



REPUBLIC OF BOTSWANA

# DECLARATION FORM

(To be submitted with every tender)

## DECLARATION TO ESTABLISH ELIGIBILITY FOR RESERVATION AND PRICE PREFERENCE FOR CITIZEN CONSULTANCY COMPANIES AND INFORMATION TECHNOLOGY (IT) PROVIDERS .

This Declaration shall be signed by all businesses tendering for reserved contracts and contracts subject to preferences, as a condition of each tender.

The 100% citizenship requirements for shareholders, etc. contained therein shall, notwithstanding any previous consents and practice, be a precondition for the award of any reserved tender.

This declaration shall also be signed by all businesses wishing to enjoy applicable margins of price preference, in accordance with existing Preference Schemes.

### PART A- DECLARATION IN RESPECT OF 100% CITIZEN OWNED BUSINESSES

I ....., an adult citizen of Botswana, do hereby make oath and say:

1. I am a shareholder in/owner of ..... Company (Pty) Ltd., a wholly citizen owned contracting business currently registered with the Central Tender Board.

I am authorised by a resolution dated.....of the shareholders of.....Company (Pty) Ltd to make this Declaration. The resolution is attached hereto as Annex A.

- 2. Name of Business .....
- Status of Business .....
- Postal Address .....
- Physical Address .....
- Telephone .....
- Fax No. ....E-mail .....
- Registration No. of Company .....

Date of Incorporation .....  
(Attach Certificates Form 2 ,4 and 5 certified by Company Secretary)

Name and Address of Company Secretary.....

Form 2 Attached Yes  No   
Form 4 Attached Yes  No  Not Applicable   
Form 5 Attached Yes  No  Not Applicable

Date of Registration with CTB and Registration No. ....

CTB Grading .....  
(Attach certificate of grading)

Project Tendered for.....Reserved/Preference.\* (Delete inapplicable)

Tender Number.....

Tender Due Date.....

**3. The Directors of .....(Pty)Ltd. are**

**(a) Equity Directors**

|                 |                                       |                   |
|-----------------|---------------------------------------|-------------------|
| .....<br>(Name) | .....<br>(Nationality/Omang/passport) | .....<br>% Shares |
| .....<br>(Name) | .....<br>(Nationality/Omang/passport) | .....<br>% Shares |
| .....<br>(Name) | .....<br>(Nationality/Omang/passport) | .....<br>% Shares |
| .....<br>(Name) | .....<br>(Nationality/Omang/passport) | .....<br>% Shares |

**(b) Operational Directors**

|                 |                                       |                   |
|-----------------|---------------------------------------|-------------------|
| .....<br>(Name) | .....<br>(Nationality/Omang/passport) | .....<br>% Shares |
|-----------------|---------------------------------------|-------------------|

**(c) Nominal Directors**

|                 |                                       |                   |
|-----------------|---------------------------------------|-------------------|
| .....<br>(Name) | .....<br>(Nationality/Omang/passport) | .....<br>% Shares |
|-----------------|---------------------------------------|-------------------|

Equity Director is one with shareholding and he thus exercises control over the company. Operational Director is the one who performs specific and identifiable functions in the company as its employee and may not hold shares in the company. A Nominal Director is one who is invited to participate in the company in an advisory capacity.

4.

(a) **The authorised share capital of the company is** ..... and the issued share capital is ..... divided into ordinary shares ..... and ..... preference shares.

(b) **The shareholders of the company consists of the following:**

| Name  | Oman/ID No. | % Shares<br>Shares | No. of<br>From | - | Numbered<br>To |
|-------|-------------|--------------------|----------------|---|----------------|
| ..... | .....       | .....              | .....          |   |                |
| ..... | .....       | .....              | .....          |   |                |
| ..... | .....       | .....              | .....          |   |                |
| ..... | .....       | .....              | .....          |   |                |

Please provide certified copies of share certificates.

(c) **Each of the above shareholders is a citizen of Botswana.** (Please attach certified copies of Oman. Naturalised Batswana should please provide a certified copy of Naturalisation Certificate and/or Oman.)

Are the present shareholders the beneficial shareholders of the company?

Yes

No

If not give details of beneficial shareholders.

| Name  | % Shareholding | Date acquired |
|-------|----------------|---------------|
| ..... | .....          | .....         |
| ..... | .....          | .....         |
| ..... | .....          | .....         |
| ..... | .....          | .....         |

Are the above shareholders the original shareholders of the company?

Yes

No

If not, give details of change of ownership of the company from the date of incorporation

| Name of the previous Shareholders | % Shareholding | Date transferred | Transferee | Consideration Paid |
|-----------------------------------|----------------|------------------|------------|--------------------|
| .....                             | .....          | .....            | .....      | .....              |
| .....                             | .....          | .....            | .....      | .....              |
| .....                             | .....          | .....            | .....      | .....              |

Please provide proof of consideration paid including any debentures issued in lieu of the consideration.

**5. The management of the company consists of the following:**

|                          | Name  | Omang No./Passport No |
|--------------------------|-------|-----------------------|
| (a) Managing Director    | ..... | .....                 |
| (b) General Manager      | ..... | .....                 |
| (c) Contracts Manager    | ..... | .....                 |
| (d) Financial Controller | ..... | .....                 |

**6. The Company operates banking and savings accounts with the following financial institutions:**

|                                 |                  |
|---------------------------------|------------------|
| .....                           | .....            |
| (Name of Institution and Branch | (Account Number) |
| .....                           | .....            |
| Name of Institution and Branch  | (Account Number) |
| Other .....                     | .....            |

**1. The only authorised signatories on each of the above accounts are :**

(a) .....  
 (Name) (Nationality/Omang/passport)

(b) .....  
 (Name) (Nationality/Omang/passport)

(c) .....  
 (Name) (Nationality/Omang/passport)

Other .....

I have enclosed a letter from the company bank manager confirming signatories to the accounts including the order in which the signatories sign.

**8 Does the Company operate any other accounts outside Botswana and are there other authorised signatories to any of these accounts**

Yes (Please tick the appropriate box)  No

If yes Please give details .....

|                                    | <b>Name of Institution/<br/>Individual</b> | <b>Security<br/>(type of asset)</b> | <b>Owner of asset &amp;<br/>Nationality</b> |
|------------------------------------|--|-------------------------------------|---|
| <b>9. Overdraft facility</b> ..... | .....                                      | .....                               | .....                                       |
| Loan facility .....                | .....                                      | .....                               | .....                                       |
| Performance Bond .....             | .....                                      | .....                               | .....                                       |
| Advance Payment Bond .....         | .....                                      | .....                               | .....                                       |

Please provide proof of ownership of any assets used as security to secure any of the banking and any other credit facilities available to the company

- 10.**     **(a)**     All the shareholders of ..... Proprietary Limited have read this Declaration and agree to its contents. Their separate statements confirming this are attached hereto as annexes.
- (b)**     All the shareholders hereby give consent to verification of the information provided above and understand that this may include but not limited to the verification of assets, liabilities, accounts and bonds and undertake to notify the competent authorities of any change to the information provided in this Declaration within seven days of such occurrence
- (c)**     I understand and declare that each matter here deposed to is essential for the validity of ..... Proprietary Limited tender and any subsequent contract, and for the continuation in force of such contract. Should any information which I have provided in this Declaration prove to be false or incorrect in any material respect or should there be a subsequent change in the information provided herein and the steps outlined in (b) above are not taken I acknowledge that I understand that this shall constitute ground for rejection of the tender or the cancellation of the award or the determination of the contract, as the case may be, and the imposition of any claims by the government for the amount of any direct loss and/or damage resulting from such rejection or cancellation or determination as the case may be, as provided for in the conditions of contract.
- (d)**     I verily believe that what I have stated is true and correct.

Signed: .....

(DEPONENT)

ADDRESS: .....

.....

.....

.....

SWORN before me at ....., on this ..... Day of .....

..... in the year ..... at.....am/pm, the Deponent having acknowledged that he/she knows and

understands the contents of this Declaration .

Commissioner of Oaths .....

Full Name .....

.....

.....

Address: .....

.....

.....

**ANNEX .....**

(to be completed by each shareholder)

1. I .....am an adult Botswana citizen.
  
2. I am a shareholder in .....Proprietary Limited and have read the Declaration made by ..... I confirm that it is true and correct.
  
3. I understand that the information provided therein shall be used in assessing the eligibility of..... Proprietary Limited's tender, and that if what I am confirming is false or misleading in any material respect this may result in ..... Proprietary Limited not only being disqualified but also in our being held accountable in our personal and joint capacity as its owners and shareholders.

Made by me ..... on this ..... day of the year

Signed: .....

Address: .....

**PART B- DECLARATION IN RESPECT OF PRICE PREFERENCE**

I ....., an adult citizen of ..... \* (State Country of Origin) , do hereby make oath and say:

1. I am a shareholder in/owner of ..... Company (Pty) Ltd., a MAJORITY/MINORITY\* (delete inapplicable) contracting business currently registered with the Central Tender Board.

I am authorised by a resolution dated.....of the shareholders of.....Company (Pty) Ltd to make this Declaration. The resolution is attached hereto as Annex A.

2. Name of Business .....

Status of Business .....

Postal Address .....

Physical Address .....

Telephone .....

Fax No. ....E-mail .....

Registration No. of Company .....

Date of Incorporation .....

(Attach Certificates Form 2 ,4 and 5 certified by Company Secretary)

Name and Address of Company Secretary.....

Form 2 Attached Yes  No

Form 4 Attached Yes  No  Not Applicable

Form 5 Attached Yes  No  Not Applicable

Date of Registration with CTB and Registration No. ....

CTB Grading .....

(Attach certificate of grading)

Project Tendered for.....Reserved/Preference.\* (Delete inapplicable)

Tender Number.....

Tender Due Date.....

3. I verily declare my/our business to be in ONE of the following categories, for purposes of establishing eligibility in respect of price preference:

- (a) Wholly owned (i.e. 100% citizen owned and controlled)
- (b) Majority owned (+51% citizen owned and controlled)
- (c) Minority owned (25 % -50 % citizen owned and controlled)



4. **The Directors of .....(Pty)Ltd. Are:**

**(a) Equity Directors**

|                 |                                       |                   |
|-----------------|---------------------------------------|-------------------|
| .....<br>(Name) | .....<br>(Nationality/Omang/passport) | .....<br>% Shares |
| .....<br>(Name) | .....<br>(Nationality/Omang/passport) | .....<br>% Shares |
| .....<br>(Name) | .....<br>(Nationality/Omang/passport) | .....<br>% Shares |
| .....<br>(Name) | .....<br>(Nationality/Omang/passport) | .....<br>% Shares |

**(b) Operational Directors**

|                 |                                       |                   |
|-----------------|---------------------------------------|-------------------|
| .....<br>(Name) | .....<br>(Nationality/Omang/passport) | .....<br>% Shares |
|-----------------|---------------------------------------|-------------------|

**(c) Nominal Directors**

|                 |                                       |                   |
|-----------------|---------------------------------------|-------------------|
| .....<br>(Name) | .....<br>(Nationality/Omang/passport) | .....<br>% Shares |
|-----------------|---------------------------------------|-------------------|

Equity Director is one with shareholding and he thus exercises control over the company. Operational Director is the one who performs specific and identifiable functions in the company as its employee and may not hold shares in the company. A Nominal Director is one who is invited to participate in the company in an advisory capacity.

5. **The authorised share capital of the company is ..... and the issued share capital is ..... divided into ordinary shares ..... and ..... preference shares.**

**The shareholders of the company consists of the following:**

| Name  | Omang/ID No. | % Shares | No. of | Numbered  |
|-------|--------------|----------|--------|-----------|
|       |              | Shares   | Shares | From - To |
| ..... | .....        | .....    | .....  | .....     |
| ..... | .....        | .....    | .....  | .....     |
| ..... | .....        | .....    | .....  | .....     |
| ..... | .....        | .....    | .....  | .....     |

Please provide certified copies of share certificates.and/or Omang/I.D. No.s of ALL shareholders

Are the present shareholders the beneficial shareholders of the company?

Yes  No

If not give details of beneficial shareholders.

| Name  | % Shareholding | Date acquired |
|-------|----------------|---------------|
| ..... | .....          | .....         |
| ..... | .....          | .....         |
| ..... | .....          | .....         |
| ..... | .....          | .....         |

Are the above shareholders the original shareholders of the company?

Yes  No

If not, give details of change of ownership of the company from the date of incorporation

| Name of the previous Shareholders | % Shareholding | Date transferred | Transferee | Consideration Paid |
|-----------------------------------|----------------|------------------|------------|--------------------|
| .....                             | .....          | .....            | .....      | .....              |
| .....                             | .....          | .....            | .....      | .....              |
| .....                             | .....          | .....            | .....      | .....              |
| .....                             | .....          | .....            | .....      | .....              |

Please provide proof of consideration paid including any debentures issued in lieu of the consideration.

**6. The management of the company consists of the following:**

|                       | Name  | Omang No./Passport No |
|-----------------------|-------|-----------------------|
| (a) Managing Director | ..... | .....                 |
| (b) General Manager   | ..... | .....                 |
| (c) Contracts Manager | ..... | .....                 |

(d) Financial Controller .....

**7. The Company operates banking and savings accounts with the following financial institutions:**

.....  
(Name of Institution and Branch) (Account Number)

.....  
Name of Institution and Branch (Account Number)

Other .....

**8. The only authorised signatories on each of the above accounts are :**

(a) .....  
(Name) (Nationality/Omang/passport)

(b) .....  
(Name) (Nationality/Omang/passport)

(c) .....  
(Name) (Nationality/Omang/passport)

Other .....

I have enclosed a letter from the company bank manager confirming signatories to the accounts including the order in which the signatories sign.

**9. Does the Company operate any other accounts outside Botswana and are there other authorised signatories to any of these accounts**

Yes (Please tick the appropriate box)

No

If yes Please give details **Name of Institution/  
Individual**

**Security  
(type of asset)**

**Owner of asset &  
Nationality**

10. Overdraft facility .....
- Loan facility .....
- Performance Bond .....
- Advance Payment Bond .....

Please provide proof of ownership of any assets used as security to secure any of the banking and any other credit facilities available to the company

11. (a) All the shareholders of .....Proprietary Limited have read this Declaration and agree to its contents. Their separate statements confirming this are attached hereto as annexes.
- (b) All the shareholders hereby give consent to verification of the information provided above and understand that this may include but not limited to the verification of assets, liabilities, accounts and bonds and undertake to notify the competent authorities of any change to the information provided in this Declaration within seven days of such occurrence
- (c) I understand and declare that each matter here deposited to is essential for the validity of ..... Proprietary Limited tender and any subsequent contract, and for the continuation in force of such contract. Should any information which I have provided in this Declaration prove to be false or incorrect in any material respect or should there be a subsequent change in the information provided herein and the steps outlined in (b) above are not taken I acknowledge that I understand that this shall constitute ground for rejection of the tender or the cancellation of the award or the determination of the contract, as the case may be, and the imposition of any claims by the government for the amount of any direct loss and/or damage resulting from such rejection or cancellation or determination as the case may be, as provided for in the conditions of contract.
- (d) I verily believe that what I have stated is true and correct.

Signed: .....

(DEPONENT)

ADDRESS: .....

.....

.....

.....

SWORN before me at ....., on this ..... Day of

..... in the year ..... at.....am/pm, the Deponent having acknowledged that he/she knows and

understands the contents of this Declaration .

Commissioner of Oaths .....

Full Name .....

.....

.....

.....

Address: .....

.....

.....

.....

**ANNEX .....**

(to be completed by each shareholder)

2. I .....am an adult citizen of.....(\*state Country)
  
3. I am a shareholder in .....Proprietary Limited and have read the Declaration made by ..... I confirm that it is true and correct.
  
4. I understand that the information provided therein shall be used in assessing the eligibility of..... Proprietary Limited's tender, and that if what I am confirming is false or misleading in any material respect this may result in ..... Proprietary Limited not only being disqualified but also in our being held accountable in our personal and joint capacity as its owners and shareholders.

Made by me ..... on this ..... day of the year

Signed: .....

Address: .....

