

COUNTY GOVERNMENT OF NAKURU

COUNTY ASSEMBLY OF NAKURU

OFFICE OF THE CLERK TO THE ASSEMBLY



TEL: 0722590098
FAX: (051) 2216473

COUNTY ASSEMBLY
P O BOX 907-20100
NAKURU

Email: info@nakurucountyassembly.or.ke
Website: www.nakuru.assembly.go.ke

SALE OF LANDROVER DEFENDER, 32CG032A.

TENDER NO: CAN/D/01/2016/17
CLOSING DATE: 22ND SEPTEMBER 2016 AT 11.00 A.M.

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SECTION I INVITATION TO TENDER

TENDER REF NO: TENDER NO: CAN/D/01/2016/17
TENDER NAME: SALE OF LANDROVER DEFENDER, 32CG032A.
CHASIS NO; SALLDHMT7BK075241.

- 1.1 The County Assembly of Nakuru invites sealed tenders from eligible candidates to purchase Landrover defender 32CG032A.
- 1.2 Interested eligible candidates may obtain further information from and inspect the tender documents at County Assembly of Nakuru, P.O Box 907-20100 at the procurement office (during normal working hours).
- 1.3 A complete set of tender documents may be downloaded from www.nakuru.assembly.go.ke
- 1.4 Tenderers will be required to pay in advance a refundable deposit as indicated in the Appendix to Instructions to tenderers.
- 1.5 Completed tender documents are to be enclosed in plain sealed envelopes marked with the tender reference number and the tender name and deposited in the Tender Box at ***the Assembly's reception*** or addressed to ***the Clerk, County Assembly of Nakuru, P.O Box 907-20100*** as to be received on or before ***22nd September 2016 at 11.00 a.m.***
- 1.6 Prices quoted should be net, must be in Kenya Shillings and shall remain valid for 90 days from the closing date of the tender.
- 1.7 Tenders will be opened immediately thereafter in the presence of the tenderers or their representatives who choose to attend at ***the Assembly's board room.***

Table of Clauses

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2.1

SECTION II INSTRUCTION TO TENDERERS

2.1 Eligible Tenderers

- 2.1.1 This Invitation for Tenders is open to all tenderers eligible as described in the Appendix to instructions to tenderers.
- 2.1.2 Tenderers shall not be under a declaration of ineligibility for corrupt or fraudulent practices
- 2.1.3 The procuring entity's employees, committee members, board members and their relatives (spouse and children) are not eligible to participate in the tender unless where specifically allowed under Section 131 of the Act.

2.2 Cost of Tendering

- 2.2.1 The tenderer shall bear all costs associated with the preparation and submission of its tender, and the procuring entity, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process.
- 2.2.2 The price to be charged for the tender document shall not exceed Kshs.5,000/=
- 2.2.3 The procuring entity shall allow the tender to review the tender document free of charge before purchase.

2.3 The Tender Document

- 2.3.1 The tender document comprises the documents listed below and any addenda issued in accordance with clause 2.5 of these instructions to tenderers.
 - (i) Invitation to tender
 - (ii) Instructions to tenderers
 - (iii) Schedule of items and price
 - (iv) Conditions of T ender

(v) Form of tender

Confidential Business questionnaire Form

(vi) Tender Commitment Declaration Form

2.3.2 The tenderer is expected to examine all instructions, forms, terms and specifications in the tender documents. Failure to meet all the requirements of the tender will be at the tenderer's risk and may result in the rejection of its tender.

2.4. Clarification of Documents

2.4.1 A prospective tenderer requiring any clarification of the tender document may notify the Procuring entity in writing or by post at the entity's address indicated in the Invitation for tenders. The Procuring entity will respond in writing to any request for clarification of the tender documents, which it receives not later than thirty (30) days prior to the deadline for the submission of tenders, prescribed by the procuring entity. Written copies of the Procuring entities response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective tenderers that have received the tender document.

2.4.2 Clarification of tenders shall be requested by the tenderer to be received by the procuring entity not later than 7 days prior to the deadline for submission of tenders.

2.4.3 The procuring entity shall reply to any clarifications sought by the tenderer within 3 days of receiving the request to enable the tenderer to make timely submission of its tender.

2.5 Amendment of Documents

2.5.1 At any time prior to the deadline for submission of tenders, the Procuring entity, for any reasons, whether at its own initiative or in response to a clarification requested by a prospective tenderer, may modify the tender documents by amendment

2.5.2 All prospective candidates that have received the tender documents

will be notified of the amendment in writing or by post and will be binding on them.

- 2.5.3 In order to allow prospective tenderers reasonable time in which to take the amendment into account in preparing their tenders, the Procuring entity, at its discretion, may extend the deadline for the submission of tenders.

2.6 Tender Prices and Currencies

- 2.6.1 The tenderer shall indicate on the appropriate Price Schedule the unit prices and total tender price of the items it proposes to purchase under the contract

- 2.6.2 Prices quoted by the tenderer shall be fixed during the tender validity period and not subject to variation on any account. A tender submitted with an adjustable price quotation will be treated as non-responsive and will be rejected

- 2.6.3 The Price quoted shall be in Kenya Shillings.

2.7 Tender deposit

- 2.7.1 The tenderer shall put a deposit for every item tendered for in the amount indicated in the schedule of items and prices.

- 2.7.2 Failure to put the required deposit for any item tendered for will lead to disqualification of the bid for the item.

- 2.7.3 Unsuccessful Tenderer's tender deposit will be discharged or returned as promptly as possible but not later than Seven (7) days after the expiration of the period of tender validity prescribed by the procuring entity.

- 2.7.4 The successful Tenderer's tender deposit will be credited to his bid price so that it forms part of the amount of the bid and the tender will be required to pay the bid price less the deposit security.

2.7.5 The tender deposit may be forfeited:

- (a) If a tenderer withdraws its tender during the period of tender validity specified by the procuring entity.
- (b) In the case of a successful tenderer, if the tenderer fails to pay the balance of the bid price.

2.8 Validity of Tenders

2.8.1 Tenders shall remain valid for 60 days or as specified in the appendix to instruction to tenderers after date of tender opening prescribed by the Procuring entity, pursuant to paragraph 2.10 Tender valid for a shorter period shall be rejected by the Procuring entity as non-responsive.

2.8.2 In exceptional circumstances, the Procuring entity may solicit the Tenderer's consent to an extension of the period of validity. The request and the responses thereto shall be made in writing. The tender deposit provided under paragraph 2.7 shall also be suitably extended. A tenderer may refuse the request without forfeiting its tender deposit. A tenderer granting the request will not be required nor permitted to modify its tender.

2.9. Viewing of Tender Items

2.9.1 Prospective bidders are advised to view the items, stores/equipment in liaison with the procuring entity before they bid for each lot. This will enable them to arrive at the most reasonable and competitive bids. Bids are based on AS WHERE IS CONDITION and the conditions of the items are not warranted by the seller.

2.10 Sealing and Marking of Tenders

2.10.1 The tenderer shall seal the tender and mark it with the number and name of the tender and "DO NOT OPEN BEFORE 22nd September 2016 at 11.00 a.m.

2.11 Deadline for Submission of Tenders

2.11.1. Tenders must be received by the Procuring entity at the address specified not later than *22nd September 2016 at 11.00 a.m.*

2.11.2 The procuring entity may, at its discretion, extend this deadline for the submission of tenders by amending the tender documents in accordance with paragraph 2.5. in which case all rights and obligations of the procuring entity and tenderers previously subject to the deadline will thereafter be subject to the deadline as extended.

2.12 Modifications And Withdrawals Of Tenders

2.12.1 Modification of tenders

2.12.1.1 The tenderer may modify or withdraw its tender after the tender's submission, provided that written notice of the modification, including substitution or withdrawal of the tenders, is received by the Procuring entity prior to the deadline prescribed for submission of tenders.

2.12.1.2 The Tenderer's modification or withdrawal notice shall be prepared, sealed, marked, and dispatched in accordance with the provisions of paragraph 2.9.1. A withdrawal notice may also be sent by fax but followed by a signed confirmation copy, postmarked not later than the deadline for submission of tenders.

2.12.1.3 No tender may be modified after the deadline for submission of tenders

2.12.2 Withdrawals of tenders

2.12.2.1 No tender may be withdrawn in the interval between the deadline for submission of tenders and the expiration of the period of tender validity specified by the tenderer. Withdrawal of a tender during this interval may result in the tenderer's forfeiture of its tender deposit, pursuant to paragraph 2.7.5

2.13 Opening of Tenders

2.13.2 The Procuring entity will open all tenders in the presence of tenderers' representatives who choose to attend at the committee room on 22nd September 2016 at 11.00 a.m. and in the location specified in the invitation to tender.

The tenderers or representatives who are present shall sign a register evidencing their attendance.

2.13.3 The tenderers' names, tender modifications or withdrawals, tender prices, and the presence or absence of requisite tender deposit and such other details as the Procuring entity, at its discretion, may consider appropriate, will be announced at the opening.

2.13.4 The Procuring entity will prepare minutes of the tender opening

Clarification of tenders

2.14.2 To assist in the examination, evaluation and comparison of tenders the Procuring entity may, at its discretion, ask the tenderer for a clarification of its tender. The request for clarification and the response shall be in writing, and no change in the prices or substance of the tender shall be sought, offered, or permitted.

2.14.3 Any effort by the tenderer to influence the Procuring entity in the Procuring entity's tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderers' tender.

2.14 Evaluation and Comparison of Tenders

2.15.1 The Procuring entity will examine the tenders to determine whether they are complete, whether any computation errors have been made, whether required deposits have been furnished, whether documents have been properly signed and whether the tenders are generally in order. After examination a tender that will be determined to be

substantially non responsive, will be rejected by the procuring entity.

2.15.2 The Procuring entity will evaluate and compare the tenders, which have been determined to be substantially responsive.

2.15.3 The tender evaluation committee shall evaluate the tender within 30 days of the validity period from the date of opening the tender.

2.15 Award Criteria

2.16.1 The Procuring entity will award the contract to the successful tenderer(s) whose tender has been determined to be substantially responsive and has been determined to be the highest evaluated tender, subject to the reserves price.

2.16 Notification of Award

2.17.2 Prior to the expiration of the period of tender validity, the Procuring entity will notify the successful tenderer in writing that its tender has been accepted.

2.17.3 Simultaneously the other tenderers shall be notified that their tenders have been unsuccessful.

2.17 Contacting the Procuring entity

2.18.1 No tenderer shall contact the Procuring entity on any matter relating to its tender, from the time of the tender opening to the time the contract is awarded.

2.18.2 Any effort by a tenderer to influence the Procuring entity in its decisions on tender evaluation, tender comparison, or contract award may result in the rejection of the tenderer's tender.

Appendix to instructions to tenderers

The following information for sale of boarded stores and equipment shall complement, supplement or amend, the provisions of the instructions to tenderers. Whenever there is a conflict between the provisions of the instructions to tenderers and the provisions of the Appendix, the provisions of the appendix herein shall prevail over those of the instructions to tenderers.

Instructions to Tenderers Reference	<i>Particulars of appendix to Instructions to tenderers</i>
2.1.1	<i>Open tender</i>
2.8.1	<i>Tender is valid for 120 days</i>

SECTION III - SCHEDULE OF TERMS AND PRICES

No	Item description	Reserve price	Required deposit
1.	Landrover	1,840,000	184,000

N/B:

The tender deposit shall be in form of bankers cheque.

SECTION IV

CONDITIONS OF TENDER

- 4.1 A tenderer may tender for each item or each lot and may tender for as many items or lots as he/she wishes.
- 4.2 A tenderer will pay a deposit in advance before the closing date of the tender for each item or lot tendered for as indicated in the schedule of items and prices.
- 4.3 Tenderers who will be awarded contracts will be required to pay for the items after 14 days and not later than 21 days failure to which the contract award will be cancelled and the deposit forfeited. If there is an administrative review, the review procedures shall be followed.
- 4.4 Tenderers who will not be awarded contracts will be refunded the deposits fourteen (14) days after notification of the communication of the contract awards.
- 4.5 Tenderers will be required to collect the items they have paid for within fourteen (14) days after making the payment failure to which storage charges will be charged as indicated in the appendix to Conditions of tender.
- 4.6 The procuring entity will retain confidential reserve prices for all the items. Items tendered for below the reserve price will be retained by the procuring entity.

Appendix to Conditions of Tender

The following information for sale of boarded stores and equipment shall complement, supplement, or amend, the provisions of the conditions of the tender. Whenever there is a conflict between the provisions of the conditions of tender and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the conditions of tender.

Conditions of tender reference	<i>Particulars of the appendix to Conditions of tender</i>
4.5	<i>Indicate storage charge</i>
	Kshs. 50,000 per day

SECTION V STANDARD FORMS

Notes on Standard Forms

- 5.1 The form of tender, the confidential business questionnaire form and the tender deposit commitment declaration form must be completed by the tenderers and returned with the tender. Failure to complete any of these forms will lead to the disqualification of the tenderer.

5.1 Form of Tender

Date: _____

To:

Tender No.

[name and address of procuring entity]

Gentlemen and/or Ladies:

1. Having examined the tender documents including Addenda. Nos*[insert numbers]*. The receipt of which is hereby duly acknowledged, we the undersigned, offer to purchase and collect all the items offered to us in conformity with the said tender documents for the sum of *[total tender amount in words and figures]* or such other sums as may be ascertained in accordance with the Schedule of Prices attached herewith and made part of this Tender.
2. We undertake, if our Tender is accepted, to pay for and collect the items in accordance with the requirements of the tender.
3. We agree to abide by the tender for a period of*[number]* days from the date fixed for tender opening of the Instructions to tenderers, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.
4. We understand that you are not bound to accept the highest or any tender that you may receive.

Dated _____ this 20 _____ day of _____

[signature] *[in the capacity of]*
Duly authorized to sign tender for and on behalf of _____

5.2 Confidential Business Questionnaire Form

You are requested to give the particulars indicated in Part 1 and either Part 2 (a), 2 (b) or 2 (c) whichever applies to your type of business.

You are advised that it is a serious offence to give false information on this form

Part 1 - General

Business Name

Location of business Premises.....

Plot No..... Street/Road

Postal AddressTel No.....

Nature of business.....

Current Trade Licence NoExpiring date

Maximum value of business which you can handle at any one time Kshs

Name of your bankersBranch ...

	<p>Part 2 (a) - Sole Proprietor</p> <p>Your Name in full..... Age</p> <p>Nationality..... Country of origin</p> <p>* Citizenship details</p>																
	<p>Part 2 (b) Partnership</p> <p>Given details of partners as follows:</p> <table border="1"> <thead> <tr> <th data-bbox="342 520 440 562">Name</th> <th data-bbox="613 520 781 562">Nationality</th> <th data-bbox="833 520 1105 562">Citizenship Details</th> <th data-bbox="1125 520 1240 562">Shares</th> </tr> </thead> <tbody> <tr> <td data-bbox="342 569 358 600">1</td> <td data-bbox="358 569 781 600">.....</td> <td data-bbox="781 569 1105 600">.....</td> <td data-bbox="1105 569 1240 600">.....</td> </tr> <tr> <td data-bbox="342 617 358 648">3</td> <td data-bbox="358 617 781 648">.....</td> <td data-bbox="781 617 1105 648">.....</td> <td data-bbox="1105 617 1240 648">.....</td> </tr> <tr> <td data-bbox="342 655 358 678">4</td> <td data-bbox="358 655 781 678">.....</td> <td data-bbox="781 655 1105 678">.....</td> <td data-bbox="1105 655 1240 678">.....</td> </tr> </tbody> </table>	Name	Nationality	Citizenship Details	Shares	1	3	4
Name	Nationality	Citizenship Details	Shares														
1														
3														
4														
	<p>Part 2 (c) - Registered Company</p> <p>Private or Public</p> <p>State the nominal and issued capital of company - Nominal Kshs. Issued Kshs.</p> <p>Given details of all directors as follows</p> <table border="1"> <thead> <tr> <th data-bbox="342 894 440 936">Name</th> <th data-bbox="613 894 781 936">Nationality</th> <th data-bbox="833 894 1105 936">Citizenship Details</th> <th data-bbox="1125 894 1240 936">Shares</th> </tr> </thead> <tbody> <tr> <td data-bbox="342 942 358 974">1</td> <td data-bbox="358 942 781 974">.....</td> <td data-bbox="781 942 1105 974">.....</td> <td data-bbox="1105 942 1240 974">.....</td> </tr> <tr> <td data-bbox="342 980 358 1012">2</td> <td data-bbox="358 980 781 1012">.....</td> <td data-bbox="781 980 1105 1012">.....</td> <td data-bbox="1105 980 1240 1012">.....</td> </tr> <tr> <td data-bbox="342 1018 358 1050">3</td> <td data-bbox="358 1018 781 1050">.....</td> <td data-bbox="781 1018 1105 1050">.....</td> <td data-bbox="1105 1018 1240 1050">.....</td> </tr> </tbody> </table>	Name	Nationality	Citizenship Details	Shares	1	2	3
Name	Nationality	Citizenship Details	Shares														
1														
2														
3														
<p>Date Seal/Signature of Candidate</p>																	

5.3 Tender deposit commitment Declaration Form *Tender No. (asper tender documents)

*As indicated in the schedule of items and prices, we do confirm that we have put deposits for the items tendered for as supported by the attached copies of receipts as follows:-

ITEM No. or Lot No.	Item Description	Deposit Kshs.	Receipt No. and Date

Authorizing Official _____
(name)

(signature)

(Date)

5.4. LETTER OF NOTIFICATION OF AWARD

Address of Procuring Entity

To:

RE: Tender No. _____

Tender Name _____

This is to notify that the contract/s stated below under the above mentioned tender have been awarded to you.

1. Please acknowledge receipt of this letter of notification signifying your acceptance.
2. The contract/contracts shall be signed by the parties within 30 days of the date of this letter but not earlier than 14 days from the date of the letter.
3. You may contact the officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

(FULL PARTICULARS) _____

SIGNED FOR ACCOUNTING OFFICER

FORM RB 1

REPUBLIC OF KENYA

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*)
of

.....dated the...day of20 in the matter of Tender Noof
.....20.

REQUEST FOR REVIEW

I/We.....,the above named Applicant(s), of address:

..... Physical

address Fax 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.

et

c.

By this memorandum, the Applicant requests the Board for
an order/orders that: - 1.

2.

et

c

SIGNED..... (Applicant)

Dated on..... day of..... / ...20...

FOR OFFICIAL USE ONLY

Lodged with the Secretary Public Procurement day of
Administrative Review Board on 20

SIGNED

Board Secretary

EVALUATION CRITERIA

- i. Mandatory requirements (failure to meet any of the requirements leads to automatic disqualification)**

Requirements	Yes or no
Dully filled Form of tender	
Dully filled confidential business questionnaire	
Dully filled deposit contribution form	

- ii. The winning bid will be the highest quoted amount based on the reserve price**