

Pre-Qualification Document – Authority’s responses to bidders’ queries

Procurement of a private party for the Gulu Logistics Hub project under a Public Private Partnership (PPP) arrangement

Procurement Ref. No.: **URC/PPP/2021-22/00001**

Date: 04 March, 2022

Uganda Railways Corporation
Plot 57, Nasser Rd, Kampala, Uganda



Contracting Authority's responses to queries submitted by bidders on the RFQ

Sl. No.	Query	Authority's Response
1.	<p>In reference to the below clauses we request if you can assist with clarity on whether in the project company of the consortium does the Uganda registered entity need to have 26% or 30% equity and is this for 1 entity or multiple entities totalling upto 26/30%?</p> <p>"16.3 Further, such limitation as set out in Provision 16.2 of Section I of this RFQ is not intended to preclude the use of the credentials of all Consortium Members if the Respondent is a Consortium. Consortium Members may be related or unrelated entities which meet, collectively, the Minimum Qualification Criteria, however (and as stated in Provision 22.2 of Section I of this RFQ), all Consortium Members whose skill, experience and financial standing are used to meet the Minimum Qualification Criteria (including where such are related entities) must hold at least 26% equity in the Consortium responding to the RFP."</p> <p>"16.4 For the avoidance of doubt, and as reiterated in Provision 3.2 of Section III of this RFQ, all Consortium Members will be required to be Equity Consortium Members and will be required to have a shareholding in the Project Company. Any request to change the role of an Equity Consortium Member designated in Form 4, at any time following submission of an SOQ shall be treated as if it is a request to change the composition of the Consortium itself in accordance with Provision 22 of Section I of this RFQ."</p> <p>"(c) subject to Provision 3 of Section III of this RFQ, any combination of entities under (a) and/or (b) above in the form of a Consortium, who has the formal intent to enter into an agreement (as evidenced by a letter of intent) or who intends to combine under an existing agreement (as evidenced by a copy of this existing agreement), such that at least 30% equity in the Consortium is held by firms registered in Uganda."</p>	<p>A consortium must comprise of at least 30% equity held by firms registered in Uganda. This refers to the total equity share of all members of the consortium that are registered in Uganda.</p> <p>For meeting the minimum eligibility criteria, a consortium member's experience may be presented if that member has at least 26% equity in the consortium. This refers to the equity share of a single consortium member.</p> <p>The minimum eligibility criteria may be met by distinct members of a consortium. A consortium is considered to meet the eligibility requirements if each minimum eligibility criterion is met by at least one consortium member.</p> <p>It should be noted that each minimum eligibility criteria must be met by prior experience in a single facility and not by aggregate experiences for multiple facilities. However, a single facility need not meet all minimum eligibility criteria together as the criteria may be met by distinct facilities.</p>
2.	<p>We would like to request a one month extension to the date for submitting our SoQ.</p>	<p>The SOQ submission deadline has been extended to 22.03.22 at 12 noon Ugandan local time.</p>
3.	<p>Minimum Equity for the consortium:</p> <ol style="list-style-type: none"> a) Must the 30% equity required to be held by firm registered in Uganda be issued and paid up or only issued? b) Is 30% equity based only on the nominal value of shares or does it also cover voting rights? c) Which classes of shares are considered e.g. where a company has ordinary and preference shares? d) Is there minimum expected local (Ugandan) shareholding /Business Ownership for the Uganda registered entity in the consortium? 	<p>In case of a consortium, the equity held by firms registered in Uganda should be minimum 30% of the total issued share capital in the consortium based on nominal value of the shares.</p> <p>All classes of shares, including ordinary and preferred shares, shall be considered for this evaluation.</p> <p>There is no minimum Ugandan shareholding/business ownership requirement for entities registered in Uganda.</p>

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4.	<p>Facility requirements:</p> <p>Must a single facility meet the minimum acreage, TEU throughput and CBM space or can a bidder declare more than 1 facility whose aggregate capacity meets the minimum thresholds?</p>	<p>Each minimum eligibility criteria for area, throughput and warehousing space requirements must be met by a single facility and not by an aggregate for multiple facilities.</p> <p>It should be noted that a single facility need not meet all three technical eligibility criteria together viz. area, throughput and warehousing space requirements. The three criteria may be met by distinct facilities.</p>
5.	<p>Project Phasing and Financing</p> <p>a) We understand the construction of Phase 2 should be informed by the volume of traffic handled at the Phase 1 facility. Is this the case?</p>	<p>The Phase 2 Construction Start Date shall be no later than</p> <ul style="list-style-type: none"> • 30 days after the beginning of the financial year succeeding the financial year in which the traffic handled at Phase 1 of Gulu Logistics Hub reaches maximum capacity i.e. 20,000 TEU, or • the 3rd anniversary of the Phase 1 commercial operations date, whichever is earlier. <p>The construction of Phase 2 must be completed</p> <ul style="list-style-type: none"> • within 12 (twelve) months from start of Phase 2 construction, or • on or before the 5th (fifth) anniversary of Phase 1 commercial operations date. <p>Further details shall be made available at the Request for Proposal (RFP) stage.</p>
6.	<p>What will be the impact of the Naivasha port on the operation of the GLH?</p>	<p>Bidders are expected to carry out their own analysis for the project.</p> <p>Further details about the project shall be made available to bidders at the Request-for-Proposal (RFP) stage.</p>

Regards,

Tom Kimera (MCIPS) UK

Senior Procurement Officer/Head PDU

Uganda Railways Corporation

Date: 04 March, 2022