



**FEDERAL HOUSING
AUTHORITY**



**Infrastructure
Concession
Regulatory
Commission**

FEDERAL HOUSING AUTHORITY (FHA)

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

**REQUEST FOR QUALIFICATION (RFQ) PACKAGE FOR
DEVELOPMENT OF FHA LUGBE HOUSING ESTATE AS
BUILD AND TRANSFER PROJECT**

Reference No: RFQ FHA/Lugbe-001 July 2022

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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.

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LIST OF DEFINITIONS

| | |
|----------------------------|--|
| Applicant | An interested party or Consortium who submits an application in accordance with the provisions of 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 PDT. |
| Challenger/Bidder | A qualified and shortlisted Applicant. |
| Bidding Process | The two-stage process adopted by PDT 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. |
| Build and Transfer | Development of Lugbe Housing Estate including the design, construction and sale of the buildings to buyers, in consideration of the project revenues to be earned from the sales of the properties so developed. |
| Build and Transfer Partner | Private Development and Construction Company (Developer) |
| Consortium | A group of entities coming together to submit an application |
| B & T | Build and Transfer. |
| FGN | Federal Government of Nigeria. |
| FHA | Federal Housing Authority |

| | |
|----------------|---|
| Form | Any form included in Section C of this RFQ. |
| ICRC | Infrastructure Concession Regulatory Commission. |
| Project | The design and construction of 1,024 housing units, serviced plots and associated infrastructure in Lugbe Extension, Abuja. |
| Lead Member | A Member of a Consortium holding or intending to hold at least 30% interest in the Consortium as well as have management control of the Project. |
| N4P | National Policy on Public Private Partnership. |
| NDA | Non-Disclosure Agreement to be signed by an Applicant prior to being issued the Bidding Document. |
| FMWH | Federal Ministry of Works and Housing |
| OBC | Outline Business Case |
| PDT | Project Delivery Team for the Delivery of FHA Lugbe Housing Project. |
| PPP | Public Private Partnership. |
| 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. |
| Proponent | A party or Consortium interested in or contemplating submitting an Application in response to this RFQ. |
| RFQ | Request for Qualification. The first stage of the Bidding Process. |
| RFP | Request for Proposals. |

| | |
|------------------------|---|
| Swiss Challenge | A procurement method that introduces competition to an unsolicited proposal |
| Grantor/Public Partner | The Federal Housing Authority |
| Transaction Adviser | Sigrun Africa Limited |
| NGN | Nigerian Naira |

INTRODUCTION

1.1. Background

The Federal Housing Authority (“FHA”) or (“Grantor”), has received an unsolicited proposal to develop 1,024 residential housing units as well as serviced plots for residential, commercial, recreational and educational activities on a 200 hectare of land owned by FHA in Lugbe. These properties are expected to be sold to individual and corporate buyers while FHA would retain the hard facility management rights to the estate. This document provides evidence and justifications that the proposed development would contribute to narrowing the housing deficit in Abuja and Nigeria in general, while ensuring adequate returns to the developer. In addition, the document provides the basis for prequalifying other interested developers seeking to bid for the development in a Swiss Challenge. Upon the conclusion of the bid process, the proponent of the unsolicited proposal would be invited to match the offer of the most responsive bid. In the event that the proponent of the unsolicited offer is unable to match the most responsive bid, for any reason whatsoever, the challenger offering the most responsive bid would be awarded the project.

The project is expected to deliver quality housing and infrastructure to the residents and other users of the development as well as assist FHA to meet its objective of delivering affordable housing.

The proposed land use is as follows:

LAND USE

| S/N | DEVELOPMENT | TOTAL AREA (M2) | RATIO |
|-----|--|-----------------|--------|
| 1 | Building | | |
| a | 4 Bedroom Detached Duplex (Type A) | 42,576 | |
| b | 3 Bedroom Semi-Detached Duplex (Type A) | 239,821 | |
| c | 3 Bedroom Terrace Duplex (Row of 4) (Type A) | 91,747 | |
| d | 2 Bedroom Terrace Duplex (Row of 6) (Type A) | 83,531 | |
| e | 4 Bedroom Detached Duplex (Type B) | 37,943 | |
| f | 3 Bedroom Semi-Detached Duplex (Type B) | 23,736 | |
| g | 3 Bedroom Terrace Duplex (Row of 4) (Type B) | 109,549 | |
| h | 2 Bedroom Terrace Duplex (Row of 4) (Type B) | 143,098 | |
| | | 772,000 | 38.60% |
| 2 | Educational | 112,900 | 5.65% |
| 3 | SU Plots | 615,100 | 30.76% |

| | | | |
|----|-----------------------------------|------------------|-------------|
| 4 | Existing Settlement | 49,800 | 2.49% |
| 5 | Utilities | 18,400 | 0.92% |
| 6 | Commercial | 104,700 | 5.24% |
| 7 | Religious | 29,400 | 1.47% |
| 8 | Employment Area / Multifunctional | 62,400 | 3.12% |
| 9 | Public | 52,700 | 2.64% |
| 10 | Recreational | 32,400 | 1.62% |
| 11 | Road Network & Public Utilities | 150,200 | 7.51% |
| | | 2,000,000 | 100% |

In line with the extant laws and the National Policy on Public Private Partnership (“N4P”), the FHA procured the services of Sigrun Africa Limited as Transaction Adviser to assist in the Swiss Challenge procurement process in conformity with ICRC regulations and guidelines.

The Project Overview:

| Requirement | Description |
|--|--|
| Project Type | Design, Construction and Sale of residential housing and serviced plots |
| Classification | Build and Transfer for development of FHA Lugbe Estate |
| Location | Lugbe, Abuja FCT |
| Project Site | FHA Lugbe Phase 4, Abuja FCT |
| Transaction Procedure | Unsolicited Tender (Swiss Challenge) |
| Transaction Structure | Unincorporated partnership between FHA and developer operated through an escrow account. |
| Nature of Grant/Concession | Build and Transfer agreement with private developer undertaking the design, construction and financing obligations, in consideration of the project revenues to be earned from sale of the residential and other properties. |
| Grantor/Public Partner | Federal Housing Authority (“FHA”) |
| Private Partner | Private Developer |
| General Obligations of Private Partner | <ul style="list-style-type: none">▪ Design▪ Construct▪ Delivery according to specifications |
| Revenues | <ul style="list-style-type: none">▪ Upfront payments by buyers▪ Profit share after costs |
| Principal Project Agreements | <ul style="list-style-type: none">▪ Build and Transfer Agreement▪ EPC Contract |

For a detailed description and other information relating to the Project, please refer to the Investment Memorandum for the Project which is available from FHA.

In accordance with the N4P, a Project Delivery Team for the FHA Lugbe Build and Transfer project, (the “PDT”) tasked with the responsibility of supervising the process has been established. In furtherance of the project, the PDT now issues a Request for Qualification (“RFQ”) and seeks Applications from reputable housing development and construction companies for the development of FHA Lugbe Housing Estate under Build and Transfer Arrangements.

1.2. Bidding Process

- 1.2.1 The PDT, with the approval of the ICRC, has adopted a two-stage bidding process (collectively referred to as the “**Bidding Process**”) for selection of a Challenger/Bidder for award of the Project. The first stage (the “**Qualification Stage**”) of the process involves qualification (the “**Qualification**”) of interested parties/consortia who submit Applications in accordance with the provisions of this RFQ (the “**Applicant**”, which expression shall, unless repugnant to the context, include the Members of the Consortium). At the end of this stage, the PDT 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 “**Bid Stage**”) comprising Request for Proposals (the “**Request for Proposals**” or “**RfP**”).
- 1.2.2 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 PDT shall be invited to submit their Bids for the Project. Those who are shortlisted must execute a Non-Disclosure Agreement.
- 1.2.3 In the Bid Stage, the Bidders will be called upon to submit their technical and financial offers (the “**Bids**”) in accordance with the RfP and other documents to be provided by the PDT (collectively the “**Bidding Documents**”).
- 1.2.4 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.
- 1.2.5 As part of the Bidding Documents, the PDT will provide draft heads of terms for the Build and Transfer Agreement as well as other information pertaining/ relevant to the Project.
- 1.2.6 Details of the process to be followed at the Bid Stage and the terms thereof will be spelt out in the Bidding Documents.

1.3. Schedule of RFQ Process

The timeline of the RFQ process is stated below:

| Key Milestone | Date |
|---|---|
| RFQ Package available for access to interested Applicants | 1 st September, 2022 |
| Deadline for RFQ Clarification | 15 th September, 2022 |
| Deadline for submission of Response to RFQ by interested Applicants | 12.00 noon on Monday 22 nd September, 2022 |

A. INSTRUCTIONS TO APPLICANTS

1. Scope of Application

- 1.1. 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.

2. Eligibility of Applicants

The following factors shall be applied to determine the eligibility of Applicants for qualification for the Project:

- 2.1. An Applicant may be a single entity or a group of entities ("**Consortium**") coming together to submit an Application for the development of the Project. However, no Applicant applying individually or as a member of a Consortium can be member of another Applicant. The term Applicant used herein would apply to both a single entity and a Consortium.
- 2.2. A group of entities forming a Consortium must provide evidence thereto by a Letter of Intent to enter into a Consortium Agreement or an existing 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 ("**SPV**") in order to sign the Build and Transfer Agreement. A Consortium must have a Lead Member (holding at least 30% interest in the Consortium as well as have management control of the Project) and Exclusive Members (holding at least 10% interest in the Consortium). 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 PDT no later than the submission of the Bids during the Bid Stage and provided: (a) the Consortium continues to fulfil the minimum technical and minimum financial criteria set out under this RFQ; and (b) any notification to the PDT 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. The formation of a new Consortium by any way following the submission of Application by the Applicant is not permitted.
- 2.3. The eligibility criteria listed in this Clause 2 shall apply to the Applicant, including the parties constituting the Applicant.
- 2.4. An Applicant may have the nationality of any country, subject to the restrictions pursuant to Sub-clause 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.

- 2.5.** 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.
- 2.6.** Applicants from an eligible country may be excluded if: (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 PDT are satisfied that such exclusion does not preclude effective competition for the supply of goods or the contracting of works required; or (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.
- 2.7.** 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:
- (a) The Applicant must not be in a state of bankruptcy or liquidation;
 - (b) The Applicant must not be subject to a bankruptcy application;
 - (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);
 - (d) The Applicant has not committed a grave error in the performance of its profession;
 - (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;
 - (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.
 - (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
 - (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;
- 2.8.** 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:

-
- (a) such Applicant has the same legal representative for purposes of this Application as any other Applicant; or
 - (b) such Applicant, or any officer thereof has a relationship with another Applicant, or any officer thereof, directly or through common third party/ parties, that puts either or both of them in a position to have access to each other's information about, or to influence the Application of either or each other; or
 - (c) such Applicant, or any officer thereof has participated as a consultant to the PDT in the preparation of any documents, design or technical specifications of the Project; or
 - (d) the Applicant engages any adviser that has previously advised the Grantor or any of their agencies in any manner in relation to the Project.

3. Amendment to RFQ Package

- 3.1.** The PDT 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.
- 3.2.** Any addendum issued shall be part of the RFQ Package and shall be communicated in writing to all Applicants who have obtained the RFQPackage.
- 3.3.** The PDT 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.

4. Preparation of Application

- 4.1. Number of Application**

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.
- 4.2. Cost of Application**

The Applicant shall bear all costs associated with the preparation and submission of the Application. The PDT will not be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.
- 4.3. Language of Application**

The Application as well as all correspondence and documents relating to the RFQ exchanged by the Applicant and the PDT, shall be written in the English language.

4.4. Currency

All amounts and calculations in this Application shall be presented in Nigerian Naira (“**NGN**”).

5. Documents Comprising the Application

The Application shall comprise the following Forms in Section C:

- (a) Application Submission Form (Form I);
- (b) Documentary evidence establishing the Applicant’s eligibility to qualify (Forms II to V);
and
- (c) Documentary evidence establishing a Consortium and relevant details (Form VI).

6. Application Form

- 6.1.** The Applicant shall submit RFQ Application using the forms furnished (Section C. Application Forms). The Application Forms must be completed without any alteration to their format.
- 6.2.** The application shall be submitted in Six (6) copies in a sealed envelope clearly marked “REQUEST FOR QUALIFICATION AS THE DEVELOPER OF FHA LUGBE HOUSING ESTATE” along with soft copy (PDF versions) in USB drive. The RFQs should be addressed as stated in the advert.
- 6.3.** The PDT will not accept any responsibility for not processing any application submitted that was not identified as stated in Clause 6.2 above.

7. Modification and Withdrawal of Applications

- 7.1.** 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 PDT 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.
- 7.2.** 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 PDT, shall be disregarded.

8. Deadline for Submission of Applications

- 8.1.** Applications shall be submitted no later than **12:00 noon on Friday the 22nd of September 2022.**
- 8.2.** The PDT 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 PDT and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

9. Late Submissions

Any Application received by the PDT after the deadline for submission of Applications prescribed in this instruction shall not be eligible for consideration and shall be disqualified.

10. Contact Information

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 V. The PDT shall only communicate with the principal contact person or his/her designated alternate in the absence of the former.

11. Clarifications

- 11.1.** Applicants may request for clarifications on any information contained in the RFQ Package no later than ten (10) days before the deadline for the submission of applications. All such communication between the Applicants through its designated contact person pursuant to Clause 10 above with the PDT shall be by email to the contact email addresses in Sub-clause 6.2 above.
- 11.2.** The PDT shall endeavour to respond to the questions raised or clarifications sought by the Applicants. However, the PDT 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 PDT or the Sponsor to respond to any question or to provide any clarification.
- 11.3.** The PDT may also on its own motion, if deemed necessary, issue interpretations and clarifications to all Applicants. All clarifications and interpretations issued by the PDT shall be deemed to be part of the RFQ.

12. Acknowledgment

By submitting Applications in response to this RfQ, all Applicants fully acknowledge that:

- (a) They have carefully examined all information in this RfQ package and received all information which they require to submit an Application; and
- (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.

13. Acceptance/Rejection of Bids

- 13.1.** Notwithstanding anything contained in this RfQ package, the PDT 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 PDT rejects or annuls all the Bids, it may, in its discretion, invite all eligible Bidders to submit fresh Bids hereunder.
- 13.2.** The PDT reserves the right at any time to disqualify any Application which it discovers to contain a material misstatement or misrepresentation.
- 13.3.** If the Applicant/Bidder is a Consortium, then the entire Consortium may be disqualified/rejected.

14. Anti-Corruption Matters

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, PDT 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.

B. FRAMEWORK/CRITERIA FOR EVALUATION OF APPLICATIONS

1. Opening and Evaluation of Applications

- 1.1.** The PDT shall open the Applications on a date after the deadline for submission of Applications. The PDT shall prepare a record of the opening of Applications which shall include, as a minimum, the name of the Applicant.
- 1.2.** 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 PDT in relation to, or on matters arising out of, or concerning the Bidding Process. The PDT 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 PDT 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 PDT or as may be required by law or in connection with any legal process.
- 1.3.** 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 PDT on any matter related to the RFQ process, may do so but only in writing.
- 1.4.** To assist in the evaluation of RfQ submissions, the PDT 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.
- 1.5.** When an Applicant does not provide clarifications of the information requested by the date and time set in the PDT's request for clarification, its application may be rejected. In case the Application is not rejected, the PDT 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 PDT.
- 1.6.** The PDT 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 PDT in respect of such Application. An Application shall be considered responsive only if:
 - (a) it is submitted prior to the deadline for submission of Applications;
 - (b) it contains all the information and documents (complete in all respects) as requested in this RFQ;
 - (c) it contains information in formats same as those specified in this RFQ Package;

(d) it does not contain any condition or qualification.

- 1.7. The PDT shall use the factors, methods, criteria, and requirements defined in Section B, Qualification Criteria and Requirements to evaluate the qualifications of the Applicants. Qualification Criteria in Section B 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 A Clause 3.2.
- 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.
- 1.9. Any information contained in the Application shall not in any way be construed as binding on the PDT, 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.
- 1.10. The PDT 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 thereby incurring any liability to the Applicants.
- 1.11. Applicants are advised that qualification of Applicants will be entirely at the discretion of the PDT. 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.
- 1.12. All Applicants whose applications have met or exceeded ("passed") the specified threshold requirements will be qualified by the PDT.

2. Qualification and Bidding

- 2.1. After the evaluation of Applications, the PDT would notify short-listed qualified Applicants (Bidders) who will be eligible for participation in the Bid Stage and publish their list on the platform designated by the grantor. Subject to Section A Sub-clause 2.2, Applicants whose Application have been rejected may seek inclusion in a Consortium that has been qualified. The PDT will not entertain any query or clarification from Applicants who fail to qualify.
- 2.2. Bidders will be required to execute a Non-Disclosure Agreement (NDA) prior to being issued the 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 PDT to submit their Bids for the Project. The PDT 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 familiarise themselves with the Project by the time of submission of the Application.

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- 2.3.** All documents and other information supplied by the PDT or submitted by an Applicant to the PDT shall remain or become the property of the PDT. 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 PDT will not return any Application or any information provided along therewith.
- 2.4.** Save and except as provided in this RFQ, the PDT shall not entertain any correspondence with any Applicant in relation to the acceptance or rejection of any Application.

3. Evaluation Parameters

- 3.1** Only those Applicants who meet the pre-eligibility and qualification criteria specified in this Clause 3 shall qualify for evaluation. Applications of firms/consortia who do not meet these criteria shall be rejected.
- 3.2** The Applicant's competence and capability is proposed to be established by the following minimum parameters:

3.2.1 Technical Minimum Criteria

To demonstrate technical capacity and experience in the development and financing of housing developments, the Applicant shall have, over the past ten (10) financial years preceding the deadline for submission of the Application:

- a. Undertaken a leading role in the development and financing of a minimum of 25 residential houses in an estate.
- b. Participated in the development and financing of a minimum of 25 residential houses in an estate in Nigeria, sub-saharan Africa or any other developing country, for which the Applicant (or members of the Consortium) played a significant role such as Main contractor, Core Investor etc;
- c. Evidence of a track record in the development and financing of housing projects within the past five (5) years, with an aggregate value in excess of N10 billion.

In case of a Consortium, the combined technical capacity of the members should satisfy the above conditions of eligibility.

In case the Applicant is not a Consortium, it shall be eligible only if it has equivalent experience of its own.

3.2.2 Financial Minimum Criteria

The Applicant shall provide: (i) evidence that it is in a good financial position at the close of the preceding financial year; (ii) evidence of an asset base of up to NGN2 billion (shall consider the combined assets where applicant is a Consortium) and/or (iii) a letter of financial support from a credible financial institution that supports its ability to raise funding for the Project of up to NGN 5billion.

In 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 Consortium and the Exclusive 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.

3.3 Details of Technical Capacity

3.3.1 The Applicant should furnish the details of eligible experience for the last five (5) financial years immediately preceding the deadline for submission of Application.

3.3.2 The Applicants must provide the necessary information relating to Technical Capacity as per format of Forms IV to VI.

3.3.3 The Applicant should furnish the required Project-specific information and evidence in support of its claim of Technical Capacity, as per format of Forms VII to IX.

3.4 Financial Information for Purposes of Evaluation

3.4.1 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 (2019, 2020 & 2021), preceding the year in which the Application is made.

3.4.2 In case the annual accounts for the latest financial year are not audited and therefore the Applicant cannot make it available, the Applicant shall give an undertaking to this effect and the statutory auditor shall certify the same. In such a case, the Applicant shall provide the Audited Annual Reports for three (3) years preceding the year for which the Audited Annual Report is not being provided.

3.4.3 The Applicant must establish the minimum financial standing specified in Clause 3.2.2, and provide details as per format of Form III.

| Eligibility and Qualification Criteria | | | Compliance Requirements | | | Documentation |
|--|---|--|-------------------------|-----------------------------------|------------------------|------------------------------|
| No. | Subject | Requirement | Single Entity | Consortium/ Joint Venture (JV) | | Submission Requirements |
| | | | | Lead Partner | Exclusive Partner | |
| 1. Declaration | | | | | | |
| 1.1 | Letter of Response | Letter must be signed without changes and additions. | Compulsory requirement | Compulsory requirement | N/A | Form I |
| 2. Capabilities of Applicant | | | | | | |
| 2.1 | Business Information | All boxes must be filled. Where not applicable it shall be so stated. | Compulsory requirement | Compulsory requirement | Compulsory requirement | Form II |
| 2.2 | Financial Capability | All boxes must be filled. Required certificates and/or forms must be attached. | Compulsory requirement | Compulsory requirement | If applicable | Form III |
| 2.3 | Development and Financing of residential housing development of a minimum of 25 houses in an estate | All boxes must be filled. | Compulsory requirement | Compulsory requirement | If applicable | Form IV-a; Form IV-b; |
| 2.4 | Authorized Representative | Contact details of authorized representative(s) must be given. | Compulsory requirement | Compulsory requirement | N/A | Form V |
| 2.5 | Consortium Summary | Details of Consortium. | N/A | Compulsory requirement | Compulsory requirement | Form VI |

C. 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 Transaction Adviser
BUILD AND TRANSFER OF FHA LUGBE HOUSING
PROJECT, xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx,
xxxxxxx
xxxxxxx

Dear Sir,

**RE: Request for Qualification to Develop and Finance FHA Lugbe Housing Estate in Lugbe Extension,
Abuja FCT (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 a proponent 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 – Financial Strength;
 - (d) Form IV – Residential Housing Development Experience;
 - Form IV-a - National
 - Form IV-b - Local
 - (e) Form V – Particulars of Authorised Representative;
 - (f) Form VI – Consortium Summary; and

(g) Other details and supporting documents as applicable.

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

3. *[Applicable in case of a Consortium]* The Lead Member of the Consortium applicant is [____].

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 FHA or any agencies of the FGN is presently a director/staff 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 prospective proponents who are shortlisted must execute a Non-Disclosure Agreement and submit 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 of 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/letter of intent/consortium agreement/document(s) authorising 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 so stated

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

All prospective proponents 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 or Joint Venture (JV).

| | | | |
|---|--|--------------------------------------|--|
| 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 Authorised Representative | |
| Fax | | Email | |
| Place of Incorporation / Registration | | Year of Incorporation / Registration | |
| Number of Staff | | | |
| Organisational 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</p> <p><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, FHA 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>The requirements set out below shall not apply to non-Nigerian companies and consortia.</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 & 2021)</p> | |

| | |
|--|--|
| Evidence of Current Certificate of Compliance in respect of the Industrial Training Fund Act CAP 19, LFN 2004 (the "ITF Act") (as amended by the Industrial Training Fund Amendment Act, 2011) | |
| | |

FORM III (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 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 latest 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 plus Long-Term Debt plus Equity | | | | |
| Annual Net Assets | Total Assets less Short Term Liabilities less 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)/Sum (3 years' Revenue)]*100 | | | | |
| Current Assets | - | | | | |
| Inventory | - | | | | |
| Current Liabilities | - | | | | |
| Long Term Liabilities | - | | | | |
| Interest | - | | | | |
| Cash Ratio | Current Assets less Inventory/ Current Liabilities | | | | |
| Current Ratio | Current Assets/ Current Liabilities | | | | |
| EBIT Interest Coverage | EBIT/Interest | | | | |
| Total Fund | (Fixed Assets plus Current Assets) or (Capital and Reserves plus Long-Term Liabilities plus Short Term Liabilities) | | | | |
| Debt Ratio - Debt to Total Fund | (Long Term Liabilities plus Current Liabilities)/ Total Fund | | | | |

Letter of Support from Financial Institution

| | | |
|---|-------------------------------|---------------------------|
| Evidence of financial capability and support from credible financing institutions in support of your ability to develop the FHA Housing Estate. | Name of Financing Institution | |
| Address of Banker | | |
| Telephone | | Contact Name and Position |
| Fax | | |
| Email | | |

Proponents, 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 Proponent | Name of client, cause of litigation, and matter in dispute | Disputed amount (current value in NGN) |
|------|--------------------------------|--|--|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

- Please attach details of any financial commitments of a material nature that can reasonably be expected to adversely impact 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 IV (Development and Financing Eligibility)

All boxes must be filled.

(a) FORM IV-a (National Development and Financing Eligibility)

Applicant or in the case of a Consortium, all Members nominated to provide the development and financing capacity for the Project must provide development and financing experience to demonstrate that they meet the requirements stated in this RfQ Package.

| | | |
|--|---|--|
| Name of Applicant (or Member of a Consortium or JV) | | |
| Residential Estate Development Experience in Nigeria | | |
| Company has experience in residential estate development and financing | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | Project Name |
| | | (1) |
| | | (2) |
| | | (3) |
| | | (4) |
| | | (5) |
| Details of Project (1) | 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> |

| | | |
|------------------------|---|--|
| Details of Project (2) | 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> |
| | | |
| Details of Project (3) | 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> |
| | | |
| Details of Project (4) | 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> |
| | | |

| | | |
|----------------------------------|--|--|
| Details of Project (5) | Type of project | |
| | Project commencement date | |
| | Project completion date (or ongoing) | |
| | Location | |
| | Project value | |
| | Funding share (Company %: Partners' %) | |
| | Supporting documents | <i>Please list documents here and attach them in application</i> |
| | Experience in Construction | <input type="checkbox"/> Yes <input type="checkbox"/> No Description: |
| Experience in Greenfield project | <input type="checkbox"/> Yes <input type="checkbox"/> No Description: | |
| Supporting documents | <i>Please list documents here and attach them in application</i> | |

(b) FORM IV-b (Local Development and Financing Eligibility)

Applicant or in the case of a Consortium, all Members nominated to provide the management and operating capacity for the Project, must provide sports and real estate 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) | | |
| Residential Estate Development Experience in Abuja | | |
| Company has experience in developing and financing residential estate in Abuja, for the last five (5) years | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | | Project Name |
| | (1) | |
| | (2) | |
| | (3) | |
| | (4) | |
| | (5) | |
| Details of Project (1) | Type of project (project development, financing or sub-contracting) | |
| | 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> |
| | | |
| Details of Project (2) | Type of project (project development, financing or sub-contracting) | |
| | Project commencement date | |
| | Project completion date (or ongoing) | |
| | Location | |
| | | |

FORM V (Particulars of Authorised Representative)

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

All prospective proponents 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 | |

FORM VI (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 or Letter of Intent | | <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 | | | |

* Lead Members and Exclusive Members may only be a formal part of one Application (RfQ) and one Bid (RfP), hence once an organisation is a Lead Member or an Exclusive Partner or an Applicant in itself, that organisation is not allowed to become a Member in other Consortia.

1. Lead Member: Primary member managing the Consortium with a minimum share in the Consortium of 30% (to allow diverse private consortia to bid for the project, but to prevent a lack of Consortium leadership though too many small tickets).
2. Exclusive Members: Partners to the Lead Member in the Consortium with a minimum share of 10% in the Consortium.

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. Alter positions in their Consortium beyond the minimum required shares (30% for Lead Member and 10% for Exclusive Members).
4. Include Members which would render the Consortium non-compliant to exclusion and minimum criteria.