

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF KIRINYAGA

P.O. BOX 260 - 10304,

KUTUS.

REGISTRATION OF SUPPLIERS / CONTRACTORS
FOR SUPPLY OF GOODS, PROVISION OF SERVICES AND
WORKS
FOR
FINANCIAL YEARS 2024-2025/2025-2026

TENDER CLOSING DATE: MONDAY 7TH OCTOBER, 2024

County Government of Kirinyaga

P.O. Box 260-10304

KUTUS

Website: www.Kirinyaga.go.ke

TIME: 10:00 AM

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INVITATION TO PREQUALIFICATION
PREQUALIFICATION/REGISTRATION OF SUPPLIERS FOR SUPPLY OF
GOODS, PROVISION OF SERVICES AND WORKS

Date: MONDAY 7TH OCTOBER, 2024 at 10:00 AM

The County Government of Kirinyaga intends to register suppliers for Supply of Goods and Provision of Services for the Year 2024-2025/2025-2026.

SUPPLY OF GOODS			
S/NO	REGISTRATION NO.	ITEM DESCRIPTION	ELIBILITY
1.	CGK/RG/01/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Assorted Office Stationery.	AGPO
2.	CGK/RG/02/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Bottled Drinking Water and Dispenser.	AGPO
3.	CGK/RG/03/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Desktop Computers, Laptops, Printers, Photocopiers, Shredders, Scanners, Ups's, Audio Visual Equipment, Projectors, Projector Screens, White Board and Related Computer Accessories.	AGPO
4.	CGK/RG/04/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Electrical Appliances, Fittings and Other Electrical Accessorfies.	AGPO
5.	CGK/RG/05/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Farms Inputs, Raw Materials For Animal Feeds Production, Animal's Feeds, Veterinary Drugs/Vaccines and Spraying Equipments.	OPEN
6.	CGK/RG/06/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of G.I/Upvc Pipes, Hdpe Pipes, Fittings, Water Tanks, Pump Sets, Water Meters and Plumbing Materials.	OPEN

7.	CGK/RG/07/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Garment Making Fabrics, Sewing Machines, and Other Related Accessories	AGPO
8.	CGK/RG/08/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Workshop Tools, Safety Gears, Fire Fighting Supplies, Gardening Equipment and Other Related Accessories.	AGPO
9.	CGK/RG/09/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Office Furniture, Fittings and Office Equipment.	AGPO
10.	CGK/RG/10/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Printed Accountable, Tamper-Proof and Security Documents.	OPEN
11.	CGK/RG/11/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Newspapers, Magazines, Periodicals and Documentaries.	OPEN
12.	CGK/RG/12/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Staff Uniforms, Protective Clothing and Sports Equipment.	AGPO
13.	CGK/RG/13/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Fuel (Diesel, Petrol & Lubricants).	OPEN
14.	CGK/RG/14/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Spare Parts, Batteries, Speed Governors, Tyres & Tubes For Plants, Motor Vehicle and Motor Cycles.	AGPO
15.	CGK/RG/15/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Medical Equipments and Surgical Instruments.	OPEN

16.	CGK/RG/16/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Disaster Management Equipment and Materials.	OPEN
17.	CGK/RG/17/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Hardware and Building Materials (Stones,Ballast,Sand,Hardcore Etc).	OPEN
18.	CGK/RG/18/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Electronics, Communication and Media Equipment.	AGPO
19.	CGK/RG/19/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Fire Proof Safes And Cabinets.	AGPO
20.	CGK/RG/20/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Kitchen and Household Appliances.	AGPO
21.	CGK/RG/21/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Tree Seeds, Seedlings And Maintenance of Model Tree Nurseries.	OPEN
22.	CGK/RG/22/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Office Furnishing And Fittings (Curtains,Carpets,Shears And Blinders).	AGPO
23.	CGK/RG/23/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Airtime.	OPEN
24.	CGK/RG/24/2024-2025/2025-2026	Registration of Suppliers for Supply,Delivery and Installation of CCTV System,Video Conferencing Equipment,Digital Billboards and Digital Recording Systems.	OPEN
25.	CGK/RG/25/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Veterinary Sera and Vaccines.	OPEN
26.	CGK/RG/26/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Bituminous Materials/Murram (Gravel Materials & Quarry Waste).	OPEN
27.	CGK/RG/27/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of Electrical Items and Fittings, Street Lighting Materials and Related Spares.	OPEN

28.	CGK/RG/28/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of tents, chairs and assorted goods	AGPO
29.	CGK/RG/29/2024-2025/2025-2026	Registration of Suppliers for Supply and Delivery of fishnets, fish packaging polythene rolls, pond liners hormone and fingerlings .	AGPO
PROVISION OF SERVICES			
S/NO	REGISTRATION NO.	ITEM DESCRIPTION	ELIBILITY
30.	CGK/PS/30/2024-2025/2025-2026	Registration of Suppliers for Provision of Asset Tagging, Valuation and Auctioning Services.	OPEN
31.	CGK/PS/31/2024-2025/2025-2026	Registration of Suppliers for Provision of Hire of Transport, Plant and Equipment.	OPEN
32.	CGK/PS/32/2024-2025/2025-2026	Registration of Suppliers for Provision of Printing and Publishing Services.	OPEN
33.	CGK/PS/33/2024-2025/2025-2026	Registration of Suppliers for Provision of Insurance Services (Insurance Firms and Brokers).	OPEN
34.	CGK/PS/34/2024-2025/2025-2026	Registration of Suppliers for Provision of Production of Documentaries, TV and Radio Infomercial Services.	OPEN
35.	CGK/PS/35/2024-2025/2025-2026	Registration of Suppliers for Provision of Fumigation, Pesticides and Pest Control Services.	OPEN
36.	CGK/PS/36/2024-2025/2025-2026	Registration of Suppliers for Provision of Consultancy Services, Training ,Capacity Building and Team Building Activities.	OPEN
37.	CGK/PS/37/2024-2025/2025-2026	Registration of Suppliers for Provision of Design Branding and Printing of Promotional, Communication and Advertising Items, Printing of T-Shirts, Caps, Banners and Identification Badges.	OPEN
38.	CGK/PS/38/2024-2025/2025-2026	Registration of Suppliers for Provision of Cleaning Services – Curtains, Carpets, Sofa Sets And Windows, Floor and Removal of Waste Materials.	OPEN
39.	CGK/PS/39/2024-2025/2025-2026	Registration of Suppliers for Provision of Security Guarding Services.	OPEN
40.	CGK/PS/40/2024-2025/2025-2026	Registration of Suppliers for Provision of Internet Services and Networking Services (Lan And Wan).	OPEN

41.	CGK/PS/41/2024-2025/2025-2026	Registration of Suppliers for Provision of Land Surveying Services.	OPEN
42.	CGK/PS/42/2024-2025/2025-2026	Registration of Suppliers for Provision of Environmental Impact Assessment and Audit Services, Hydro-Geological Survey, Baselines Survey, Forest Management Plans and Related Services.	OPEN
43.	CGK/PS/43/2024-2025/2025-2026	Registration of Suppliers for Provision of Sanitary Services Including Bins.	OPEN
44.	CGK/PS/44/2024-2025/2025-2026	Registration of Suppliers for Provision of Tracking Systems and Fleet Management System.	OPEN
PROVISION OF WORKS			
S/NO	REGISTRATION NO.	ITEM DESCRIPTION	ELIBILITY
45.	CGK/PW/45/2024-2025/2025-2026	Registration of Suppliers for Provision of Minor Building Works, Office Partitioning, Interior Design, Renovations, Paintings and Other Related Works.	AGPO
46.	CGK/PW/46/2024-2025/2025-2026	Registration of Suppliers for Provision of Electrical Works-Maintenance of Floodlights, Street Lights, Generator Repair and Maintenance,Wiringand Related Works.	OPEN
47.	CGK/PW/47/2024-2025/2025-2026	Registration of Suppliers for Provision of Plumbing/Water Works-Repairs, Piping and Drainage Works.	OPEN
48.	CGK/PW/48/2024-2025/2025-2026	Registration of Suppliers for Provision of Road Works-Grading and Gravelling, Installation of Cabros, Culverts, Bridges and Related Works.	OPEN
49.	CGK/PW/49/2024-2025/2025-2026	Registration of Suppliers for Provision of Labor Based Road Construction Works and Routine Maintenance Works.	OPEN
50.	CGK/PW/50/2024-2025/2025-2026	Registration of Suppliers for Provision of Borehole Drilling Services and Related Works.	OPEN

Interested and eligible candidates may obtain detailed information and inspect the Registration Document at Kirinyaga County Headquarters, Kutus, **Supply Chain Management Office, Room B15** during normal working hours. Interested and eligible applicants may obtain further information from and inspect the registration documents at

Director Supply Chain Management Office, 1st Floor, Kirinyaga County Headquarters, Kutus during normal working hours.

A complete set of registration documents may be obtained by interested bidders from the Public Procurement Information Portal website <http://tenders.go.ke> or the County website www.kirinyaga.go.ke. Bidders who download the documents from the website **MUST** forward their particulars (Name, contacts, physical address and the tender no. / Description) immediately to procurement@kirinyaga.go.ke for recording and any further clarifications or addendums.

Tenderers shall ensure that the submitted bid (documents) is (are) serialized/paginated, and intact. (i.e., each page in the submitted bid shall have page numbers/serial identification).

Completed registration document should be enclosed in plain sealed envelopes marked with Registration reference number and be deposited in the Tender Box located at **1st Floor, County Government of Kirinyaga Headquarters, Kutus Town** or be addressed and mailed to:

**The County Secretary & Head of Public Service,
County Headquarters,
P.O Box 260 – 10304,
Kutus.**

so as to be received on or before, on or before ***MONDAY 7TH OCTOBER, 2024 at 10:00 AM***

Tenders will be opened immediately thereafter in the presence of the bidders or their representatives who choose to attend the opening at The County Headquarters, 3rd Floor, Conference Room.

Late bids **SHALL NOT** be accepted.

REGISTRATION FORM

NAME OF THE FIRM

IFMIS. NO......

CATEGORY

REFERENCE NO......

FOR AGPO, please specify the category: -

YOUTH _____

WOMEN _____

PWD _____

PART 1 - TENDER PROCEDURES

SECTION I - INSTRUCTIONS TO TENDERERS (ITA)

A. General

1. Scope of Tender

- 1.1 The name of the Procuring Entity inviting for Tenders is defined in the PDS. The particular type of contract (works, goods or Non-Consulting Services required) and its name and description of the contract(s) and its reference number are defined in the PDS. If the scope of contract so defined is in multiple contracts, it will be specified in the PDS if prequalification will be based on individual contracts or multiple contracts. The Full scope of Works or Goods or Non- Consulting Services are described in Section V (Scope of Works or goods contract).

2. Source of Funds to be specified in the PDS, if deemed necessary.

3. Fraud and Corruption

3.1 The Government of Kenya requires compliance with its Anti-Corruption laws and its prevailing sanctions policies and procedures.

- 3.2 In further pursuance of this policy, Tenderers shall permit and shall cause their agents (where declared or not), subcontractors, sub consultants, service providers, suppliers, and their personnel, to permit the Public Procurement Regulatory Authority (PPRA) to inspect all accounts, records and other documents relating to any initial selection process, prequalification process, tender submission (in case prequalified), proposal submission, and contract performance (in the case of award), and to have them audited by auditors appointed by the PPRA.

4. Collusive practices

- 4.1 The Procuring Entity requires compliance with the provisions of the Competition Act 2010, regarding collusive practices in contracting. Any Tenderer found to have engaged in collusive conduct shall be disqualified and criminal and/or civil sanctions may be imposed. To this effect, Tenderers shall be required to complete and sign a Certificate of Independent Tender Determination" annexed to the Form of Tenderer.

5. Eligible Tenderers

- 5.1 Tenderers shall meet the eligibility criteria as per this ITA and ITA 5.1 and a Tenderer may be a firm that is a private entity, a state-owned enterprise or institution subject to ITA 5.9 or any combination of such entities in the form of a joint venture ("JV") under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, tendering (in the event the JV submits a Tender) and during contract execution (in the event the JV is awarded the Contract). Members of a joint venture may not also make an individual tender, be a subcontractor in a separate tender or be part of another joint venture for the purposes of the same Tender. The maximum number of JV members shall be specified in the PDS.

- 5.2 Public Officers of the Procuring Entity, their Spouses, Child, Parent, Brothers or Sister. Child, Parent, Brother or Sister of a Spouse, their business associates or agents and firms/organizations in which they have a substantial or controlling interest shall not be eligible to be prequalified. Public Officers with such relatives are also not allowed to participate in any procurement proceedings.
- 5.3 A firm may apply for prequalification both individually, and as part of a joint venture, or participate as a subcontractor. If prequalified, it will not be permitted to tender for the same contract both as an individual firm and as a part of the joint venture or as a subcontractor. However, a firm may participate as a subcontractor in more than one Tender, but only in that capacity. Tenders submitted in violation of this procedure will be rejected.
- 5.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its Tender for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, only one prequalified Tenderer will be allowed to tender for the. All Tenders submitted in violation of this procedure will be rejected.
- 5.5 A Tenderer may have the nationality of any country, subject to the restrictions pursuant to ITA
- 5.1 and 5.2. A Tenderer shall be deemed to have the nationality of a country if the Tenderer is Constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of Constitution or association) and its registration documents, as the case may be. Sub-contractors or suppliers for any part of the Contract including related Non-Consulting Services.
- 5.6 Tenderers shall not have a conflict of interest. Tenderers shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Procuring Entity as Engineer for contract implementation of the contract(s) that are the subject of this prequalification. In addition, Tenderers may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff of the Procuring Entity who:
- a are directly or indirectly involved in the preparation of the prequalification Document or Invitation to Tender (ITT), Document or specifications of the Contract, and/or the Tender evaluation process of such Contract; or
 - b would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to the Procuring Entity throughout the prequalification, ITT process and execution of the Contract.
- 5.7 A Tenderer that has been debarred shall be ineligible to be initially selected for, prequalified for, tender for, propose for, or be awarded a contract during such period of time as the PPRA shall have determined. The list of debarred firms and individuals is available at www.ppra.go.ke
- 5.8 Tenderers that are state-owned enterprise or institutions in Kenya may be eligible to prequalify, compete and be awarded a Contract(s) only if they can establish, in a manner accept able to the Procuring Entity, that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not under supervision of any public entity.

5.9 A Tenderer shall not be under sanction of debarment from Tendering by the PPRA as the result of the execution of a Tender/Proposal–Securing Declaration.

5.10A Tenderer that is a Kenyan firm or citizen shall provide evidence of having fulfilled his/her tax obligations by producing a current tax clearance certificate or tax exemption certificate issued by the Kenya Revenue Authority.

5.11 A Tenderer shall provide any other such documentary evidence of eligibility satisfactory to the Procuring Entity, as the Procuring Entity shall reasonably request.

6. Eligibility

6.1 Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated herein. The countries, persons or entities are ineligible if:

- a. As a matter of law or official regulations, Kenya prohibits commercial relations with that country, or
- b. 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, Kenya prohibits any import of goods or contracting of works or Non- Consulting Services from that country, or any payments to any country, person, or entity in that country.

6.2 When the Works, supply of Goods or provision of non-consulting services are implemented a cross jurisdictional boundary (and more than one country is a Procuring Entity, and is involved in the procurement), then exclusion of a firm or individual on the basis of ITA 5.1 (a) above by any country may be applied to that procurement a cross other countries involved, if the Procuring Entities involved in the procurement so agree.

6.3 Any goods, works and production processes with characteristics that have been declared by the relevant national environmental protection agency or by other competent authority as harmful to human beings and to the environment shall not be eligible for procurement.

B. Contents of the Prequalification Documents

7. Sections of Prequalification Document

7.1 This Prequalification Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with IT A8.

PART 1 - Prequalification Procedures

- i) Section I- Instructions to Tenderers (ITA)
- ii) Section II - Prequalification Data Sheet (PDS)
- iii) Section III - Qualification Criteria and Requirements
- iv) Section IV- Tender Forms

PART 2 - Works, Goods, or Non-Consulting Services Requirements

- i) Section VII- Scope of Works, Goods, or Non-Consulting Services

7.2 Unless obtained directly from the Procuring Entity, the Procuring Entity accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Tender meeting (if any), or Addenda to the Prequalification Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Procuring Entity shall prevail.

7.3 The Tenderer is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its Tender all information or documentation as is required by the Prequalification Document.

8. Clarification of Prequalification Documents, site visit(s) and Pre-Tender Meeting

8.1 A Tenderer requiring any clarification of the Prequalification Document shall contact the Procuring Entity in writing at the Procuring Entity's address indicated in the PDS. The Procuring Entity will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the Tenders. The Procuring Entity shall forward a copy of its response to all prospective Tenderers who have obtained the Prequalification Document directly from the Procuring Entity, including a description of the inquiry but without identifying its source. If so indicated in the PDS, the Procuring Entity shall also promptly publish its response at the webpage identified in the PDS. Should the Procuring Entity deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 8. And in accordance with the provisions of ITA 17.2.

8.2 The Tenderer, at the Tenderer's own responsibility and risk, is encouraged to visit and examine and inspect the Site of the required contracts and obtain all information that may be necessary for preparing the Tender. The costs of visiting the Site shall be at the Tenderer's own expense. The Procuring Entity shall specify in the PDS if a pre-Tender meeting will be held, when and where. The Procuring Entity shall also specify in the PDS if a pre-arranged Site visit will be held and when. The Tenderer's designated representative is invited to attend a pre-Tender meeting and a pre-arranged site visit. The purpose of the meetings will be to clarify issues and to answer questions on any matter that may be raised at that stage.

8.3 The Tenderer is requested to submit any questions in writing, to reach the Procuring Entity not later than the period specified in the PDS before the submission date of Tenders.

8.4 Minutes of a pre-arranged site visit and those of the pre-Tender meeting, if applicable, including the text of the questions asked by Tenderers and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all Tenderers who have acquired the prequalification documents. Minutes shall not identify the source of the questions asked.

8.5 The Procuring Entity shall also promptly publish anonymized (no names) Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the webpage identified in the PDS. Any modification to the Prequalification Documents that may become necessary as a result of the pre-arranged site visit and those of the pre-Tender meeting shall be made by the Procuring Entity exclusively through the issue of an Addendum pursuant to PDS 8 and not through the minutes of the pre-Tender meeting. Non-attendance at the pre-arranged site visit and the pre-tender meeting will not be a cause for disqualification of a Tenderer.

9. Amendment of Prequalification Document

- 9.1 At any time prior to the deadline for submission of Tenders, the Procuring Entity may amend the Prequalification Document by issuing an Addendum.
- 9.2 Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all Tenderers who have obtained the Prequalification Document from the Procuring Entity. The Procuring Entity shall promptly publish the Addendum at the Procuring Entity's webpage identified in the PDS.
- 9.3 To give Tenderers reasonable time to take an Addendum into account in preparing their Tenders, the Procuring Entity may, at its discretion, extend the deadline for the submission of Tenders in accordance with ITA 17.2.

C. Preparation of Tenders

10. Cost of Tenders

10.1 The Tenderer shall bear all costs associated with the preparation and submission of its Tender.

The Procuring Entity will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.

11. Language of Tender

11.1 The Tender as well as all correspondence and documents relating to the prequalification exchanged by the Tenderer and the Procuring Entity, shall be written in English Language. Supporting documents and printed literature that are part of the Tender may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the English language, in which case, for purposes of interpretation of the Tender, the translation shall govern.

12. Documents Comprising the Tender

12.1 The Tender shall comprise the following:

- a. Tender Submission Letter, in accordance with ITA 13.1;
- b. Eligibility: documentary evidence establishing the Tenderer's eligibility, in accordance with ITA 14.1;
- c. Qualifications: documentary evidence establishing the Tenderer's qualifications, in accordance with ITA 15; and
- d. Any other document required as specified in the PDS.

12.2 The Tenderer shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Tender.

13. Tender Submission Letter

13.1 The Tenderer shall complete an Tender Submission Letter as provided in Section IV (Tender Forms). This Letter must be completed without any alteration to its format.

14. Documents Establishing the Eligibility of the Tenderer

14.1 To establish its eligibility in accordance with ITA 4, the Tenderer shall complete the eligibility declarations in the Tender Submission Letter and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV (Tender Forms).

15. Documents Establishing the Qualifications of the Tenderer

15.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Tenderer shall provide the information requested in the corresponding Information Sheets included in Section IV (Tender Forms).

Wherever a Tender Form requires a Tenderer to state a monetary amount, Tenderers should indicate the Kenya Shilling equivalent using the rate of exchange determined as follows:

- a. For construction turnover or financial data required for each Year-Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted).
- b. Value of single Contract-Exchange rate prevailing on the date of the contract.

15.2 Exchange rates shall be taken from the publicly available source identified in the PDS. Any error in determining the exchange rates in the Tender may be corrected by the Procuring Entity.

15.3 Tenderers shall be asked to provide, as part of the data for qualification, such information, including details of ownership, as shall be required to determine whether, according to the classification established by the Procuring Entity, a particular contractor or group of contractors qualifies for a margin of preference. Further the information will enable the Procuring Entity identify any actual or potential conflict of interest in relation to the procurement and/or contract management processes, or a possibility of collusion between Tenderers, and thereby help to prevent any corrupt influence in relation to the procurement processor contract management.

15.4 The purpose of the information described in ITT 6.2 above overrides any claims to confidentiality which a Tenderer may have. There can be no circumstances in which it would be justified for a Tenderer to keep information relating to its ownership and control confidential where it is tendering to undertake public sector work and receive public sector funds. Thus, confidentiality will not be accepted by the Procuring Entity as a justification for a Tenderer's failure to disclose, or failure to provide required information on its ownership and control.

15.5 The Tenderer shall provide further documentary proof, information or authorizations that the Procuring Entity may request in relation to ownership and control which information on any changes to the information which was provided by the Tenderer under ITT 6.3. The obligations to require this information shall continue for the duration of the procurement process and contract performance and after completion of the contract, if any change to the information previously provided may reveal a conflict of interest in relation to the award or management of the contract.

15.6 All information provided by the Tenderer pursuant to these requirements must be complete, current and accurate as at the date of provision to the

Procuring Entity. In submitting the information required pursuant to these requirements, the Tenderer shall warrant that the information submitted is complete, current and accurate as at the date of submission to the Procuring Entity.

- 15.7 If a Tenderer fails to submit the information required by these requirements, its Tender will be rejected. Similarly, if the Procuring Entity is unable, after taking reasonable steps, to verify to a reasonable degree the information submitted by a Tenderer pursuant to these requirements, then the Tender will be rejected.
- 15.8 If information submitted by a Tenderer pursuant to these requirements, or obtained by the Procuring Entity (whether through its own enquiries, through notification by the public or otherwise), shows any conflict of interest which could materially and improperly benefit the Tenderer in relation to the procurement or contract management process, then:
- a. If the procurement process is still ongoing, the Tenderer will be disqualified from the procurement process,
 - b. If the contract has been awarded to that Tenderer, the contract award will be set aside,
- 15.9 the Tenderer will be referred to the relevant law enforcement authorities for investigation of whether the Tenderer or any other persons have committed any criminal offence.
- 15.10 If a Tenderer submits information pursuant to these requirements that is incomplete, inaccurate or out-of-date, or attempts to obstruct the verification process, then the consequences ITT 6.7 will ensue unless the Tenderer can show to the reasonable satisfaction of the Procuring Entity that any such act was not material, or was due to genuine error which was not attributable to the intentional act, negligence or recklessness of the Tenderer.

16. Signing of the Tender and Number of Copies

- 16.1 The Tenderer shall prepare one original of the documents comprising the Tender as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Tender shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Tenderer. In case the Tenderer is a JV, the Tender shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.

The Tenderer shall submit copies of the signed original Tender, in the number specified in the PDS, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

D. Submission of Tenders

17. Sealing and Marking of Tenders

- 17.1 The Tenderer shall enclose the original and the copies of the Tender in a sealed envelope that shall:
- a. Bear the name and address of the Tenderer;
 - b. Be addressed to the Procuring Entity, in accordance with ITA 17.1; and
 - c. Bear the specific identification of this prequalification process indicated in the PDS 1.1.

17.2 The Procuring Entity will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.

18. Deadline for Submission of Tenders

18.1 Tenderers may either submit their Tenders by mail or by hand. Tenders shall be received by the Procuring Entity at the address and no later than the deadline indicated in the PDS. When so specified in the PDS, Tenderers have the option of submitting their Tenders electronically, in accordance with electronic Tender submission procedures specified in the PDS.

18.2 The Procuring Entity may, at its discretion, extend the deadline for the submission of Tenders by amending the Prequalification Document in accordance with ITA 8, in which case all rights and obligations of the Procuring Entity and the Tenderers subject to the previous deadline shall thereafter be subject to the deadline as extended.

19. Late Tenders

19.1 The Procuring Entity reserves the right to accept Tenders received after the deadline for submission of Tenders, unless otherwise specified in the PDS. If late Tenders will be accepted, they must be received not later than the date specified in the TDS after the deadline for submission of Tenders.

20. Opening of Tenders

20.1 The Procuring Entity shall open all Tenders at the date, time and place specified in the PDS. Late Tenders shall be treated in accordance with ITA 19.1.

20.2 Tenders submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the PDS.

20.2 The Procuring Entity shall prepare a record of the opening of Tenders to include, as a minimum, the name of the Tenderers. A copy of the record shall be distributed to all Tenderers.

E. Procedures for Evaluation of Tenders

21. Confidentiality

21.1 Information relating to the Tenders, their evaluation and results of the prequalification shall not be disclosed to Tenderers or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Tenderers in accordance with ITA 28.

21.2 From the deadline for submission of Tenders to the time of notification of the results of the prequalification in accordance with ITA 28, any Tenderer that wishes to contact the Procuring Entity on any matter related to the prequalification process may do so only in writing.

22. Clarification of Tenders

22.1 To assist in the evaluation of Tenders, the Procuring Entity may, at its

discretion, ask a Tenderer for a clarification (including missing documents) of its Tender, to be submitted within a stated reasonable period of time. Any request for clarification from the Procuring Entity and all clarifications from the Tenderer shall be in writing.

22.1 If a Tenderer does not provide clarifications and/or documents requested by the date and time set in the Procuring Entity's request for clarification, its Tender shall be evaluated based on the information and documents available at the time of evaluation of the Tender.

23. Responsiveness of Tenders

23.1 The Procuring Entity may reject any Tender which is not responsive to the requirements of the Prequalification Document. In case the information furnished by the Tenderer is incomplete or otherwise requires clarification as per ITA 21.1, and the Tenderer fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Tenderer.

24. Margin of Preference

24.1 Unless otherwise specified in the PDS, a margin of preference shall not apply in the Tendering process resulting from this prequalification.

25. Nominated Subcontractors

25.1 Unless otherwise stated in the PDS, the Procuring Entity does not intend to execute any specific elements of the works by sub-contractors selected in advance by the Procuring Entity (so-called "Nominated Subcontractors").

25.2 The Tenderer shall not propose to subcontract the whole of the Works or Goods. The maximum limit of subcontracting permitted under the contract may be specified by the Procuring Entity in the Tendering Document. The Procuring Entity, in ITA 25.2, may permit the Tenderer to propose subcontractors for certain specialized parts of the contract as indicated there in as ("Specialized Subcontractors"). Tenderers planning to use such Specialized Subcontractors shall specify, in the Tender Submission Letter, the activity (ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

F. Evaluation of Tenders and Prequalification of Tenderers

26. Evaluation of Tenders

26.1 The Procuring Entity shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements, to evaluate the qualifications of the Tenderers, and no other methods, criteria, or requirements shall be used. The Procuring Entity reserves the right to waive min or deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of a Tenderer to perform the Contract.

26.2 Subcontractors proposed by the Tenderer shall be fully qualified and meet the minimum specific experience criteria as specified for their parts of the proposed contract for Works or Goods or non-consulting services. The subcontractor's

qualifications shall not be used by the Tenderer to qualify for the Works or Goods or non- consulting services unless their parts of the Works or Goods or non-consulting services were previously designated by the Procuring Entity in the PDS as can be met by Specialized Subcontractors, in which case:i) The Specialized Subcontractors shall meet the minimum qualification requirements specified in Section III, and

ii) The qualifications with respect to specific experience of the Specialized Subcontractor proposed by the Tenderer may be added to the qualification soft he Tenderer for the purpose of the evaluation.

Unless the Tenderer has been determined prequalified on its own without taking into account the qualification and experience of the proposed specialized sub- contractor, the tender submitted by the Tenderer shall include the same specialized sub-contractor failing which, such tender may be rejected unless a change in the

Specialized sub-contractor was requested by the Tenderer and approved by the

Procuring Entity subsequent to prequalification but before the tender submission Deadline in accordance with ITA 30.

26.3 In case of multiple contracts, Tenderers should indicate in their Tenders the individual contract or combination of contracts in which they are interested. The Procuring Entity shall prequalify each Tenderer for each lot and for a combination of contracts for which the Tenderer has thereby indicated its interest and for which the Tenderer meets the appropriate aggregate requirements the Eligibility and Qualification Criteria.

26.4 Further, in the case of multiple contracts, the Procuring Entity will prepare the Eligibility and Qualification Criteria Form for items 3.1, 3.2, 4.2(a) and 4.2(b) for each Lot, to be completed by Tenderers.

26.5 Only the qualifications of the Tenderer shall be considered. The qualifications of other firms, including the Tenderer's subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Tenderer shall not be considered.

27. Procuring Entity's Right to Accept or Reject Tenders

27.1 The Procuring Entity reserves the right to accept or reject any Tender, and to annul the prequalification process and reject all Tenders at any time, without thereby incurring any liability to the Tenderers.

28. Prequalification of Tenderers

28.1 All Tenderers whose Tenders substantially meet or exceed the specified qualification requirements will be prequalified by the Procuring Entity. The Procuring Entity shall notify all Tenderers in writing of the names of those Tenderers who have been prequalified or conditionally prequalified. In addition, those Tenderers who have been disqualified will be informed separately.

28.32 Tenderers that have not been prequalified may write to the Procuring Entity to request, in writing, the grounds on which they were disqualified.

29. Invitation to Tender

- 29.1 Promptly after the notification of the results of the prequalification, the Procuring Entity shall invite Tenders from all the Tenderers that have been prequalified or conditionally prequalified.
- 28.2 Tenderers may be required to provide a Tender Security or a Tender-Securing Declaration acceptable to the Procuring Entity in the form and an amount to be specified in the tendering document.
- 28.3 The successful Tenderer shall be required to provide a Performance Security as specified in the tendering document.

30. Changes in Qualifications of Tenderers

- 30.1 Any change in the structure or formation of a Tenderer after being prequalified in accordance with ITA 27 and invited to tender (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor whose qualifications were considered to prequalify the Tenderer) shall be subject to the written approval of the Procuring Entity prior to the deadline for submission of Tenders. Such approval shall be denied if (i) a prequalified Tenderer proposes to associate with a disqualified Tenderer or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Tenderer no longer substantially meets the qualification criteria set forth in Section III (Qualification Criteria and Requirements); or (iii) in the opinion of the Procuring Entity, the change may result in a substantial reduction in competition. Any such change should be submitted to the Procuring Entity not later than fourteen (14) days after the date of the Invitation to Tender.

31. Procurement Related Complaints

- 31.1 The procedures for making a Procurement-related Complaint are as specified in the PDS.

SECTION II - PREQUALIFICATION DATA SHEET (PDS)

A. General	
ITA 1.1	The Procuring Entity is; COUNTY GOVERNMENT OF KIRINYAGA This particular type of contract is on: Prequalification /registration of suppliers/contracts for supply of goods, provision of services and Works for the financial years 2024-2025/2025-2026 Prequalification will be based on: Individual Contracts
ITA 2	The Source of funds shall be: Government of Kenya
ITA 5	Maximum number of members in JV shall be: N/A
B. Comments of the Prequalification Document	
ITA 8.1	For clarification purposes the Procuring Entity's Address is; The County Secretary & Head of Public Service, County Headquarters, P.O Box 260 – 10304, Kutus. Tel: +254 20 21553369 Email: procurement@kirinyaga.go.ke
ITA 8.2	A pre- arranged meeting will be held on: N/A Pre- Tender meeting shall be held: No
ITA 8.3	A pre – arrange site visit will be held on: N/A
ITA 8.5	Minutes of the pre-arranged site visit and those of the pre-proposed meeting at the web page: N/A
ITA 9.2	Addendum issued shall be published at the website: www.kirinyaga.go.ke and www.tenders.go.ke
C. Preparation of Tender	
ITA 12.1 (d)	Tenderers shall submit (Mandatory Requirement) with their Tenders as required from this tender document.
ITA 15.2	The source for determining exchange rates is: Central Bank of Kenya
ITA 16.2	Applicants MUST submit an original only of the Registration Document.

D. Submission of Tender	
ITA 17.1	<p>(1) Name of Procuring Entity: COUNTY GOVERNMENT OF KIRINYAGA</p> <p>(2) Postal Address P.O Box 260 – 10304, Kutus.</p> <p>(3) Physical address for hand Courier Delivery to an office or Tender Box 1st Floor, County Government of Kirinyaga Headquarters, Kutus Town</p> <p>(4) Date and time for submission of Applications is MONDAY 7TH OCTOBER, 2024 at 10:00 AM</p> <p>(5) Applications shall submit tenders Manually.</p> <p>(6) Applicants MUST submit only an original of the Registration Document.</p>
ITA 18.1	Late Tenders will be returned unopened to the Tenderer
ITA 19.1	The Procuring Entity will not accept late Tenders
ITA 20.1	<p>The Applications opening shall take place at the time and the address for Opening of Tenders provided below:</p> <p>(1) Name of Procuring Entity: COUNTY GOVERNMENT OF KIRINYAGA</p> <p>(2) Physical address for the location 1st Floor, County Government of Kirinyaga Headquarters, Kutus Town)</p> <p>(3) MONDAY 7TH OCTOBER, 2024 at 10:00 AM</p>
ITA 20.2	The electronic Tender opening procedure shall be; N/A
E. Procedure for Evaluation of Tenders	
ITA 24.1	A margin of preference: N/A
ITA 25.1	At this time the Procuring Entity does not intend to execute certain specific parts of the Goods / Services by sub-contractors selected in advance
ITA 25.2	The parts of the Goods / Services for which the Procuring Entity permits the Tenderer to propose specialized Sub Contractors are described as follows; N/A
ITA 31.1	A Tenderer who wishes to make a Procurement related complaints, the Tenderer should submit its complaint in writing to: www.ppra.go.ke or email complaint@ppra.go.ke

SECTION III - QUALIFICATION CRITERIA AND REQUIREMENTS

1. This section contains all the methods, criteria, and requirements that the Procuring Entity shall use to evaluate Tenders, all in one Form “Eligibility and Qualification Criteria”. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the Form.
2. The Procuring Entity shall insert one Form for each Lot or Contract in case of multiple contracts.
3. This form is generic and refers to works and construction. In case of Supply of Goods or Non-Consulting Services, the form shall be amended to read Goods or Non-Consulting Services as appropriate.

STAGE 1. MANDATORY/PRELIMINARY REQUIREMENTS

NO.	MANDATORY REQUIREMENTS	YES/NO
1.	Valid Certificate of Incorporation/Business Registration (Attach copy)	
2.	Valid Certificate of registration of Youth, Women and PWD owned enterprises issued by the National Treasury (Attach copy) for the relevant categories.	
3.	A copy of certified current/Valid Tax Compliance Certificate for the group/enterprise (Attach copy)	
4.	Copy of Pin Certificate of firm/company/individual	
5.	Current/Valid Business Permit/License (Attach copy)	
6.	Attach a copy of Certificate of Confirmation of Directors and Shareholding (CR 12) (Issued within the last 12 Months to Tender Opening Date, for Limited Companies or copy of Identification Card (ID) for Sole Proprietors and partnerships	
7.	Audited accounts for the last two years (i.e,2022 and 2023) (Requirement Does not apply to AGPO registered suppliers with National Treasury)	
8.	Two years previous experience is a requirement (Requirement does not apply to AGPO registered suppliers with National Treasury.)	
9.	Duly filled, signed and stamped Self-Declaration Form that the Tenderer is Not Debarred	
10.	Dully filled, signed and Stamped Self Declaration form that the Tenderer will not engage in any Corrupt or Fraudulent Practice	
11.	Application documents must be paginated/serialized. All bidders are required to submit their documents paginated in a continuous ascending order from the first page to the last in this format; (i.e. 1, 2, 3..... n where n is the last page).	
12.	<p>Must fill the Tender forms/documents in the format provided including all the forms</p> <ul style="list-style-type: none"> <input type="checkbox"/> Application Submission Letter <input type="checkbox"/> Applicant's Information Form <input type="checkbox"/> Historical Contract Non Performance and Pending Litigation and Litigation History <input type="checkbox"/> Financial Situation and Performance <input type="checkbox"/> Sources of Finance <input type="checkbox"/> Average Annual Turnover <input type="checkbox"/> General Experience <input type="checkbox"/> Specific Experience <input type="checkbox"/> Experience in Key Activities 	

Please note the following-

- i) For firms applying for category 43,44,45,46,47 and 48 the firms MUST attach copy of a valid certificate of Registration with the National Construction Authority (NCA) (Building, Electrical, Mechanical, Roads, Water and accompanied by contractor's annual practicing license, attach logbooks or lease agreement for equipment for the above mentioned categories and attach professional certificates and CVs for their key personnel.**
- ii) For Firms applying for Registration of Suppliers for Provision of Security Guarding Services must also attach the following;**
 - i) Must attach a copy of Membership Certificate / Testimonial professional Membership either Kenya Security Industry Association (KSIA), Protective Industry Association (PIA) or any other recognized security Association and attach professional certificates and CVs for their key personnel.**
- iii) For Firms applying for Registration of Suppliers for Provision of Insurance Services (Insurance Firms and Brokers) must also attach the following;**
 - i) Must attach a CURRENT and VALID Certificate of registration from IRA and attach professional certificates and CVs for their key personnel.**

Failure to produce these certificates and filling the forms will lead to automatic disqualification of the candidate. Evaluation shall be on a Yes / No Criteria.

SECTION IV- TENDER FORMS

1. Application Submission Letter

Date:*[insert day, month, and year]*

ITT No. and title: *[insert ITT number and title]*

To:*[insert full name of Procuring Entity]* We, the undersigned, apply to be prequalified for the referenced ITT and declare that:

- a) No reservations: We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s), issued in accordance with ITA 8: *[insert the number and issuing date of each addendum]*.
- b) No conflict of interest: We have no conflict of interest in accordance with ITA 5.7;
- c) Eligibility: We (and our subcontractors) meet the eligibility requirements as stated ITA 5, we have not been suspended by the Procuring Entity based on execution of a Tender/Proposal-Securing Declaration in accordance with ITA 5.8;

Suspension and Debarment: We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the PPRA. Further, we are not ineligible under the Kenya laws or official regulations or pursuant to a decision of the United Nations Security Council;

State-owned enterprise or institution: *[select the appropriate option and delete the other]* *[We are not a state-owned enterprise or institution]* / *[We are a state-owned enterprise or institution but meet the requirements of ITA5.9];*

- f) Subcontractors and Specialized Subcontractors: We, in accordance with ITA 24.2 and 25.2, plan to subcontract the following key activities and/or parts of the works or supply contracts: *[Insert any of the key activities identified in Section III-4.2 (a)or(b) or 4.3(a) or (b) which the Procuring Entity has permitted under the Prequalification Document and which the Applicant intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]*
- g) Commissions, gratuities, fees: We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process, the corresponding Tendering process or execution of the Contract:

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
<i>[insert full name for each occurrence]</i>	<i>[insert street/ number/city/country]</i>	<i>[indicate reason]</i>	<i>[specify amount value, exchange rate and KENYA SHILLING equivalent]</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[If no payments are made or promised, add the following statement: “No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application]

- (h) Not bound to accept: We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any Tender that you may receive nor to invite the prequalified Tenderers to Tender for the contract subject of this Prequalification process, without incurring any liability to the Tenderers, in accordance with ITA 26.1.
- (i) True and correct: All information, statements and description contained in the Tender are in all respect true, correct and complete to the best of our knowledge and belief.

Signed.....*[insert signature(s) of an authorized representative(s) of the Te*

nderer] Name[insert full name of person signing the Tender]

In the capacity of *[insert capacity of person signing the Tender]*

Duly authorized to sign the Tender for and on behalf of: Tenderer's
Name..... *[insert full name of Tenderer or the name of the JV]*

Address *[insert street number/town or city/country address]*

Dated on*[insert day number] day of [insert month], [insert year]*

[For a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached]

2. Form ELI -1.1 – Applicant’s Information Form

Date: *[Insert day, month, year]*

ITT No. and title: *[Insert ITT number and title]*

Page..... *[Insert page number]* of *[insert total number]* pages

Applicant’s name

In case of Joint Venture (JV), name of each member:

Tenderer’s actual or intended country of registration:
[indicate country of Constitution]

Tenderer’s actual or intended year of incorporation:

Tenderer’s legal address [in country of registration]:

Tenderer’s authorized representative information
Name: _____
Address: _____
Telephone/Fax numbers: _____
E-mail address: _____

1. Attached are copies of original documents of

- Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITT 3.6
- In case of JV, letter of intent to form JV or JV agreement, in accordance with ITT 3.5
- In case of state-owned enterprise or institution, in accordance with ITT 3.8, documents establishing:
 - Legal and financial autonomy
 - Operation under commercial law
 - Establishing that the Tenderer is not under the supervision of the Procuring Entity

2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

3. Form ELI-1.2 - Applicant's JV Information Form

[The following form is additional to Form ELI-1.1., and shall be completed to provide information relating to each JV member (incase the Tenderer is a JV) as well as any Specialized Subcontractor proposed to be used by the Tenderer for any part of the Contract resulting from this prequalification]

Date: [insert day, month, year] ITT

No. and title: [insert ITT number and title]

Page.....[insert page number] of [insert total number] pages

Tenderer's JV name:
JV member's name:
JV member's country of registration:
JV member's year of constitution:
JV member's legal address in country of constitution:
JV member's authorized representative information Name: _____ Address: _____ Telephone/Fax numbers: _____ E-mail address: _____
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITT 3.6. <input type="checkbox"/> In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and that they are not under the supervision of the Procuring Entity, in accordance with ITT 3.8.
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

4. FORM CON – 2 Historical Contract Non-Performance, Pending Litigation and Litigation History

Tenderer's Name: _____

Date: _____

JV Member's Name _____

ITT No. and title: _____

Non-Performed Contracts in accordance with Section III, Evaluation and Qualification Criteria			
<input type="checkbox"/> Contract non-performance did not occur since 1 st January <i>[insert year]</i> specified in Section III, Evaluation and Qualification Criteria, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 st January <i>[insert year]</i> specified in Section III, Evaluation and Qualification Criteria, requirement 2.1			
Year	Non-performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and Kenya Shilling equivalent)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Procuring Entity: <i>[insert full name]</i> Address of Procuring Entity: <i>[insert street/city/country]</i> Reason(s) for nonperformance: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>
Pending Litigation, in accordance with Section III, Evaluation and Qualification Criteria			
<input type="checkbox"/> No pending litigation in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.3.			
<input type="checkbox"/> Pending litigation in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.3 as indicated below.			

Year dispute	of	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), Kenya Shilling Equivalent (exchange rate)

		Contract Identification: _____ Name of Procuring Entity: _____ Address of Procuring Entity: _____ Matter in dispute: _____ Party who initiated the dispute: ____ Status of dispute: _____	
--	--	--	--

		Contract Identification: Name of Procuring Entity: Address of Procuring Entity: Matter in dispute: Party who initiated the dispute: Status of dispute:	
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Litigation History in accordance with Section III, Evaluation and Qualification Criteria

- No Litigation History in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.4.
- Litigation History in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.4 as indicated below.

Year of award	Outcome as percentage of Net Worth	Contract Identification	Total Contract Amount (currency), Kenya Shilling Equivalent (exchange rate)
<i>[insert year]</i>	<i>[insert percentage]</i>	Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i> Name of Procuring Entity: <i>[insert full name]</i> Address of Procuring Entity: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate "Procuring Entity" or "Contractor"]</i> Reason(s) for Litigation and award decision <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>

5. Form FIN – 3.1 - Financial Situation and Performance

Financial Situation and Performance

[The following table shall be filled in for the Tenderer and for each member of a Joint Venture]

Tenderer's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page..... *[insert page number]* of *[insert total number]* pages

1. Financial Data

Type of Financial information in (currency)	Historic information for previous <i>[insert number]</i> years, <i>[insert in words]</i> (amount in currency, currency, exchange rate*, USD equivalent)				
	Year				Year4
Statement of Financial Position (Information from Balance Sheet)					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Cash Flow from Operating Activities					

* Refer ITA 14 for the exchange rate

5.2 Sources of Finance

[The following table shall be filled in for the Tenderer and all parties combined in case of a Joint Venture]

Specify sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.

No.	Source of finance	Amount (Kenya shilling equivalent)
2		

Financial documents

The Tenderer and its parties shall provide copies of financial statements for *[number]* years pursuant Section III,

Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

- a) reflect the financial situation of the Tenderer or in case of JV member, and not an affiliated entity (such as parent company or group member).
- b) Be independently audited or certified in accordance with local
- legislation. c) Be complete, including all notes to the financial
- statements.
- d) Correspond to accounting periods already completed and audited.

Attached are copies of financial statements¹ for the *[number]* years required above; and complying with the requirements

¹If the most recent set of financial statements is for a period earlier than 12 months from the date of Tender, the reason for this should be justified.

6. Form FIN - 3.2 - Average Annual Construction or Supply Contracts Turnover

[The following table shall be filled in for the Tenderer and for each member of a Joint Venture]
Tenderer's

Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page.....*[insert page number]* of*[insert total number]* pages Table A

(Complete if Contractor)

Annual turnover data (construction only)			
Year	Amount Currency	Exchange rate*	USD equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Construction Turnover **	

* Refer ITA 14 for date and source of exchange rate.

** Total Kenya shilling equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, 3.2.

Table B (Complete if Supplier)

Annual turnover data (Supply contracts)			
Year	Amount Currency	Exchange rate*	USD equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Construction	

Refer ITA 15 for date and source of exchange rate.

** Total Kenya shilling equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, 3.2.

7. Form EXP - 4.1 - General Construction or Supply or service Contract Experience (Select one)

[The following table shall be filled in for the Applicant and in the case of a JV Applicant, each Member]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title: *[Insert ITT number and title]*

Page..... *[Insert page number]* of *[insert total number]* pages

[Identify contracts that demonstrate continuous construction work over the past [number] years pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 4.1. List contracts chronologically, according to their commencement (starting) dates.]

Starting Year	Ending Year	Contract Identification	Role of Applicant
<i>[indicate year]</i>	<i>[indicate year]</i>	Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KENYA SHILLING equivalent*]</i> Name of Procuring Entity: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KENYA SHILLING equivalent*]</i> Name of Procuring Entity: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and Kenya shillings equivalent*]</i> Name of Procuring Entity: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>

* Refer ITA 15 for date and source of exchange rate.

8. Form EXP - 4.2(a) - Specific Construction and Contract Management Experience or Supply or service Contract Experience (Select one)

[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page..... *[insert page number]* of..... *[insert total number]* pages

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		KENYA SHILLING <i>[insert Exchange rate and total contract amount in KENYA SHILLING equivalent] *</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in KENYA SHILLING equivalent] *</i>	
	<i>[insert roles and responsibilities]</i>			
Procuring Entity's Name:	<i>[insert full name]</i>			
Address:	<i>[indicate street / number / town or city / country]</i>			
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>			
E-mail:	<i>[insert e-mail address, if available]</i>			

9. Form EXP - 4.2(a) (cont.) - Specific Construction and/or Contract Management Experience (cont.)

Similar Contract No.	Information
<i>[insert number] of [insert number of similar contracts required]</i>	
Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III:	
1. Amount	<i>[insert amount in local currency, exchange rate, KENYA SHILLING in words and in Figures]</i>
2. Physical size of required works items	<i>[insert physical size of items]</i>
3. Complexity	<i>[insert description of complexity]</i>
4. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
5. Construction rate for key activities	<i>[insert rates and items]</i>
6. Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Works]</i>

**10. Form EXP - 4.2(b) - Construction Experience or Supply or service contract in Key Activities
(select one)**

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Applicant's JV Member's Name: *[insert full name]*

Sub-contractor's Name..... (as per ITA 24.2 and 24.3): *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page.....*[insert page number]* of..... *[insert total number]*

pages

All Sub-contractors for key activities must complete the information in this form as per ITA 24.2 and 24.3 and Section III, Qualification Criteria and Requirements, 4.2.

- Key Activity No. One: *[insert brief description of the Activity, emphasizing its specificity]*
Total Quantity of Activity under the contract: _____

	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in contract currency(ies)]</i>		KENYA SHILLING <i>[insert exchange rate and total contract amount in KENYA SHILLING equivalent]</i>	
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year <i>[Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]</i>	Total quantity in the contract (i)	Percentage participation (ii)		Actual Quantity Performed (i) x (ii)
Year 1				
Year 2				
Year 3				

Year 4			
Procuring Entity's Name:	<i>[insert full name]</i>		
Address:	<i>[indicate street / number / town or city / country]</i>		
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>		
E-mail:	<i>[insert e-mail address, if available]</i>		

2. Activity No. Two

3.

	Information
Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III:	
	<i>[insert response to inquiry indicated in left column]</i>

APPLICANTS ELIGIBILITY- CONFIDENTIAL BUSINESS QUESTIONNAIRE

32. Instruction to Applicants

Application is instructed to complete the particulars required in this Form, *one form for each entity if Application is a JV*. Applicants is further reminded that it is an offence to give false information on this Form.

33. (a) Applicants details

	ITEM	DESCRIPTION
1	Name of the Procuring Entity	
2	Reference Number of the Application	
3	Date and Time of Application Opening	
4	Name of the Applicants	
5	Full Address and Contact Details of the Applicants.	1. Country 2. City 3. Location 4. Building 5. Floor 6. Postal Address 7. Name and email of contact person.
6	Current Trade License Registration Number and Expiring date	
7	Name, country and full address (<i>postal and physical addresses, email, and telephone number</i>) of Registering Body/Agency	
8	Description of Nature of Business	
9	Maximum value of business which the Applicants handles.	
10	State if Applications Company is listed in stock exchange, give name and full address (<i>postal and physical addresses, email, and telephone number</i>) of state which stock exchange	

G. General and Specific Details

b) **Sole Proprietor**, provide the following details.

Name in full _____ Age _____ Nationality _____
 _____ Country of Origin _____ Citizenship _____

c) **Partnership**, provide the following details.

	Names of Partners	Nationality	Citizenship	% Shares owned
1				
2				
3				

d) **Registered Company**, provide the following details.

i) Private or public Company _____

ii) State the nominal and issued capital of the Company Nominal Kenya Shillings (Equivalent)..... Issued Kenya Shillings (Equivalent).....

iii) Give details of Directors as follows.

	Names of Director	Nationality	Citizenship	% Shares owned
1				
2				
3				

(a) **DISCLOSURE OF INTEREST- Interest of the Firm in the Procuring Entity.**

i) Are there any person/persons in..... (Name of Procuring Entity) who has/have an interest or relationship in this firm? Yes/No.....

If yes, provide details as follows.

	Names of Person	Designation in the Procuring Entity	Interest or Relationship with Applicants
1			
2			
3			

ii) **Conflict of interest disclosure**

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Applicants
1	Applicants is directly or indirectly controls, is controlled by or is under common control with another Applicants.		
2	Applicants receives or has received any direct or indirect subsidy from another Applicants.		
3	Applicants has the same legal representative as		

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Applicants
	another Applicants		
4	Application has a relationship with another Applicants, directly or through common third parties, that puts it in a position to influence the Application of another Applicants, or influence the decisions of the Procuring Entity regarding this Application process.		
5	Any of the Applicants affiliates participated as a consultant in the preparation of the design or technical specifications of the Services that are the subject of the Application.		
6	Applicants would be providing Services or during implementation of the Registration specified in this Application Document.		
7	Applicants has a close business or family relationship with a professional staff of the Procuring Entity who are directly or indirectly involved in the preparation of the Application document or specifications of the Registration, and/or the Application evaluation process of such Registration.		
8	Applicants has a close business or family relationship with a professional staff of the Procuring Entity who would be involved in the implementation or supervision of the such Registration.		
9	Has the conflict stemming from such relationship stated in item 7 and 8 above been resolved in a manner acceptable to the Procuring Entity throughout the Applicationing process and execution of the Registration?		

a) Certification

On behalf of the Applicants, I certify that the information given above is complete, current and accurate as at the date of submission.

Full Name _____ Title

or Designation _____

(Signature)

(Date)

11. SELF - DECLARATION FORMS

FORM SD1

SELF DECLARATION THAT THE PERSON/TENDERER IS NOT DEBARRED IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015.

I,, of Post Office Box being a resident of in the Republic of do hereby make a statement as follows: -

1. THAT I am the Company Secretary/ Chief Executive/Managing Director/Principal Officer/Director of (*insert name of the Company*) who is a Bidder in respect of Tender No. for (*insert tender title/description*) for (*insert name of the Procuring entity*) and duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its Directors and subcontractors have not been debarred from participating in procurement proceeding under Part IV of the Act.
3. THAT what is deponed to herein above is true to the best of my knowledge, information and belief.

..... (Title)
(Signature) (Date)

Bidder Official Stamp

FORM SD2

SELF DECLARATION THAT THE PERSON/TENDERER WILL NOT ENGAGE IN ANY
CORRUPT OR FRAUDULENT PRACTICE

I, of P. O. Box being a resident of
..... in the Republic of do hereby make a statement as follows: -

1. THAT I am the Chief Executive/Managing Director/Principal Officer/Director of
(*insert name of the Company*) who is a Bidder in respect of Tender No.
..... for
..... (*insert tender title/description*) for (*insert name of the Procuring
entity*) and duly authorized and competent to make this statement.

2. THAT the aforesaid Bidder, its servants and/or agents /subcontractors will not engage in any corrupt
or fraudulent practice and has not been requested to pay any inducement to any member of the Board,
Management, Staff and/or employees and/or agents of (*insert name of the
Procuring entity*) which is the procuring entity.

3. THAT the aforesaid Bidder, its servants and/or agents /subcontractors have not offered any
inducement to any member of the Board, Management, Staff and/or employees and/or agents of
..... (name of the procuring entity)

4. THAT the aforesaid Bidder will not engage /has not engaged in any corrosive practice with other
bidders participating in the subject tender

5. THAT what is deponed to herein above is true to the best of my knowledge information and belief.

..... (Title)
(Signature) (Date)

Bidder's Official Stamp

DECLARATION AND COMMITMENT TO THE CODE OF ETHICS

I (person) on behalf of (*Name of the Business/ Company/Firm*) declare that I have read and fully understood the contents of the Public Procurement & Asset Disposal Act, 2015, Regulations and the Code of Ethics for persons participating in Public Procurement and Asset Disposal and my responsibilities under the Code.

I do hereby commit to abide by the provisions of the Code of Ethics for persons participating in Public Procurement and Asset Disposal.

Name of Authorized signatory.....

Sign.....

Position.....

Office address..... Telephone

E-mail.....

Name of the Firm/Company.....

Date

Company

Seal/ Rubber Stamp where applicable)

Witness

Name

Sign..... Date.....

B. APPENDIX 1- FRAUD AND CORRUPTION

(Appendix 1 shall not be modified)

1. Purpose

2. The Government of Kenya's Anti-Corruption and Economic Crime laws and their sanction's policies and procedures, Public Procurement and Asset Disposal Act (*no. 33 of 2015*) and its Regulation, and any other Kenya's Acts or Regulations related to Fraud and Corruption, and similar offences, shall apply with respect to Public Procurement Processes and Registrations that are governed by the laws of Kenya.

3. Requirements

The Government of Kenya requires that all parties including Procuring Entities, Applicants, (applicants/proposers), Consultants, APPLICANTS and Suppliers; any Applicants, Sub-consultants, Service providers or Suppliers; any Agents (whether declared or not); and any of their Personnel, involved and engaged in procurement under Kenya's Laws and Regulation, observe the highest standard of ethics during the procurement process, selection and Registration execution of all Registrations, and refrain from Fraud and Corruption and fully comply with Kenya's laws and Regulations as per paragraphs 1.1 above.

Kenya's public procurement and asset disposal act (*no. 33 of 2015*) under Section 66 describes rules to be followed and actions to be taken in dealing with Corrupt, Coercive, Obstructive, Collusive or Fraudulent practices, and Conflicts of Interest in procurement including consequences for offences committed. A few of the provisions noted below highlight Kenya's policy of no tolerance for such practices and behavior: -

- 1) a person to whom this Act applies shall not be involved in any corrupt, coercive, obstructive, collusive or fraudulent practice; or conflicts of interest in any procurement or asset disposal proceeding;
- 2) A person referred to under subsection (1) who contravenes the provisions of that subsection commits an offence;
- 3) Without limiting the generality of the subsection (1) and (2), the person shall be: -
 - a) disqualified from entering into a Registration for a procurement or asset disposal proceeding; or
 - b) if a Registration has already been entered into with the person, the Registration shall be voidable;
- 4) The voiding of a Registration by the procuring entity under subsection (7) does not limit any legal remedy the procuring entity may have;
- 5) An employee or agent of the procuring entity or a member of the Board or committee of the procuring entity who has a conflict of interest with respect to a procurement: -
 - a) shall not take part in the procurement proceedings;
 - b) shall not, after a procurement Registration has been entered into, take part in any decision relating to the procurement or Registration; and
- c) shall not be a sub Registration or for the bidder to whom was awarded Registration, or a member of the group of bidders to whom the Registration was awarded, but the sub Registration or appointed shall meet all the requirements of this Act.
- 6) An employee, agent or member described in subsection (1) who refrains from doing anything prohibited under that subsection, but for that subsection, would have been within his or her duties shall disclose the conflict of interest to the procuring entity;
- 7) If a person contravenes subsection (1) with respect to a conflict of interest described in subsection (5)(a) and the Registration is awarded to the person or his

relative or to another person in whom one of them had a direct or indirect pecuniary interest, the Registration shall be terminated and all costs incurred by the public entity shall be made good by the awarding officer. Etc.

In compliance with Kenya's laws, regulations and policies mentioned above, the Procuring Entity:

- a) Defines broadly, for the purposes of the above provisions, the terms set forth below as follows:
 - i) "corrupt practice" is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
 - ii) "fraudulent practice" is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;
 - iii) "collusive practice" is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
 - iv) "coercive practice" is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
 - v) "obstructive practice" is:
 - deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede investigation by Public Procurement Regulatory Authority (PPRA) or any other appropriate authority appointed by Government of Kenya into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
 - acts intended to materially impede the exercise of the PPRA's or the appointed authority's inspection and audit rights provided for under paragraph 2.3 e. below.
- b) Defines more specifically, in accordance with the above procurement Act provisions set forth for fraudulent and collusive practices as follows:

"fraudulent practice" includes a misrepresentation of fact in order to influence a procurement or disposal process or the exercise of a Registration to the detriment of the procuring entity or the Applicants or the Registration or, and includes collusive practices amongst Applicants prior to or after Application submission designed to establish Application prices at artificial non-competitive levels and to deprive the procuring entity of the benefits of free and open competition.
- c) Rejects a proposal for award¹ of a Registration if PPRA determines that the firm or individual recommended for award, any of its personnel, or its agents, or its sub-consultants, applicants, service providers, suppliers and/ or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the Registration in question;
- d) Pursuant to the Kenya's above stated Acts and Regulations, may sanction or recommend to appropriate authority (ies) for sanctioning and debarment of a firm or individual, as applicable under the Acts and Regulations;
- e) Requires that a clause be included in Application documents and Request for Proposal documents requiring (i) (applicants/proposers), Consultants, Applicants, and and their Applicants, Sub-consultants, Service providers, Agents personnel, permit the PPRA or any other appropriate authority appointed by Government of Kenya to inspect² all accounts, records and other documents relating to the procurement process, selection and/or Registration execution, and to have them audited by auditors appointed by the PPRA or any other appropriate authority

appointed by Government of Kenya; and

- f) Pursuant to Section 62 of the above Act, requires Applicants to submit along with their Applications/Applications /Proposals a “Self-Declaration Form” as included in the procurement document declaring that they and all parties involved in the procurement process and Registration execution have not engaged/will not engage in any corrupt or fraudulent practices.

APPLICATION-SECURING DECLARATION FORM

[The Bidder shall complete this Form in accordance with the instructions indicated]

Date..... *[insert date (as day, month and year) of Application Submission]*

Application No*[insert number of Applicationing process]*

To*[insert complete name of Purchaser]* I/We, the undersigned,

declare that:

1. I/We understand that, according to your conditions, bids must be supported by a Application-Securing Declaration.
2. I/We accept that I/we will automatically be suspended from being eligible for Applicationing in any Registration with the Purchaser for the period of time of [insert number of months or years] starting on [insert date], if we are in breach of our obligation(s) under the bid conditions, because we – (a) have withdrawn our Application during the period of Application validity specified by us in the Applicationing Data Sheet; or (b) having been notified of the acceptance of our Bid by the Purchaser during the period of bid validity, (i) fail or refuse to execute the Registration , if required, or (ii) fail or refuse to furnish the Performance Security, in accordance with the instructions to Applications .
3. I/We understand that this Application Securing Declaration shall expire if we are not the successful Applicants(s), upon the earlier of:
 - a) our receipt of a copy of your notification of the name of the successful Applicants; or
 - b) thirty days after the expiration of our Application.
4. I/We understand that if I am/we are/in a Joint Venture, the Application Securing Declaration must be in the name of the Joint Venture that submits the bid, and the Joint Venture has not been legally constituted at the time of bidding, the Application Securing Declaration shall be in the names of all future partners as named in the letter of intent.

Signed.....Capacity / title (director
or partner or sole proprietor, etc.)Name:

..... Duly authorized to sign the bid for

and on behalf of: *[insert complete name of Applicants]*

Dated on day of..... *[Insert date of signing]* Seal or stamp

**PART 2 - WORKS, GOODS OR NON - CONSULTING
SERVICES REQUIREMENTS**

(Select one)

SECTION V - SCOPE OF WORKS, Goods or Non-Consulting Services required

1. Description of the Works or Supply contract.
 2. Construction Period or Goods Supply Period or Non-Consulting Services Contract period.
 3. Site and Other Data.
-

Request For Review

FORM FOR REVIEW (r.203 (1))

PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

APPLICATION NO.....OF.....20.....

BETWEEN

.....**APPLICANT**

AND

.....**RESPONDENT (Procuring Entity)**

Request for review of the decision of the..... (Name of the Procuring Entity ofdated the...day of20.....in the matter of Tender No.....of20..... for (Tender description).

REQUEST FOR REVIEW

I/We.....the above named Applicant(s), of address: Physical address.....P. O. Box No..... Tel. No.....Email, hereby request the Public Procurement Administrative Review Board to review the whole/part of the above mentioned decision on the following grounds , namely:

- 1.
- 2.

By this memorandum, the Applicant requests the Board for an order/orders that:

- 1.
- 2.

SIGNED (Applicant) Dated on.....day of/...20.....

FOR OFFICIAL USE ONLY Lodged with the Secretary Public Procurement Administrative Review Board on.....day of20.....

SIGNED

Board Secretary