**Model clauses for the electronic submission of Applications and Proposals in KfW Standard Tender Documents**

Version 1.0 of 22.07.2024

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**1. Applicability of the model clauses for the electronic and hybrid submission of Applications and Offers**

The KfW Procurement Guidelines allow the use of electronic procurement systems in prequalification and tendering processes (Art. 2.7). These may be used by KfW and Project Executing Agencies (PEA) in two scenarios: electronic submission of Applications and/or Offers only (electronic submission) and electronic submission of Applications and/or Offers accompanied by the submission of printed copies (hybrid submission).

In 2021, KFW has approved the use of exficon, an electronic procurement system, operated by exficon GmbH. KfW has introduced the requirement to use exficon in partner procurements under an agency contract with a tender agent (“Partnervergabe in Geschäftsbesorgung mit TA”) and in KfW procurements below the EU threshold with SBF financing (“unterschwellige Angebotseinholungen in Direktleistungen (in eigenen Namen) mit SBF-Finanzierung”). In addition, KfW has approved the general use of exficon in partner procurements. In 2024, exficon GmbH has introduced an upgraded version of its electronic procurement system, exfitender. KfW has approved the use of exfitender under the same conditions as exficon.

The model clauses in this document contain the instructions for the electronic and hybrid submission of Applications and Offers via exfitender. Please choose the clauses reflecting the applicable scenario and modify them to reflect any other specifics of the tendering process. For additional information about exfitender, please refer to the website https://www.exficon/tad/e-procurement/.

If you plan to use an alternative electronic procurement system, please contact KfW.

**2. Model clauses for the electronic submission of Applications and Offers**

***2.1 Standard Prequalification Document for the Procurement of Consulting Services in Projects with Financing from KfW (for use in two stage international competitive tender procedures)***

**SECTION II - SPECIAL PROVISIONS**

**2.4 Signing of the Application and the Number of Copies**

2.4.1

The Employer will only accept Applications submitted via the electronic procurement system exfitender, operated by exficon GmbH. The Employer will not accept Applications submitted by other electronic or physical means.

All documents comprising the Application shall be signed by the Applicant’s representative designated in accordance with GP 1.4.1. If the Applicant is a JV, the statements and declarations submitted by the members of the JV in accordance with GP 2.2.1(d)(II) – (VII) shall be signed by duly authorized officials, such as owners or directors of the respective members.

2.4.2

Not applicable

2.4.3

The Application shall be presented as not more than 5 (five) searchable and unalterable PDF files.

**3.1 Sealing and Identification of Applications**

Not applicable.

**3.2 Deadline for Submission of Applications**

3.2.1

The Application must be submitted at or before *[insert the UTC time and, if applicable, the Employer’s local time]* on *[insert deadline date]*. The Application shall be considered submitted when the Application files are uploaded on the electronic procurement system exfitender, in accordance with SC 2.4.1.

Exfitender is accessible through the website https://www.exfitender.de. To submit an Application, new exficon users shall first register an individual user profile. Existing users shall log into exfitender using their existing user profiles. After logging in, the user may submit or withdraw an Application as follows:

1) Access the tendering process page using the integrated search function and the tender details provided in the Procurement Notice.

2) Register for participation in the tendering process by clicking the “Register now” button.

3) Upload Application files by clicking the button “Open file upload dialog” in the “Files” tab.

4) Delete Application files by clicking the Wastebin button in the “Files” tab.

5) Cancel the participation in the tendering process by clicking the button “Deregister from Prequalification” in the “Overview” tab.

The users may upload or delete Application files or deregister from the tendering process only between the registration and the Application deadline.

For additional information concerning the use of Exfitender, please contact Exficon using the contact details provided on the website.

3.2.4

Not applicable

***2.2 Standard Request for Proposals for the Selection of Consultants in Projects with Financing from KfW (for international competitive bidding procedure with prequalification for contracts exceeding 200,000 EUR)***

**SECTION II - DATA SHEET**

|  |  |
| --- | --- |
| 10.1 | The Proposal shall comprise the following documents:  Technical Proposal:  (1) Power of Attorney to sign the Proposal  (2) TECH-1 Technical Proposal Submission Form  (3) TECH-2 Declaration of Undertaking  (4) TECH-3 Comments or Suggestions on the TOR and Counterpart Staff  (5) TECH-4 Description of the Approach, Methodology, and Work Plan  (6) TECH-5 Work Schedule  (7) TECH-6 Personnel Schedule  (8) E/QUAL  Financial Proposal Envelope:  (1) FIN-1 Financial Proposal Submission Form  (2) FIN-2 Financial Proposal – Cost Breakdown |
| 17.1 | The Employer will only accept Proposals submitted via the electronic procurement system exfitender, operated by exficon GmbH. The Employer will not accept Proposals submitted by other electronic or physical means. |
| 17.5 | Not applicable |
| 17.6 | Not applicable |
| 17.7 | Not applicable |
| 17.8 | Not applicable |
| 17.9 | Not applicable |
| 17.10 | The deadline for the submission of Proposals shall be *[insert the UTC time and, if applicable, the Employer’s local time]* on *[insert deadline date]*. The Proposal shall be considered submitted when the Proposal files are uploaded on the electronic procurement system exfitender, in accordance with ITC 17.1.  Exfitender is accessible through the website https://www.exfitender.de. To submit a Proposal, the Consultant shall log into exfitender using their existing user profile. After logging in, the Consultant may submit or withdraw a Proposal as follows:   1. 1) Access the tendering process page using the menu item “My Tenders”. 2. 2) Upload the Technical Proposal file(s) by clicking the respective button “Open file upload dialog” in the “Files” tab. 3. 3) Upload the Financial Proposal file(s) by clicking the respective button “Open file upload dialog” in the “Files” tab. 4. 4) Delete the Proposal files by clicking the respective Wastebin buttons in the “Files” tab. 5. 5) Cancel the participation in the tendering process by clicking the link “Withdraw from Tender Phase” in the “Overview” tab.   The Consultants may upload or delete Proposal files or cancel the participation from the tendering process only before the deadline for the submission of Proposals.  For additional information concerning the use of Exfitender, please contact Exficon using the contact details provided on the website. |
| 17.11 | Not applicable |
| 19.3 | The Employer shall not access the Financial Proposals until they are opened in accordance with ITC 22. |
| 19.4 | At the opening of the Technical Proposals the following shall be recorded in the opening protocol: (i) the presence or absence of a signed Technical Proposal Submission Form (TECH-1) and the name and business address of the Consultant or, in case of a Joint Venture, the name and business address of the Joint Venture, the name and business address of the lead member and the names and business addresses of all members as stated in TECH-1; (ii) the presence or absence of the Declaration of Undertaking (TECH-2); (iii) any other information deemed appropriate or as indicated in the Data Sheet. |
| 22.1 | The Financial Proposals of those Consultants which have achieved the minimum score in accordance with ITC 21.1 shall be opened. The Financial Proposals files of those Consultants below the minimum score shall not be opened and securely deleted after completing the selection process and Contract signing. |

**3. Model clauses for the hybrid submission of Applications and Offers**

***3.1 Standard Prequalification Document for the Procurement of Consulting Services in Projects with Financing from KfW (for use in two stage international competitive tender procedures)***

**SECTION II - SPECIAL PROVISIONS**

**2.4 Signing of the Applicatoin and the Number of Copies**

2.4.1

The Employer will only accept original Applications submitted via the electronic procurement system exfitender, operated by exficon GmbH. The Employer will not accept original Applications submitted by other electronic or physical means. In addition to the original Application, printed copies (copies of the Application) shall be submitted in accordance with SC 2.4.2.

All documents comprising the Application shall be signed by the Applicant’s representative designated in accordance with GP 1.4.1. If the Applicant is a JV, the statements and declarations submitted by the members of the JV in accordance with GP 2.2.1(d)(II) – (VII) shall be signed by duly authorized officials, such as owners or directors of the respective members.

2.4.2

In addition to the original electronic Application *[insert here the number of copies]* copies shall be submitted.

2.4.3

The electronic Application shall be presented as unalterable and printable PDF files.

**3.1 Sealing and Identification of Applications**

The Clause 3.1 applies only to the copies of the Application.

**3.2** **Deadline for Submission of Applications**

3.2.1

The Application must be submitted at or before *[insert the UTC time and, if applicable, the Employer’s local time]* on *[insert deadline date]*. The Application shall be considered submitted when the Application files are uploaded on the electronic procurement system exfitender, in accordance with SC 2.4.1.

Exfitender is accessible through the website https://www.exfitender.de. To submit an Application, new exficon users shall first register an individual user profile. Existing users shall log into exfitender using their existing user profiles. After logging in, the user may submit or withdraw an Application as follows:

1) Access the tendering process page using the integrated search function and the tender details provided in the Procurement Notice.

2) Register for participation in the tendering process by clicking the “Register now” button.

3) Upload Application files by clicking the button “Open file upload dialog” in the “Files” tab.

4) Delete Application files by clicking the Wastebin button in the “Files” tab.

5) Cancel the participation in the tendering process by clicking the button “Deregister from Prequalification” in the “Overview” tab.

The users may upload or delete Application files or deregister from the tendering process only between the registration and the Application deadline.

For additional information concerning the use of Exfitender, please refer to the website https://www.exficon/tad/e-procurement/.

The copies of Applications shall be submitted at the following Address: *[insert address]*.

3.2.4

The timely receipt of the original Applicatoin in compliance with GP 3.2.1 shall be decisive for the timely submission of the Application.

3.2.7

At the opening of the Applications the following shall be recorded in the opening protocol: the name and business address of the Applicant or, in case of a Joint Venture, the name and business address of the Joint Venture, the name and business address of the lead member and the names and business addresses of all members; the presence or absence of the Declaration of Undertaking; any other information deemed appropriate or as indicated in the SP.

***3.2 Standard Request for Proposals for the Selection of Consultants in Projects with Financing from KfW (for international competitive bidding procedure with prequalification for contracts exceeding 200,000 EUR)***

**SECTION II - DATA SHEET**

|  |  |
| --- | --- |
| 10.1 | The Proposal shall comprise the following documents:  Technical Proposal:  (1) Power of Attorney to sign the Proposal  (2) TECH-1 Technical Proposal Submission Form  (3) TECH-2 Declaration of Undertaking  (4) TECH-3 Comments or Suggestions on the TOR and Counterpart Staff  (5) TECH-4 Description of the Approach, Methodology, and Work Plan  (6) TECH-5 Work Schedule  (7) TECH-6 Personnel Schedule  (8) E/QUAL  Financial Proposal Envelope:  (1) FIN-1 Financial Proposal Submission Form  (2) FIN-2 Financial Proposal – Cost Breakdown |
| 13.2 | The Consultant may modify their proposal or any part of it at any time prior to the Proposal submission deadline. No modifications to the Technical or Financial Proposal shall be accepted after the deadline. The Proposal may be modified by replacing the respective file(s) of the original Proposal and submitting a modification to the copy of the Proposal, in accordance with the ITC17.1. |
| 17.1 | The Employer will only accept original Proposals submitted via the electronic procurement system exfitender, operated by exficon GmbH. The Employer will not accept original Proposals submitted by other electronic or physical means. In addition to the original Proposal, printed copies (copies of the Proposal) shall be submitted in accordance with SC ITC 17.5. |
| 17.5 | The Consultant shall submit the copies of the Proposal as follows:   1. Technical Proposal: *[insert number]* copies; 2. Financial Proposal: *[insert number]* copies. |
| 17.6 | The copies of the Technical Proposal shall be placed inside of a sealed envelope clearly marked “Copies of the Technical Proposal”, “[Name of the Assignment]“, reference number, name and address of the Consultant, and with a warning “Do Not Open until [insert the date and the time of the Technical Proposal submission deadline].” |
| 17.7 | The copies of the Financial Proposal shall be placed inside of a sealed envelope clearly marked “Copies of the Financial Proposal” followed by the name of the assignment, reference number, name and address of the Consultant, and with a warning “Do Not Open With The Technical Proposal.” |
| 17.8 | The sealed envelopes containing the copes of the Technical and Financial Proposals shall be placed into one outer envelope and sealed. This outer envelope shall bear the submission address, RFP reference number, the name of the assignment, Consultant’s name and the address, and shall be clearly marked “Do Not Open Before [insert the time and date of the submission deadline indicated in the Data Sheet]”. Any modifications to the copies of a Proposal shall be placed in a sealed envelope and must bear the same markings as the respective Technical or Financial Proposal. |
| 17.10 | The deadline for the submission of Proposals shall be *[insert the UTC time and, if applicable, the Employer’s local time]* on *[insert deadline date]*. The Proposal shall be considered submitted when the original Proposal files are uploaded on the electronic procurement system exfitender, in accordance with ITC 17.1.  Exfitender is accessible through the website https://www.exfitender.de. To submit the original Proposal, the Consultant shall log into exfitender using their existing user profile. After logging in, the Consultant may submit or withdraw a Proposal as follows:   1. 1) Access the tendering process page using the menu item “My Tenders”. 2. 2) Upload the Technical Proposal file(s) by clicking the respective button “Open file upload dialog” in the “Files” tab. 3. 3) Upload the Financial Proposal file(s) by clicking the respective button “Open file upload dialog” in the “Files” tab. 4. 4) Delete the Proposal files by clicking the respective Wastebin buttons in the “Files” tab. 5. 5) Cancel the participation in the tendering process by clicking the link “Withdraw from Tender Phase” in the “Overview” tab.   For additional information concerning the use of Exfitender, please contact Exficon using the contact details provided on the website. |
| 17.11 | The Consultant shall send the copies of the Proposal and any modifications to the copies of the Proposals to the following address: *[insert address].*  The receipt of the copies of the Proposal shall not be decisive for the timely submission. |
| 19.3 | The Employer shall not access the original Financial Proposal files and the envelopes with the Financial Proposal shall remain sealed and shall be securely stored until they are opened in accordance with ITC 22. |
| 19.4 | At the opening of the original Technical Proposals the following shall be recorded in the opening protocol: (i) the presence or absence of a signed Technical Proposal Submission Form (TECH-1) and the name and business address of the Consultant or, in case of a Joint Venture, the name and business address of the Joint Venture, the name and business address of the lead member and the names and business addresses of all members as stated in TECH-1; (ii) the presence or absence of the Declaration of Undertaking (TECH-2); (iii) any other information deemed appropriate or as indicated in the Data Sheet.  Additionally to the above, at the opening of the copies of the Technical Proposals the following shall be recorded: (iv) the presence or absence of a duly sealed envelope with the Financial Proposal; (v) any modifications to the Proposal submitted prior to the Proposal submission deadline. |
| 22.1 | The Financial Proposals of those Consultants which have achieved the minimum score in accordance with ITC 21.1 shall be opened.  The Financial Proposals files of those Consultants which have not achieved the minimum score shall not be opened and securely deleted and the copies of the Financial Proposals shall be returned unopened after completing the selection process and Contract signing. |