

Call for Proposal by the Facility « Investing for Employment » for the Award of Co-Financing Grants for Job Creation Projects in Ghana.

Guidelines for Applicants

This document is intended to help interested applicants by providing detailed information on the conditions, timelines and procedures applicable to the call for proposals of the Facility « Investing for Employment » (IFE) in Ghana.

Please read these Guidelines for Applicants in its entirety before registering with the online application system SmartME to start your application process.

Call process	Dates
Call ID Number	IFE-06-GHA-C1
Call for Proposals Launch	1 April 2021, 5 pm CET
Deadline for submission of Questions	23 April 2021, 5 pm CET
Submission deadline for Concept Notes	30 April 2021, 5 pm CET
Webinars	6 April 2021, 12 noon CET (English) 14 April 2021, 12 noon CET (English)

1. Background

1.1 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 German 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 Initiative 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>.

1.2 The Facility « Investing for Employment »

The Facility « Investing for Employment » (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 grants 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.

IFE grants per project range between 1 million EUR and 10 million EUR per project. In order to ensure a high degree of ownership as well as the sustainability of the projects co-financed by IFE, accepted applicants are expected to co-finance their proposed projects. Contribution from the applicants ranges from 10% to 75% of total project costs (see details in section 2.3). Notably, IFE provides grants only for eligible projects, for which the applicants cannot secure complete funding from commercial or other donor sources.

Please visit www.invest-for-jobs.com/en/investing-for-employment for more information on IFE.

2. Eligible Applicants, Projects, Own-Contribution and Expenditures

2.1 Eligible Applicants

Applicants can be any entity with a proper legal body which enjoys budgetary autonomy. The types of eligible entities vary according to the project categories stated below.

The call for proposal is open for applicants applying either as an **Individual** entity or in a **Consortium** of several entities.

Applicants must fulfil the following conditions to be eligible:

When applying as an individual entity	An individual applicant must be a separate legal entity registered in Ghana. The exact type of legal form must be disclosed in the application form.
	An individual applicant must be duly registered and operating under all licenses required for a given line of business in Ghana.
	An individual applicant must have been operating for a minimum of 3 years (since April 2018).

<p>When applying as a Consortium of several entities</p>	<p>The consortium must nominate one lead applicant amongst its entities. The responsibilities of the lead applicant are:</p> <ul style="list-style-type: none"> • Responsible for the quality and truth of information provided via the Concept Note • In case of a successful application, the lead applicant will be the one signing the Grant Agreement with IFE. Hence the lead applicant must be the main stakeholder, who will implement the project and be responsible for the full execution of the project. <p>The Lead applicant must have been operating for a minimum of 3 years (since April 2018).</p>
	<p>All applicants of the consortium must each be a separate legal entity registered in Ghana, in Africa or EU/EFTA. The exact type of legal form must be disclosed in the application form. Entities registered outside of Ghana, EU/EFTA or Africa are not eligible.</p>
	<p>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 Ghana.</p>

The following applies to all Applicants, whether applying as an Individual or as a Consortium:

Requirements for Application	Description
<p>1. Compliance</p> <p>All applicants must document own compliance, and compliance of the project</p>	<p>No applying entity is engaged in activities that feature on the IFC Exclusion List as adapted by KfW¹ or otherwise contravene KfW's Environmental and Social Guidelines²</p>
	<p>The project to be co-financed by IFE does not feature on the IFC Exclusion List as adapted by KfW or otherwise contravene KfW's Environmental and Social Guidelines</p>
	<p>All parties have signed the Declaration of Undertaking (Annex 1)</p>
<p>2. Legal authority and overall good standing</p> <p>All applicants must document the following general requirements in terms of legal authority and overall good standing</p>	<p>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</p>
	<p>Be duly registered and operating under all licenses required for the given line of business or activity</p>
	<p>Have the legal authority to apply for co-funding from IFE, enter into an agreement with IFE and to execute the project if the funding is awarded</p>
<p>3. Financial capacity</p>	<p>Private sector companies need to submit certified audited financial accounts with a non-qualified opinion, or tax returns or</p>

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

<p>All applicants must document their financial capacity to implement the Project.</p> <p><i>Notably, exceptions on the financial standing may apply for losses incurred during 2020 caused by the COVID-19 epidemic.</i></p>	<p>other satisfactory evidence of their financial standing (incl. proof of profitability in the last three financial years)³</p>
	<p>Non-profit entities must be able to demonstrate budgetary balance (neutral or positive result) in the last three financial years</p>
	<p>Public entities must (i) confirm their own contribution at submission of the Concept Note, (ii) commit to exhaust their own contribution for the investment prior to the 1st disbursement of the grant, (iii) confirm financial capability to cover the operating costs of the project after completion of the investment. (see definition of “Own Contribution” below).</p>
	<p>General remark: Entities not subject to the legal audit obligation of their accounts are invited to document their budgetary balance (presentation of surpluses / neutral or positive results) over the past three years through other documented means.</p>

2.2 Eligible Projects

2.2.1 Definition of Jobs

In order to qualify for a grant of IFE, a project must lead to the creation of decent direct or indirect jobs. It is important to conservatively estimate and justify how many direct and indirect jobs will be generated by the project:

Direct jobs:

- (i) are created as the straight result of the applicant’s proposed project, and
- (ii) are created directly within the entity of the applicant. Here the applicant (or his SPV⁴) signs employment contracts with the new employees.

Direct jobs apply especially to projects of category 3 and 4.

Indirect jobs:

- (i) are also created as the straight result of the applicant’s proposed project, but they
- (ii) are created at one or more entities, that are legally separate and organizationally independent from the applicant
- (iii) and evidence must be provided to justify the link between the proposed project and the expected indirect job creation.

Indirect jobs apply especially to projects of category 1, 2 and 3.

Regardless of whether direct or indirect, a new job is only accepted by IFE, if the employee:

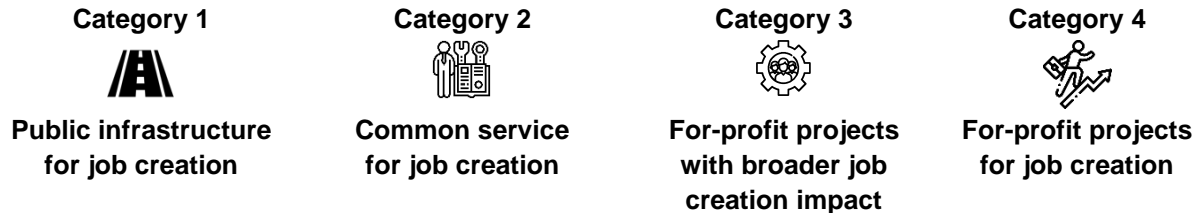
- (iv) receives at least the guaranteed interprofessional minimum wage (SMIG) in accordance with the labour legislation applied in Ghana.
- (v) works and is paid for at least 20 hours per week over a period of at least 26 weeks per year (or any combination of at least 520 hours of employment).

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, IFE will analyze available financial information (e.g., budget size or experience with Projects of similar size) to assess their financial stability.

⁴ SPV: Special Purpose Vehicle – is a newly established company especially for the purpose of the applicant’s project. The SPV is backed by the financial and technical strength of the applicant and therefore is less risky than a start-up.

2.2.2 Project Categories

Determined by the type of project, and which form of entity is leading the project – the proposed project falls within one of IFE’s four categories – if eligible for funding:



Please use the online tool developed to determine which category your project belongs to: <https://ife-invest.typeform.com/to/flhQRHyk> and see the below tables for descriptions for explanations.

The four categories of eligible projects:

Category 1 - Public infrastructure for job creation (not for profit)	
Lead applicant profile	Professional Associations (industry, commerce, agriculture); organisations managing industrial zones; NGOs; national ministries and public entities investment agencies; infrastructure service providers
Project description	<ul style="list-style-type: none"> Public infrastructure projects enabling direct and indirect job creation May generate revenue but without a profit-seeking purpose
Project examples	<ul style="list-style-type: none"> Construction of an access road for an industrial cluster Renewable energy generation Waste treatment facilities
IFE grant	Up to 90% of the total project cost
Applicant’s contribution	At least 10% of the total project cost

Category 2 - Common service for job creation (not for profit)	
Lead applicant profile	National and international chambers of commerce, of industry, of agriculture or other; industry associations; NGOs; investment agencies; employment agencies
Project description	<ul style="list-style-type: none"> Projects that develop public or private services enabling primarily indirect job creation May generate revenue but without a profit-seeking purpose
Project examples	<ul style="list-style-type: none"> Equipment for organizations promoting investments and job creation in new high-skills sectors Training equipment for an academy providing vocational training to trainees to be employed by various enterprises in a new high-skills industrial area
IFE grant	Up to 75% of the total investment cost of the project
Applicant’s contribution	At least 25% of the total investment cost of the project

Category 3 - For-profit projects with broader job creation impact beyond the applicant's entity	
Lead applicant profile	Companies; industry/commerce/agriculture/other associations; organisations managing industrial zones
Project description	<ul style="list-style-type: none"> For-profit projects, which create jobs within the applicant's entity and encourages other entities to also create jobs.
Project examples	<ul style="list-style-type: none"> Construction of a cooling warehouse that offers its services to a wider range of an agricultural value chain. <i>Result: (i) the warehouse entity employs new staff, and (ii) the value chain entities can expand their business and equally employ new staff</i>
IFE grant	Up to 50% of the total investment cost of the project
Applicant's contribution	At least 50% of the total investment cost of the project

Category 4 – For-profit projects for job creation	
Lead Applicant profile	Companies
Project Description	<ul style="list-style-type: none"> For-profit projects which focus on creating direct jobs for the applicant
Project examples	<ul style="list-style-type: none"> The applicant <u>expands his existing</u> entity by introducing a new business line in addition to his other business lines. The applicant establishes <u>a new entity</u> for his project, which capitalizes on the strength and competence of the applicant (no start-up)
IFE Grant amount	Up to 25% of the total investment cost of the project
Applicant's contribution	At least 75% of the total investment cost of the project

Projects of all above-stated categories must fulfil the following conditions to be eligible:

Timeline	The eligible applicants <u>must</u> demonstrate that investment phase of their proposed project can be started within a maximum period of 12 months after signing the Grant Agreement. IFE reserves the right to cancel a committed financing contribution if this condition is not fulfilled.
Documentation	Documentation for verification of potential project realisation 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.

Important: Additionality of projects financed by IFE

In essence, IFE is open to grant-finance a project that verifiably complies with three basic criteria:

- it serves to create decent jobs,
- it is technically viable and operationally as well as financially feasible,
- it could not/cannot secure its complete funding from commercial or other donor sources.

Notably, the last point serves the additionality (see section 4) of IFE. The applicant needs to prove that he/she tried to secure funding and needs to explain, why he did not succeed.

IFE is not intended to compete against or crowd out commercial or donor funding. If a project is obviously bankable, it disqualifies for a grant.

2.3 Eligible own-contributions

2.3.1 Grant size

IFE grants range between 1 million EUR and 10 million EUR per project. Grants are in addition to the applicant's own financial contribution (both cash and in kind).

2.3.2 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 percentage of own contribution required is defined based on project category.

	Category 1 Public infrastructure for job creation (90 % - 10%)	Category 2 Common service for job creation (75 % - 25%)	Category 3 For-profit projects with broader job creation impact (50 % - 50%)	Category 4 For-profit projects for job creation (25 % - 75%)
Total project cost (*)	1,1 - 11 M EUR	1,33 - 13,33 M EUR	2 - 20 M EUR	4 – 40 M EUR
Applicant contribution towards the project budget at least	0,1 - 1 M EUR	0,33 - 3,33 M EUR	1 - 10 M EUR	3 - 30 M EUR
IFE's grant contribution towards the project budget up to (**)	1 - 10 M EUR	1 - 10 M EUR	1 - 10 M EUR	1 - 10 M EUR

(*) The overall cost of the project may be greater than the maximum value indicated in each category, but IFE's grant is capped at 10 million EUR

The applicant's contribution can be in **either cash or a mix of cash or in-kind** towards the overall project budget or a mix of both types of contributions. Notably, an own contribution may not exclusively be in-kind. **Cash-contribution of a minimum of 10% of the overall own contribution is a requirement.** This cash contribution covers running costs and serves as a cushion for miscellaneous or unplanned expenses.

Cash contributions <i>Applicants must demonstrate documentary evidence for cash contributions (signed MoUs, bank statements, etc.).</i>	Must be in EUR (or listed in EUR equivalent)
	Can stem from own funds, or loans or other types of financial support, such as grants from third parties
	To be exclusively used for Eligible Expenditures (see below)
In-kind contributions <i>Implementation of project-related (in-kind) measures that can be quantified in cash terms. 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.</i>	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)

2.4 Eligible Expenditures

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

Eligible Expenditures
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)
Materials and labour 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

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

Non-eligible expenditures
The costs of acquiring intangible goods
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 country
Lease or acquisition of vehicles that 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.
All types of costs and expenses incurred beyond the investment phase of a project

3. Application Process

The Application Process comprises two-stages:

- Submission of Concept Notes
- Submission of Full Project Proposals, ONLY for shortlisted applicants

The selection of projects will be conducted through a competitive, transparent process, as outlined below.



3.1 Submission of Concept Notes

Applicants submit a Concept Note that provides a brief description of the proposed project, thereby 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.

Applicants must submit Concept Notes in the Online Application Management System:

<https://smartme.adalia.fi/login/IFE>

General rules for submission

- Applications received after the submission deadline will be rejected
- Applications must be submitted online on the SmartME system. No other form of submission is allowed
- Applications shall be submitted in French
- All financial information included in the applications shall be in EUR
- All requested documentation must be submitted in French (certain exceptions for Arabic documentation are allowed and will be indicated in the Concept Note form)

3.2 Assessment of Concept Notes

IFE will check the eligibility and subsequently conduct an evaluation against the assessment criteria and prepare a shortlist of Concept Notes.

In the case of a positive response, the shortlisted Applicants will be informed to submit Full Project Proposals in the online management system (<https://smartme.adalia.fi/login/IFE>).

3.3 Submission of Full Project Proposals

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

The Full Project Proposal must be sufficiently self-explanatory and convincingly document the viability and sustainability of the project. It 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.

3.4 Due Diligence and assessment of Full Project Proposals

IFE will conduct a detailed due diligence exercise for each received Full Project Proposals, analyse and check the correctness, completeness and relevance of the information provided, including:

- Legal and organizational aspects
- The management structure and competence of the foreseen key staff
- The technical validity of the proposal
- The operational and financial sustainability
- Environmental and social implications
- And the direct and indirect jobs foreseen

The due diligence/verification may include on-site visits. The applicants will be informed upfront of the planned on-site due diligence visits.

3.5 Entering into Grant Agreement

Applicants, whose Full Project Proposals have been accepted by IFE in terms of content and score will be offered a Grant Agreement. The terms and conditions of the Grant Agreement will reflect the relevant category of the applicant's project.

Commitment to completion: Notably, the Grant Agreement will commit the applicant to complete the investment, until all investment components and objectives have been verifiably met. In case of cost overruns, the applicant shall be obliged to cover such costs through additional own-contribution until full completion.

3.6 Disbursement and project implementation

Disbursements of IFE will be done in instalments subject to achieved pre-defined milestones and upon submission of evidence and proof of expenses. Public entities are expected to commit their contribution before the disbursement of the grant.

4. Assessment criteria for Concept Notes & Full Project Proposals

The shortlisting of Concept Notes and the selection of Full Project Proposals shall be guided by the following qualitative and quantitative assessment criteria. All eligible proposals will be ranked and the highest-ranked will be shortlisted/selected.

4.1 Qualitative assessment criteria

Completeness and clarity

The proposal demonstrates consistent and contains a clear rationale for the project, which demonstrates a logic of how the investment will lead to job creation. The proposals clearly define and order the measures proposed under the project.

Plausibility of financial and operational plans

The Applicant demonstrates a realistic and comprehensive understanding of the financial and operational resources required to implement the project and shows clearly how these will be sourced and deployed. Priority will be given to projects which are at a sufficiently advanced stage of planning to be implemented rapidly.

A basic budget and time plan will be required during the submission of Concept Notes, while detailed financial and operational plans will be required from shortlisted applicants at the subsequent Full Proposal Stage.

Additionality (see also note above)

The proposal demonstrates that the financial contribution from IFE 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 proposal shows no risk of causing significant market distortions nor leading to market dominance or monopoly. If and where such risks are identified, the proposal must contain appropriate measures to mitigate them.

Sustainability

The proposal demonstrates convincingly that the project is sustainable from a financial, environmental and social assessment. Potential internal or external risk factors which may endanger sustainability in one of the aforementioned dimensions are transparently identified.

Developmental benefit

The applicant demonstrates 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 creating 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 Ghana.

4.2 Quantitative assessment criteria

All Concept Notes and Full Project Proposals must demonstrate **KPI contribution potential**. If a project 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 – Job Creation

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 Ghana etc.

Note that the jobs generated during the investment stage of the grant project (for example, during construction of a new building) are not considered.

KPI 2 – Improved Working Conditions and Income

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.⁵

KPI 3 – Education Benefits

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) – Job maintained during the Corona Pandemic

Number of companies that 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. Supplemental information on jobs to be maintained in the grantee entity will also be collected.

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

5. Need more information?

Questions must be submitted exclusively in writing to the following email address:

cfp-ife.ghana@invest-for-jobs.com. Questions submitted via another means of communication or channels are not receivable.

If you have any questions, please consult first our FAQ section here:

<https://invest-for-jobs.com/en/ife-faq>

If you can't find the information you need, please send us an email to cfp-ife.ghana@invest-for-jobs.com by April 23, 2021 at 5 pm CET at the latest. Questions must be submitted in English only. Questions in other languages are not accepted.

New questions and their respective answers will be published on the website:

<https://invest-for-jobs.com/en/ife-call-for-proposals-ghana>

<https://invest-for-jobs.com/fr/ife-appel-a-propositions-ghana>

IFE will host webinars explaining the terms and conditions for applying; see the schedule presented on the first page of this document.

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

⁵ IFE 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 IFE. Applicants are requested to familiarize them with the IFC PS 2 prior to submitting an application.

6. Conditions

6.1 Procurement

Please note that all goods, services and works to be financed or co-financed using the grant contribution of IFE (refer to section 2.4 “eligible expenditures”) must be procured in accordance with the IFE’s Procurement Procedures for Recipients which are guided by the KfW Guidelines for the procurement of goods and services (see www.KfW.de). IFE Guidelines will be provided to the shortlisted applicants. Although it is generally permissible for applicants to indicate a preferred supplier already in their Concept Notes, the shortlisting of the Concept Note by IFE does not imply the acceptance or pre-determination of the supplier preference stated or implied therein. In fact, as a matter of principle, IFE requires procurements to be carried out in a transparent and competitive manner.

6.2 Cancellation of call for proposal

This call for proposal 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 IFE and shall not be entitled to any compensation. Applicants acknowledge that they are taking part in this call for proposal 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 IFE. By submitting a Concept Note or a Full 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 IFE.

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 IFE to them directly or through their subsidiaries or affiliates in other countries, including but not limited to Ghana. IFE 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 a special exemption from applicable authorities beforehand.

IFE 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 includes 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. 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 to 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 that have access to the SIIS platform.

Annex 1**Standard Declaration of Undertaking**

Reference name of the Application: ("Project"⁶)

To: Investitionen für Beschäftigung (Investing for Employment) GmbH ("IFE")

1. We recognise and accept that the Investitionen für Beschäftigung (Investing for Employment) GmbH (hereafter IFE) only finances projects of Recipients⁷ subject to its own conditions which are set out in the Financing/Grant Agreement yet to be entered into with the Recipient. As a matter of consequence, no legal relationship exists between IFE and our company, our Joint Venture or our Subcontractors under the Project. The Recipient retains exclusive responsibility for the preparation and implementation of the Application Process and the performance of the Project.
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 Contractors and Subcontractors under the Project 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;
 - 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

⁶ Project Name/Title and Project ID

⁷ The Recipient means, in this case. Applicant having successfully submitted a Project Proposal and with whom IFE signed a Financing Agreement.

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 Contractors and Subcontractors under the Project are in any of the following situations of conflict of interest:

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

3.2) having a business or family relationship with a IFE'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;

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 IFE, any change in situation with regard to points 2 to 4 here above.

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

6.1) neither we nor any of the members of our Joint Venture nor any of our Contractors and 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 Contractors and 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 Contractors and 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 Organisation⁸ (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

⁸ 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 IFE, 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

other similar documents provided by the IFE and, in any case, implement measures to prevent sexual exploitation and abuse and gender-based violence.

6.4) We accept that our data (including personal data) generated in connection with the preparation of the Concept Note and Full Project Proposal during the Application Process are stored and processed according to the Applicable Law by the Recipient and IFE. We will share selected information received as part of the Application Process with other organization's part of the Special Initiative on Training and Job Creation for verification purposes.

7. In the case of being awarded a Contract, we, as well as all members of our Joint Venture partners, Contractors 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 IFE 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 implementation of the Contract and the performance of the Contract are stored and processed according to the Applicable Law by the Recipient and IFE.

Name: _____

In the capacity of: _____

Duly empowered to sign in the name and on behalf of⁹: _____

Signature:

Dated:

⁹ 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 shall attach a power of attorney from the applicant.