annual budget or capital endowment
- Be duly registered and operating under all licenses required for the given line of business or activity.
- Have the legal authority to apply for co-funding from the Facility, enter into an agreement with the Facility and to execute the Project if the funding is awarded.
- All Applicants must document their **financial capacity to implement the Project** by submitting following documents:
 - For private sector companies: Certified audited financial accounts with a non-qualified opinion, tax returns or other satisfactory evidence of their financial standing (incl. proof of profitability in the last three financial years).³
 - For public or non-profit entities: demonstrate budgetary balance (neutral or positive result) in the last three financial years.

Notably, exceptions on the financial standing may apply for losses incurred during 2020 caused by the COVID-19 epidemic.

The fulfilment of these formal eligibility criteria does not guarantee the award of an IFE grant, as the final shortlisting of Projects will be taken by way of a competitive evaluation of proposals based on their qualitative and quantitative criteria (see section XX).

3.4.1 Further eligibility documentation

The eligible Applicants must demonstrate that their **proposed Project can be started within a maximum period of 12 months after signing the IFE Grant Agreement**. The Facility reserves the right to cancel a committed financing contribution if this condition is not fulfilled.

Documentation for verification must be in the form of obtained licenses; completion of necessary studies or status of such; documentation of ownership or lease of land or buildings; matured business or architectural or infrastructure plans or similar.

3.5 Cost eligibility

Eligible costs

IFE grants can be used to co-finance expenditures required for executing the Project until completion, such as:

- Purchase or acquisition of equipment, machinery or other capital goods required for the realization of the Project, including import duties, taxes, tariffs and other necessary side costs linked to such purchases (such as warranty costs),

³ Exceptions can be made for newly founded companies or special purpose vehicles (SPV) created only for the implementation of the proposed grant Project (provided that their lead shareholders are able to provide similar financial evidence for themselves).. For public entities, the Facility will analyze available financial information (e.g. budget size or experience with Projects of similar size) to assess their financial stability.

- Increase of working capital in connection with the Project execution (e.g. purchase of raw materials or other production inputs),
- Materials and labor for the construction of premises required for the execution of the Project,
- Training, advisory or other technical services required for the Project, e.g. the initial capacitation of management or new employees in newly adapted machines or technology,
- Costs related to licenses needed to operate the acquired equipment or technology.

Non-eligible costs

In turn, all other costs are considered non-eligible, such as:

- Normal recurring costs (such as staff salaries, office rental or maintenance of equipment) to be incurred during the period when the Project is operational,
- Personal or corporate income taxes at the level of the Applicant entities or their owners, and generally all taxes or duties arising outside the Project Tunisia,
- Lease or acquisition of vehicles which are not directly required by, and used for, the execution of the Project (including any vehicle which is allowed to be privately used by managers or staff),
- Costs related to renting, leasing, acquiring or purchasing land required for the execution of the Project.

4. Assessment of Proposals

As detailed further in Section 5 below, the application for an IFE grant undergoes two stages: the Concept Note stage and the Full Project Proposal stage. The assessment and scoring of the Concept Notes as well as the Full Project Proposal will each be subject to the following quantitative and qualitative criteria:

4.1 Qualitative assessment criteria

Following assessment of proposals (including the concept notes) against the four KPIs, applications will subsequently be ranked based on the following criteria:

- **Completeness and clarity:** Proposals must be complete, consistent and contain a clear rationale for the Project which demonstrates a logic how the investment will lead to job creation. Proposals must clearly define and order the measures proposed under the Project.
- **Plausibility of financial and operational plans:** Applicants must demonstrate a realistic and comprehensive understanding of the financial and operational resources required to implement the Project and show clearly how these will be sourced and deployed. Detailed financial and operational plans will be required only from shortlisted Applicants at the subsequent Full Proposal stage. Priority will be given to Projects which are at a sufficiently advanced stage of planning to be implemented rapidly.
- **Additionality:** Proposals must demonstrate that the Facility's financial contribution is essential for the implementation of the Project, i.e. the contribution does not

replace but rather supplement other options of funding currently available to the Applicant.

- **Absence of Market Distortion:** The Project does not show a risk of causing significant market distortions or crowding out of private players. If and where such risks are identified, the Proposal must contain appropriate measures to mitigate them.
- **Sustainability:** The Proposal must demonstrate convincingly that the Project is sustainable from a financial, environmental and social assessment. Potential internal or external risk factors which may endanger the sustainability in one of the aforementioned dimensions are transparently identified.
- **Developmental benefit:** The Applicant must demonstrate the potential to create additional development benefits beyond the immediate job and skills creation. Documenting such effects will be given special consideration in the qualitative assessment. Such developmental benefits may include, without limitation:
 - Contributions to improving the gender balance by creating employment or skills creation opportunities for female workers;
 - Particular emphasis on target group segments which are considered to be in an economically disadvantageous position, such as returned migrants or young job-seekers without significant work experience;
 - Positive ecological effects, e.g. by reducing the consumption or depletion of non-renewable energy sources or reducing solid waste volumes by recycling
 - Creation of tangible synergies with other job creation activities supported by international development partners or relevant national stakeholders within Tunisia.

4.2 Quantitative assessment criteria

All proposals must demonstrate **KPI contribution potential**. If a proposal does not demonstrate or document KPI contribution potential, it will be considered ineligible.

In terms of job creation, priority will be given to Projects that demonstrate the highest quantitative potential in any or all of the following four key performance indicators:

- **KPI 1:** Number of people who came into employment as a result of the Special Initiative on Training and Job Creation (most important KPI- Differentiated by target group (women/men, youth (15-24))
Demonstrated by: contracts indicating minimum wage, working hours as per legislation in Tunisia etc.
- **KPI 2:** Number of people who benefit from improved working conditions or whose income has improved as a result of the Special Initiative - Differentiated by target group (women/men, youth (15-24)).

Demonstrated by e.g.: new policies enforced, company or organisation procedures are operating in accordance with the requirements of IFC Performance Standard 2 (Labor and Working Conditions), etc.⁴

- **KPI 3:** Number of people who have participated/are participating in vocational and higher education or vocational/further qualification measures as a result of the Special Initiative - Differentiated by target group (women/men, youth (15-24)).

Demonstrated by; e.g. enrolment in courses or internal company training course enrolments or facilitation of training e.g. apprenticeship etc.

- **KPI 8:** (a) Number of companies which have been/are being supported by the Special Initiative on Training and Job Creation in connection with the Corona pandemic to retain jobs, and which (b) employ X employees

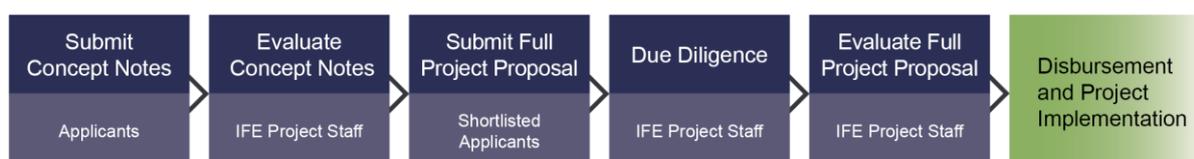
Demonstrated by; e.g. number and type of staff before and during the pandemic

Notably, jobs to be reported within the context of a KPI must fulfil following conditions:

- Direct jobs: the jobs must be attributable to activities that are very closely related to the Project co-financed by IFE.
- Duration: Jobs must be performed for at least 20 hours per week over a period of at least 26 weeks per year (or any combination of least 520 hours of employment).
- Adequate wages (ILO terminology): Employees must at least receive the national minimum wage in those countries with a statutory minimum wage, or at least wages above the poverty line as defined in Tunisia.

5. Application Process

The selection of Projects will be conducted through a competitive, transparent dual-stage process, as outlined below.



5.1 Concept Note Stage

Interested Applicants must submit a Concept Note for eligibility verification and evaluation against formal criteria (see section 3 for criteria). The Concept Note is intended to be brief, focusing on the fulfilment of the eligibility and assessment criteria of the Proposal and Applicant; and introducing the key aspects of the activity proposed to be supported.

⁴ The Facility reserves the right to review the degree of the company's IFC PS 2 compliance in case of a positive financing decision. If and to the extent that material deviations from IFC PS 2 are identified either in terms of codified policies or their implementation, the disbursement of the financing will be made conditional on bringing the degree of compliance to the level required by the Facility. Applicants are requested to familiarize them with the IFC PS 2 prior to submitting an application.

Upon submission of Concept Notes in the online application management system (<https://smartme.adalia.fi/login/IFE>), IFE will check eligibility and subsequently conduct an independent evaluation against the assessment criteria and prepare a shortlist of Concept Notes.

All lead organisations are notified of the outcome of the evaluation procedure. In case of a positive response, the shortlisted Applicants can submit Full Proposals in the online management system (<https://smartme.adalia.fi/login/IFE>).

5.1.1 Questions during Concept Note stage

Applicants may submit questions to IFE in writing exclusively to the following email address: cfp-ife.tunisie@invest-for-jobs.com. Questions submitted via another means of communication or channels are not receivable.

Questions can be submitted in French only. Questions in other languages are not receivable.

IFE will publish all questions received and their respective answers on website:

<https://invest-for-jobs.com/en/ife-call-for-proposals-tunisia> or
<https://invest-for-jobs.com/fr/ife-appel-a-propositions-tunisie>.

Technical questions about the online management system (SmartME) must be submitted via the support function in the system itself, in French.

5.2 Full Proposal Stage (FPP)

Only shortlisted Applicants may submit Full Project Proposals (FPP), upon being noticed in writing (e-mail) by the Facility and must do so in the online application management system (SmartME) using the same log in credentials. Here they will be requested to prepare a FPP that details and substantiates the statements of the Concept Note. The FPP will form the basis for the final selection.

The Full Project Proposal must include a detailed implementation plan with realistic timelines, detailed budget, proposal-specific results framework with objectives, targets and indicators, detailed technical design or equipment specifications including cost estimate, environmental and social management checklist, procurement plan, list of force account measures and an operational and maintenance plan.

5.3 Technical Assistance Support during the Full Proposal Stage

Technical Assistance will not be offered for the Concept Note stage. Applicants (individual or consortia) are solely responsible for the quality of their Concept Notes.

On the other hand, a **Shortlisted Applicant** may lack required information or experience to allow concluding a well elaborated FPP. Upon request of the Shortlisted Applicant, IFE offer free of charge Technical Assistance (TA) to facilitate and complete the FPP.

The TA will support filling in the gaps and developing or refining the Project in more detail to reach the required degree of technical and commercial concretization or

plausibility. Attribution of Technical Assistance follows the Technical Assistance policy of the Facility, which uses objective criteria for decision.

6. Conditions

6.1 Procurement

Please note that all goods, services and works to be financed or co-financed using the grant contribution of the Facility (refer to Art.3.5 "Eligible Cost") must be procured in accordance with the Grantee Procurement Manual, which will be requested from the applicant here: cfp-ife.tunisie@invest-for-jobs.com.

Although it is generally permissible for Applicants to indicate a preferred supplier already in their Concept Notes, the shortlisting of the Concept Note by the Facility does not imply the acceptance or pre-determination of the supplier preference stated or implied therein. In fact, as a matter of principle the Facility requires procurements to be carried out in a transparent and competitive manner.

6.2 Cancellation of CfP

This CfP may be cancelled prior to awarding any grant, without incurring any liability thereby vis-à-vis the Applicants. In the event of cancellation, Applicants will be notified thereof by the Facility and shall not be entitled to any compensation. Applicants acknowledge that they are taking part in this CfP process at their own expenses and risks.

6.3 Disclaimer on grant award decisions

The final grant award decisions rest in the sole responsibility of the Facility. By submitting a Concept Note or a Project Proposal, Applicants acknowledge that they participate in a competitive selection process in which the award of the requested financing is not guaranteed, and within which they have no rights of appeal against any decision taken by the Facility.

6.4 Applicability of EU State Aid Laws

Applicants and consortium members must take into consideration the rules arising from the laws and regulations of the European Union concerning government support for industry (state aid) in respect of a provision of subsidies by the Facility to them directly or through their subsidiaries or affiliates in other countries, including but not limited to Tunisia. The Facility reserves the right to reject a Concept Note or (at a later process stage) to withdraw or cancel a grant financing award if it deems – in its sole and final discretion – that its financing contribution may lead to a potential infringement of applicable subsidy laws or may require to obtain special exemption from applicable authorities beforehand.

The Facility is not in the position to provide legal advice to Applicants in regards to this matter, but refers interested Applicants to the European Commission's [external website](#), which provides further information on regulations concerning government support.

6.5 Use of Data

Prior to submitting their Concept Notes, Applicants need to declare in a standardized form that they consent with uploading and processing basic information on the Applicant, the

Partners and the Project to/in the SIIS platform. Basic information include the names/locations of the entities involved, the relevant economic sector, the project type, a summary of the project objective and activities, the selection status, the total capital mobilized (incl. the IFE grant) as well as the KPIs (planned vs. effectively achieved). The SIIS data serve to provide an overview on the Special Initiative's portfolio of ongoing and planned projects as well as the progress in achievements respective the key performance indicators (KPI). The SIIS facilitates collaborations and synergies between the various instruments of the Special Initiative (part of which is IFE). KfW, GIZ and IFE including their service providers have access to the SIIS platform.

Annex 1

Standard Declaration of Undertaking

Reference name of the Application/Offer/Contract: ("Contract"⁵)

To: ("Project Executing Agency")

1. We recognise and accept that the Investitionen für Beschäftigung (Investing for Employment) GmbH (hereafter the "Facility") only finances projects of the Recipient⁶ subject to its own conditions which are set out in the Funding Agreement it has entered into with the Recipient. As a matter of consequence, no legal relationship exists between the Facility and our company, our Joint Venture or our Subcontractors under the Contract. The Recipient retains exclusive responsibility for the preparation and implementation of the Tender Process and the performance of the Contract.

2. We hereby certify that neither we nor any of our board members or legal representatives nor any other member of our Joint Venture including Subcontractors under the Contract are in any of the following situations:

2.1) being bankrupt, wound up or ceasing our activities, having our activities administered by courts, having entered into receivership, reorganisation or being in any analogous situation;

2.2) convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations, the European Union or Germany for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;

2.3) having been convicted by a final court decision or a final administrative decision by a court, the European Union, national authorities in the Partner Country or in Germany for Sanctionable Practice in connection with a Tender Process or the performance of a Contract or for an irregularity affecting the EU's financial interests (in the event of such a conviction, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction);

2.4) having been subject, within the past five years to a Contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during such Contract performance, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;

2.5) not having fulfilled applicable fiscal obligations regarding payments of taxes either in the country where we are constituted or the Recipient's country;

⁵ Capitalised terms used, but not otherwise defined in this Declaration of Undertaking have the meaning given to such term in KfW's "Guidelines for the Procurement of Consulting Services, Works, Plant, Goods and Non-Consulting Services in Financial Cooperation with Partner Countries".

⁶ The Recipient means, in this case, the purchaser, the employer, the client, as the case may be, for the procurement of Consulting Services, Works, Plant, Goods or Non-Consulting Services

2.6) being subject to an exclusion decision of the World Bank or any other multilateral development bank and being listed on the website <http://www.worldbank.org/debarr> or respectively on the relevant list of any other multilateral development bank (in the event of such exclusion, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this exclusion is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction); or

2.7) being guilty of misrepresentation in supplying the information required as a condition of participation in the Tender.

3. We hereby certify that neither we, nor any of the members of our Joint Venture or any of our Subcontractors under the Contract are in any of the following situations of conflict of interest:

3.1) being an Affiliate controlled by the Recipient or a shareholder controlling the Recipient, unless the stemming conflict of interest has been brought to the attention of the Facility and resolved to its satisfaction;

3.2) having a business or family relationship with a Recipient's staff involved in the Tender Process or the supervision of the resulting Contract, unless the stemming conflict of interest has been brought to the attention of the Recipient and resolved to its satisfaction;

3.3) being controlled by or controlling another Applicant or Bidder, or being under common control with another Applicant or Bidder, or receiving from or granting subsidies directly or indirectly to another Applicant or Bidder, having the same legal representative as another Applicant or Bidder, maintaining direct or indirect contacts with another Applicant or Bidder which allows us to have or give access to information contained in the respective Applications or Offers, influencing them or influencing decisions of the Recipient;

3.4) being engaged in a Consulting Services activity, which, by its nature, may be in conflict with the assignments that we would carry out for the Recipient;

3.5) in the case of procurement of Works, Plant or Goods:

i. having prepared or having been associated with a Person who prepared specifications, drawings, calculations and other documentation to be used in the Tender Process of this Contract;

ii. having been recruited (or being proposed to be recruited) ourselves or any of our Affiliates, to carry out works supervision or inspection for this Contract;

4. If we are a state-owned entity, and compete in a Tender Process, we certify that we have legal and financial autonomy and that we operate under commercial laws and regulations.

5. We undertake to bring to the attention of the Recipient, which will inform the Facility, any change in situation with regard to points 2 to 4 here above.

6. In the context of the Tender Process and performance of the corresponding Contract:

6.1) neither we nor any of the members of our Joint Venture nor any of our Subcontractors under the Contract have engaged or will engage in any Sanctionable Practice during the Tender Process and in the case of being awarded a Contract will engage in any Sanctionable Practice during the performance of the Contract;

6.2) neither we nor any of the members of our Joint Venture or any of our Subcontractors under the

Contract shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or Germany; and

6.3) we commit ourselves to complying with and ensuring that our Subcontractors and major suppliers under the Contract comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract and the fundamental conventions of the International Labour Organisation⁷ (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the relevant environmental and social management plans or other similar documents provided by the PEA and, in any case, implement measures to prevent sexual exploitation and abuse and gender based violence.

7. In the case of being awarded a Contract, we, as well as all members of our Joint Venture partners and Subcontractors under the Contract will, (i) upon request, provide information relating to the Tender Process and the performance of the Contract and (ii) permit the Recipient and the Facility or an agent appointed by either of them, and in the case of financing by the European Union also to European institutions having competence under European Union law, to inspect the respective accounts, records and documents, to permit on the spot checks and to ensure access to sites and the respective project.

8. In the case of being awarded a Contract, we, as well as all our Joint Venture partners and Subcontractors under the Contract undertake to preserve above mentioned records and documents in accordance with Applicable Law, but in any case for at least six years from the date of fulfilment or termination of the Contract. Our financial transactions and financial statements shall be subject to auditing procedures in accordance with Applicable Law. Furthermore, we accept that our data (including personal data) generated in connection with the preparation and implementation of the Tender Process and the performance of the Contract are stored and processed according to the Applicable Law by the Recipient and the Facility.

Name: _____ In the capacity of: _____

Duly empowered to sign in the name and on behalf of⁸: _____

Signature:

Dated:

⁷ In case ILO conventions have not been fully ratified or implemented in the Employer's country the Applicant/Bidder/Contractor shall, to the satisfaction of the Employer and the Facility, propose and implement appropriate measures in the spirit of the said ILO conventions with respect to a) workers grievances on working conditions and terms of employment, b) child labour, c) forced labour, d) worker's organisations and e) non-discrimination

⁸ In the case of a JV, insert the name of the JV. The person who will sign the application, bid or proposal on behalf of the Applicant/Bidder shall attach a power of attorney from the Applicant/Bidder