



COUNTY GOVERNMENT OF NAKURU

COUNTY ASSEMBLY OF NAKURU

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NAKURU

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REGISTRATION OF SUPPLIERS

FOR

PROVISION OF PROVISION OF LEGAL SERVICES
FOR

THE FINANCIAL YEAR 2018-2020

TENDER NO:

CAN//REG/009/2018- 2020

CLOSING DATE:

9TH AUGUST 2018 AT 11.00 A.M.

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SECTION I - INVITATION FOR REGISTRATION (IFR)

Tender No: CAN/REG/009/2018-2020

Tender Name: Provision of legal services

1. The County Assembly of Nakuru hereinafter referred as “Procuring entity” intended to register candidates for Provision of legal services
2. Registration is **Open to all bidders**
3. Interested eligible candidates may obtain further information from and inspect the registration documents at County Assembly of Nakuru, P.O Box 907-20100 Nakuru in the procurement office during normal office working hours.
4. A complete set of registration documents may be downloaded by interested candidates in the Assembly’s website: www.assembly.nakuru.go.ke
5. Applications for Registration must be submitted enclosed in plain sealed envelopes marked with the tender name and reference number and deposited in the tender box at County Assembly of Nakuru, P.O Box 907-20100 Nakuru or to be addressed to:
**The Clerk, County Assembly of Nakuru,
P.O Box 907-20100
Nakuru**
So as to be received on or before **9th August 2018 at 11.00 a.m**
6. Only candidates prequalified under this Registration process will be invited to tender.

SECTION II - INSTRUCTIONS TO CANDIDATES

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SECTION II - INSTRUCTIONS TO CANDIDATES

2.1 Scope of Tender

The County Assembly of Nakuru hereinafter referred to as the procuring Entity intends to register suppliers for Provision of legal services

2.1.1 It is expected that Registration applications will be submitted to be received by the procuring entity not later than 9th August 2018 at 11.00 a.m.

2.1.2 Registration is open to eligible firms and voluntarily formed joint ventures as indicated in appendix to instructions to candidates.

2.2 Submission of Application

2.2.1 Applications for Registration shall be submitted in sealed envelopes marked with the tender name and reference number and deposited in the tender box at (address and location) or be addressed to County Assembly of Nakuru, P.O Box 907-20100 Nakuru so as to be received on or before 9th August 2018 at 11.00 a.m. The procuring entity reserves the right to accept or reject late applications.

2.2.2 The name and mailing address of the applicant may be marked on the envelope.

2.2.3 All the information requested for registration shall be provided in the English language. Where information is provided in any other language, it shall be accompanied by a translation of its pertinent parts into English language. The translation will govern and will be used for interpreting the information.

2.2.4 Failure to provide information that is essential for effective evaluation of the applicant's qualifications or to provide timely clarification or sub substantiation of the information supplied may result in the applicant's disqualification.

2.2.5 A consultations and clarifications meeting will be held at (*place, date and time*) at which applicants may request clarifications of the Registration document. Attendance of this meeting will be voluntary

2.3 Eligible Candidates

2.3.1 This invitation for registration is open to all candidates who are eligible as defined in Kenya's Public Procurement Law and regulations and as indicated in the appendix to instructions to candidates.

2.3.2 The procuring entity's employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the tender unless where specially allowed under section 131 of the Act.

2.3.3 All terms found capable of performing the contract satisfactorily in accordance to the set Registration criteria shall be prequalified.

2.4 Qualification Criteria

2.4.1 Registration will be based on meeting the minimum requirements to pass in the criteria set as shown below. The declaration will be either pass or fail regarding the applicant's general and particular experience, personnel and equipment capabilities and financial position as demonstrated by the applicant's response in the forms provided in Section IV and submitted with the letter of application. The procuring entity reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the contract.

2.4.2 Litigation history of the applicant should provide accurate information on any litigation or arbitration resulting from contracts completed or under its execution over the last five years. A consistent history of awards against the applicant or any partner of a joint venture may result in failure of the application.

2.5 Joint Venture

2.5.1 Joint ventures must comply with the following:-

- a. Following are the minimum qualification requirements.
 - i. The lead partner shall meet not less than 60% of all the qualifying criteria in paras's 2.4.3 and 2.4.6 above (24)
 - ii. The other partners shall meet individually not less than 30% of all the qualifying criteria given in para. 2.4.3 and 2.4.6 above
 - iii. The joint venture must satisfy collectively the criteria of section 4, for which propose the relevant figures for each of the partners shall be added together to arrive at the joint ventures total capacity. Individual members must each satisfy the requirements of para 2.4.7 and 2.4.8 above.
- b. The formation of a joint venture after registration and any change in a registered joint venture will be subject to the written approval of the procuring entity prior to the deadline for submission of bids. Such approval may be denied if (i) partners withdraw from a joint venture and the remaining partners do not meet the qualifying requirements (ii) the new partners to a joint venture are not

qualified, individually or as an another joint venture; or (iii) in the opinion of the procuring entity a substantial reduction in competition may result.

- c. Any future bid shall be signed so as to legally bind all partners, jointly and severally, and any bid shall be submitted with a copy of the joint venture agreement providing the joint and several liability with respect to the contract.

2.5.2 The Registration of a joint venture does not necessarily register any of its members individually as a member in any other joint venture or association. In case of dissolution of a joint venture, each one of the constituent firms may Register if it meets all the Registration requirements, subject to a written approval of the procuring entity

2.6 Public Sector companies

2.6.1 Any public owned enterprise may be eligible to qualify if, in addition to meeting all the above requirements, it is also legally and financially autonomous, it operates under commercial law, and it is not a dependent agency of another public entity.

2.7. Conflict of Interest

2.7.1 The applicant (including all members of a joint venture) shall not be associated, nor have been associated in the past, with the consultant or any other entity that has prepared the design, specifications, and other Registration and bidding documents for the project, or with an entity that was proposed as engineer for the contract. Any such association must be disclosed and may result in the dis-qualification of the applicant.

2.8. Updating Registration Information

2.8.1 Registered candidates shall be required to update the financial information used for registration at the time of submitting their bids and to confirm their continued compliance with the qualification criteria. A bid shall be rejected if the applicant's qualification thresholds are no longer met at the time of bidding.

APPENDIX TO INSTRUCTIONS TO CANDIDATES

The following instructions for the registration of candidates shall supplement, complement or amend the provisions of the instructions to candidates.

Where there is a conflict between the provisions of the instructions to candidates and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the instructions to the candidates.

Clause	Instructions to Bidders																												
2.1.2	The registration is open to all bidders																												
2.2	Only one tender should be submitted																												
2.2.1	9th August 2018 at 11.00 a.m.																												
2.2.5	No consultative meeting. All clarifications shall be done through writing.																												
2.4.1	<p>Evaluation Criteria;</p> <p style="text-align: center;">A. Stage One Mandatory Requirements (to be evaluated on a ‘Yes or No’ basis:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>No</th> <th>Requirements</th> <th>Yes/No</th> <th></th> </tr> </thead> <tbody> <tr> <td>a)</td> <td>Certificate of Registration / Incorporation.</td> <td></td> <td></td> </tr> <tr> <td>b)</td> <td>Valid VAT /PIN Certificate from Kenya Revenue Authority (KRA)</td> <td></td> <td></td> </tr> <tr> <td>c)</td> <td>Valid Tax Compliance Certificate from Kenya Revenue Authority (KRA)</td> <td></td> <td></td> </tr> <tr> <td>d)</td> <td>Practicing Certificate</td> <td></td> <td></td> </tr> <tr> <td>e)</td> <td>Professional Indemnity cover</td> <td></td> <td></td> </tr> <tr> <td>f)</td> <td>Presentation of a well bound, serialized and</td> <td></td> <td></td> </tr> </tbody> </table>	No	Requirements	Yes/No		a)	Certificate of Registration / Incorporation.			b)	Valid VAT /PIN Certificate from Kenya Revenue Authority (KRA)			c)	Valid Tax Compliance Certificate from Kenya Revenue Authority (KRA)			d)	Practicing Certificate			e)	Professional Indemnity cover			f)	Presentation of a well bound, serialized and		
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f)	Presentation of a well bound, serialized and																												

	properly paginated tender document including the attachments		
g)	Valid business permit		

N/B: ALL THE ABOVE MUST BE MET TO QUALIFY FOR THE 2ND STAGE;

B. STAGE TWO: TECHNICAL REQUIREMENTS

NO.	EVALUATION ATTRIBUTE	WEIGHTING SCORE	MAXIMUM SCORE
T.S.1	Number of years in business	More than 10 years in business= 10 marks Others= <u>Number of yearsx10</u> 10	10
T.S.2	Past Experience	Provide 5 recommendation letters or agreements from previous and current clients <u>Recommendation letters x10</u> 5	10
T.S.3	Financial Strength(audited accounts for the 2 previous year)	Two years audited accounts= 10 Marks One year=5 marks One year audited account= 5 Marks	10
T.S.4	Credit period	90 days and above= 10 marks Below 90 days= 5 marks	10

SECTION III - LETTER OF APPLICATION

Notes on letter of application

The letter of application will be prepared by the applicant and will follow the form presented herein.

The letter of application will be prepared on the letterhead paper of the applicant or partner responsible for a joint venture and will include full postal address, telephone numbers, fax number and Email address.

The letter of application will be signed by duly authorized representatives of the applicant.

Any clause which does not apply to the applicant in the letter of application herein shall be deleted by the applicant.

SECTION III - LETTER OF APPLICATION

Date

To
.....
(Name and address of the procuring entity)

Ladies and/or Gentlemen

1. Being duly authorized to represent and act on behalf of
(name of firm) (hereinafter referred to as “the Applicant”), and having reviewed and fully understood all of the registration information provided, the undersigned hereby apply to be registered by yourselves as a bidder for the following contract(s) under (Tender No. and Tender name)

Tender number	Tender name

2. Attached to this letter are copies of original documents defining
- a. The Applicant’s legal status
 - b. The principal place of business and
 - c. The place of incorporation (for applicants who are corporations), or the place of registration and the nationality of the owners (for applicants who are partnerships or individually-owned firms).
3. Your Agency and its authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this application, and to seek clarification from our bankers and clients regarding any financial and technical aspects. This letter of Application will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and as requested by you to verify statements and information provided in this application, such as the resources, experience, and competence of the Applicant.
4. Your Agency and its authorized representatives may contact the following persons for further information.

General and managerial inquiries

Contact 1	Telephone 1
Contact 2	Telephone 2

Personnel inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Technical inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Financial inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

This application is made with the full understanding that:

- a) Bids by registered applicants will be subject to verification of all information submitted for Registration at the time of bidding.
 - b) Your Agency reserves the right to:
 - amend the scope and value of any contracts bid under this project; in such event, bids will only be called from prequalified bidders who meet the revised requirements; and
 - reject or accept any application, cancel the Registration process, and reject all applications
 - c) your Agency shall not be liable for any such actions and shall be under no obligation to inform the Applicant of the grounds for them
5. Appended to this application, we give details of the participation of each party, including capital contribution and profit/loss agreements, in the joint venture or association. We also specify the financial commitment in terms of the percentage of the

value of the <each> contract, and the responsibilities for execution of the <each> contract.

6. We confirm that if we bid, that bid, as well as any resulting contract, will be:
 - a. Signed so as to legally bind all partners, jointly and severally; and
 - b. Submitted with a joint venture agreement providing the joint and several liability of all partners in the event the contract is awarded to us.

7. The undersigned declare that the statement made and the information provided in the duly completed application are complete, true, and correct in every detail:

Signed	Signed
Name	Name
For and on behalf of (name of Applicant or lead partner of a joint venture)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

SECTION IV: STANDARD FORMS

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 applied 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 Address Tel No. Fax E mail

Nature of Business,.....

Registration Certificate No.....

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

Name of your bankers

Branch.....

Part 2 (a) – Sole Proprietor

Your name in fullAge

NationalityCountry of origin

Citizenship details

.....

Part 2 (b) Partnership

Given details of partners as follows:

Name	Nationality	Citizenship Details	Shares
------	-------------	---------------------	--------

1.

2.

3.

4.

Part 2 (c) – Registered Company			
Private	or	Public	
State the nominal and issued capital of company- Nominal Kshs. Issued Kshs.			
Given details of all directors as follows			
	Name	Nationality	Citizenship Details Shares
1			
2.			
3.			
4.			
5			
Date.....		Signature of	Candidate
.....			

If a Kenya Citizen, indicate under “Citizenship Details” whether by Birth, Naturalization or registration

NB: Special target group MUST also dully fill this as a requirement

PAST EXPERIENCE

1. Names Of Other Clients And Values Of Contract/Orders

- a. Name of Client (organization)
- b. Address of Client (organization)
- c. Name of Contract Person at the client (organization)
.....
- d. Telephone No. of client
- e. Value of Contract
- f. Duration of Contract (date)
- g. (Attach documents evidence of existence of contract)

2. Name of 2nd Client (organization)

- a. Address of Client (organization)
- b. Name of Contact Person at the client (organization)
.....
- c. Telephone No. of Client
- d. Value of Contract (date)
- e. Duration of Contract (date)
(Attach documental evidence of existence of contract)

3. Name of 3rd Client (organization)

a. Address of Client (organization)

b. Name of Contact Person at the client (organization)
.....

c. Telephone No. of Client

d. Value of Contract

e. Duration of Contract (date)

(Attach documental evidence of existence of contract)

4. Others

.....

LITIGATION HISTORY

Name of Applicant or partner of a joint venture

Applicants, including each of the partners of a joint venture, should provide information of any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution (Instructions to Applicants, para. 4.8). A separate sheet should be used for each partner of a joint venture.

Year	Award FOR or AGAINST Applicant	Name of client, cause of litigation, and matter in dispute	Disputed amount (current value Kshs.)

TENDER-SECURING DECLARATION FORM

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

Date: [Insert date (as day, month and year) of Bid Submission]

Tender No. [Insert number of bidding process]

To: [insert complete name of Purchaser]

We, the undersigned, declare that:

1. We understand that, according to your conditions, bids must be supported by a Bid-Securing Declaration.
2. We accept that we will automatically be suspended from being eligible for bidding in any contract 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 Bid during the period of bid validity specified by us in the Bidding 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 Contract, if required, or
 - (ii) Fail or refuse to furnish the Performance Security, in accordance with the ITT.
3. We understand that this Bid Securing Declaration shall expire if we are not the successful Bidder, upon the earlier of

Our receipt of a copy of your notification of the name of the successful Bidder; or

a. Twenty-eight days after the expiration of our Tender.

1. We understand that if we are a Joint Venture, the Bid Securing Declaration must be in the name of the Joint Venture that submits the bi, and the Joint Venture has not been legally constituted at the time of bidding, the Bid Securing Declaration shall be in the names of all future partners as named in the letter of intent.

Signed: [insert signature of person whose name and capacity are shown] in the capacity of [insert legal capacity of person signing the Bid Securing Declaration]

Name: [insert complete name of person signing the Bid Securing Declaration]

Duly authorized to sign the bid for and on behalf of: [insert complete name of Bidder]

Dated on day of, [insert date of signing]

REQUEST FOR REVIEW FORM

**FORM RB 1
REPUBLIC OF KENYA
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

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

BETWEENAPPLICANT

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...

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.
- etc.

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

- 1.
- 2.
- etc

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**