MERU COUNTY INVESTMENT & CORPORATION DEVELOPMENT (MCDIC)

OPEN TENDER NUMBER: MCIDC/ONT/PREQ/022/2026-2027/2028

PROVISION OF LEGAL SERVICES

(OCTOBER 2026)

EXECUTING AGENCY/CLIENT:
MANAGING DIRECTOR
MCDIC
P. O. BOX 1394-60200
MERU

INVITATION TO TENDER

PROVISION OF LEGAL SERVICES
TENDER NUMBER: MCIDC/ONT/PREQ/022/2026-2027

Meru County Investment & Corporation Development (MCIDC), invites sealed tenders from eligible tenderers. Interested candidates may obtain further information from and inspect the tender document from MCIDC website: www.investmeru.co.ke

1.1. Interested tenderers may download the tender document from the website freely, and MUST forward their particulars immediately for recording and further clarification and addenda to www.investmeru.co.ke

1.2. Completed tender documents must be submitted, delivered & deposited in the tender box located at the MCIDC Offices and addressed to: THE MANAGING DIRECTOR, MERU COUNTY INVESTMENT & DEVELOPMENT CORPORATION P.O. BOX 3194-60200 MERU on or before **23RD OCTOBER 2026 at 11.00 A.M.**

1.3. Late Bids will be rejected. Bids will be publicly opened immediately after closure in the presence of the Bidders' designated representatives and anyone who chooses to attend

MANAGING DIRECTOR,
MERU COUNTY INVESTMENT & CORPORATION DEVELOPMENT,
P. O. BOX 3194-60200
MERU.

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PREFACE

1. This Standard Pre-qualification Document (SPD) has been prepared by the Public Procurement Regulatory Authority (PPRA) for use by Procuring Entities (PEs) for procurement of specialized, large and complex contracts for Works, Goods, Plant, Equipment under Open Competitive Tendering Method as defined in the Public Procurement and Asset Disposal Act 2015 (the Act

2. It may also be used by a procuring entity for the purpose of registration of contractors, suppliers. All applicants who pass the pre-qualification criteria set in this document shall be given opportunity to tender. The procedures and practices presented in this SPD reflect the requirements in the said Act and its Regulations. This SPD will be used by Procuring Entities on a mandatory basis whenever a Procuring Entity decides to go for pre-qualification. Lack of its use (whenever a Procuring Entity decides to go for pre-qualification) could be basis for challenging a decision on contract process and award. Procuring Entities and other Users should ensure that they are using the latest version of the SPD, which can be verified with PPRA.

3. The SPD is comprised of the parts indicated on the Table of Contents. Before using this SPD, the User is advised to or should be familiar with the Act and its Regulations and any manuals prepared and issued by PPRA to guide public officials in the conduct of the public procurement process. The document includes a form for invitation for pre-qualification, instructions to applicants and a letter of application with attached forms for applicants to complete.

4. Care should therefore be taken when preparing pre-qualification document for specific cases to ensure that the pre-qualification criteria are clear and explicit, and that they refer to the needs and characteristics of the specific procurement. For this purpose, where appropriate, "Works" should be substituted by "Goods" or "Non-Consulting Services" as the case may be and "Contractor" should be replaced with "Supplier" in case of pre-qualification for Supply of Goods or "Service Provider" in case of pre-qualification for provision of Non-Consulting Services as the case may be. Note the Selection of Consultants for Consulting Services is catered for in a separate document the "Standard Request for Proposals for Selection of Consulting Firms".

5. The following guidelines should be observed when using the Standard Pre-qualification Document. Refer to Appendix to the Preface for more details on Guidelines to the Procuring Entity in preparing the document to be issued to the Applicants.

   i) The forms will require adaptation to suit the requirement of each proposed procurement.

   ii) Specific details, such as the names of the procuring entity should be furnished in the spaces indicated in the text.

   iii) Where alternative clauses or texts are shown, the user should select those that best suit the particular contract and should discard the alternative text that will not apply.

   iv) The instructions to applicants should basically remain unchanged. Any necessary amendments to any clause or additions should be made through "Pre-qualification Data Sheets (PDS)".

6. The notes in the text of the pre-qualification documents are meant to assist the procuring entity in the preparation of the document. They are not part of the pre-qualification document and should therefore be deleted as the document is prepared. The document to applicants should not contain pages on Cover and Preface of this document. Refer to Appendix to the Preface for more details on how to prepare the document to be sent to Applicants.

7. The Public Procurement Regulatory Authority welcomes any comments from the Users of this SPD which will assist in revising (if need be) and improving the structure and contents of the SPD.

Director General
Public Procurement Regulatory Authority (PPRA)

APPENDIX TO THE PREFACE

GUIDELINES FOR PREPARING TENDER DOCUMENTS

PART 1- APPLICATION PROCEDURES

1. General

1.1 Page 1 (The Heading of the Document), the Preface and its Appendices (if any) shall not be included in the Document to be issued to Applicants. The Document to be issued to Applicants shall start with the page titled "This Page, NAME, LOGO AND ADDRESS OF THE PROCURING ENTITY, NAME AND IDENTIFICATION OF TENDER", including all the other material on the page completed appropriately.

1.2 If in the course of preparing a Prequalification Document or evaluating the applications following the criteria in the Standard Prequalification Document, a Procuring Entity finds a provision it does not understand or agree with, it shall contact PPRA for clarifications before it changes anything, otherwise it will be considered as violation of the procurement rules.

1.3 The Procuring Entity should confirm that the goods, works or services to be procured is in its Procurement Plan and budgeted for. It should also confirm the estimated cost of the contract, including the estimated time for executing the contract. The cost estimate helps the Procuring Entity determine the applicable procurement method to be used and the determination if the contract should be subject to prequalification. Prior to finalizing the Prequalification Document, it is advisable for the Procuring Entity to recheck these estimates.

1.4 The estimates must be prepared by an expert in the field of the subject contract i.e. by Engineers, IT Specialists, Procurement Specialists, and/or other experts depending on the items to be procured. The Estimates should be based on current market prices or on data collected by the Procuring Entity based on past (*but not historic*) contracts.

1.5 The purpose of the estimates is to enable the Procuring Entity determine amounts of money to be inserted in the Tender Document for: -

a The minimum amount of money required for the applicant to demonstrate that the applicant has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the contract execution cash flow requirements, net of the Tenderer's other commitments. *Usually the assets should be about 2-3 months cash flow requirements based on the estimated completion time.*

b The minimum amount of money required as an average annual turnover for the applicant to demonstrate that the applicant is a prime contractor, supplier, manufacturer or service provider. *Usually the minimum amount of money is about 2.50 times the estimated cost of the contract(s).*

c The amount of money required to determine specific experience of the applicant based on the minimum size of contract(s) substantially completed and that are similar to the proposed contract. *Normally the minimum amount of money required is about 80% of the estimated cost of the contract.*

1.6 During preparation of the prequalification document, the Procuring Entity should specify whether to allow the following:

a International Tender,

b Reservations

2.1 Section I - Instructions to Applicants (ITA)

This Section provides relevant information to help applicants prepare their applications. Information is also provided on the submission, opening, and evaluation of applicants and on the eligibility and qualification of applicants. This should not be modified by the Procuring Entity or by an Applicant.

2.2 Section II - Prequalification Data Sheet (PDS)

This Section includes provisions that are specific to each procurement that supplement Section I, Instructions to Applicants. The Section shall be completed appropriately by the Procuring Entity and not by an Applicant. In any case, the Procuring Entity shall not add any item in the PDS not included in the Standard Prequalification Document.

2.3 Section III- Qualification Criteria and Requirements

2.3.1 This section contains the methods, criteria, and requirements that the Procuring Entity shall use to evaluate the Applications. The Form "Eligibility and Qualification Criteria" shall be prepared taking into account the guidelines provided in Section III regarding multiple contracts. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the Form. If the prequalification is for Supply of Goods or for Non-Consulting Services, this Form shall be modified by the Procuring Entity to reflect requirements for qualification for Supply of Goods or for Non-Consulting Services, instead of for Works contracts. No other criterion shall beaded by the Procuring Entity.

2.3.2 The Procuring Entity shall prepare one Form for each Lot or Contract in case of multiple contracts.

2.4 Section IV–Application Forms

This Section includes all the forms to be prepared by the Procuring Entity, to be completed by the Applicant and submitted to the Procuring Entity as part of the application. Each form shall be headed appropriately to indicate if the application is for **Works, Goods or Non-Consulting Services.** These forms shall not be modified by the Applicant.

3. PART 2 – SCOPE WORKS, GOODS OR NON-CONSULTINGSERVICESREQUIREMENTS

3.1 Section V – Scope Works, Goods or Non-Consulting Services Requirements

This Section contains the details, descriptions of and supplementary information on Works, Goods or Non-Consulting Services to be tendered for. The details are provided by the Procuring Entity in sufficient detail to enable an applicant understand clearly the scope of the follow-up tender and enable him/her apply to be qualified

PART 1 - APPLICATION PROCEDURES

SECTION I - INSTRUCTIONS TO APPLICANTS (ITA)

A. General

1. Scope of Application

1.1 The name of the Procuring Entity inviting for applications 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, Applicants 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(incase 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 applicant found to have engaged in collusive conduct shall be disqualified and criminal and/or civil sanctions may be imposed. To this effect, applicants shall be required to complete and sign a Certificate of Independent Tender Determination" annexed to the Form of applicant.

5 Eligible Applicants

5.1 Applicants shall meet the eligibility criteria as per this ITA and ITA 5.1and 5.2. An Applicant 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 application for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, only one prequalified Applicant will be allowed to tender for the. All Tenders submitted in violation of this procedure will be rejected.

5.5 An Applicant may have the nationality of any country, subject to the restrictions pursuant to ITA 5.1 and 5.2. An Applicant shall be deemed to have the nationality of a country if the Applicant 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 Applicants shall not have a conflict of interest. Applicants 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, Applicants 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 An Applicant 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 Applicants 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 An Applicant shall not be under sanction of debarment from Tendering by the PPRA as the result of the execution of a Tender/Proposal–Securing Declaration.

5.10 An Applicant 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 An Applicant 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 in eligible 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 parts1 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 Applicants (ITA)
ii) Section II - Prequalification Data Sheet (PDS)
iii) Section III - Qualification Criteria and Requirements
iv) Section IV- Application 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-Application 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 Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its Application all information or documentation as is required by the Prequalification Document.

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

8.1 An Applicant 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 applications. The Procuring Entity shall forward a copy of its response to all prospective Applicants 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 Applicant, at the Applicant'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 application. The costs of visiting the Site shall be at the Applicant's own expense. The Procuring Entity shall specify in the **PDS** if a pre-application 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 Applicant's designated representative is invited to attend a pre- application 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 Applicant 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 applications.

8.4 Minutes of a pre-arranged site visit and those of the pre-application meeting, if applicable, including the text of the questions asked by Applicants and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all Applicants 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 web page 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-application 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-application 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 Applications, 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 Applicants 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 Applicants reasonable time to take an Addendum into account in preparing their Applications, the Procuring Entity may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

C. Preparation of Applications

10 Cost of Applications

10.1 The Applicant shall bear all costs associated with the preparation and submission of its Application. 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 Application

11.1 The Application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Procuring Entity, shall be written in English Language. Supporting documents and printed literature that are part of the Application 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 Application, the translation shall govern.

12 Documents Comprising the Application

12.1 The Application shall comprise the following:

a. Application Submission Letter, in accordance with ITA 13.1;

b. Eligibility: documentary evidence establishing the Applicant's eligibility, in accordance with ITA 14.1;

c. Qualifications: documentary evidence establishing the Applicant's qualifications, in accordance with ITA 15; and

d. Any other document required as specified in the PDS.

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

13 Application Submission Letter

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

14 Documents Establishing the Eligibility of the Applicant

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

15 Documents Establishing the Qualifications of the Applicant

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

15.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants 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.

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

15.4 Applicants 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 Applicants, and thereby help to prevent any corrupt influence in relation to the procurement processor contract management.

15.5 The purpose of the information described in ITT 6.2 above overrides any claims to confidentiality which an Applicant may have. There can be no circumstances in which it would be justified for an Applicant 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 an Applicant's failure to disclose, or failure to provide required in formation on its ownership and control.

15.6 The Applicant 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 Applicant 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.

15.7 All information provided by the Applicant 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 Applicant shall warrant that the information submitted is complete, current and accurate as at the date of submission to the Procuring Entity.

15.8 If an Applicant fails to submit the information required by these requirements, its application will be rejected. Similarly, if the Procuring Entity is unable, after taking reasonable steps, to verify to a reasonable degree the information submitted by an Applicant pursuant to these requirements, then the application will be rejected.

15.9 If information submitted by an Applicant 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 Applicant in relation to the procurement or contract management process, then:

a. If the procurement process is still ongoing, the Applicant will be disqualified from the procurement process,
b. If the contract has been awarded to that Applicant, the contract award will be set aside,

15.10 the Applicant will be referred to the relevant law enforcement authorities for investigation of whether the Applicant or any other persons have committed any criminal offence.

15.11 If an Applicant submits information pursuant to these requirements that is incomplete, in accurate or out-of-date, or attempts to obstruct the verification process, then the consequences ITT 6.7 will ensue unless the Applicant 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 Applicant.

16 Signing of the Application and Number of Copies

16.1 The Applicant shall prepare one original of the documents comprising the Application as describedinITA11 and clearly mark it “ORIGINAL”. The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application 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.

16.2 The Applicant shall submit copies of the signed original Application, 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 Applications

17 Sealing and Marking of Applications

17.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:

a Bear the name and address of the Applicant;
b Be addressed to the Procuring Entity, in accordance with ITA 17.1; and
c Bear thespecificidentificationofthisprequalificationprocessindicatedinthePDS1.1.

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 Applications

18.1 Applicants may either submit their Applications by mail or by hand. Applications 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, Applicants have the option of submitting their Applications electronically, in accordance with electronic Application submission procedures specified in the **PDS.**

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

19 Late Applications

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

20. Opening of Applications

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

20.2 Applications 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 Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.

E. Procedures for Evaluation of Applications

21 Confidentiality

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

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

22 Clarification of Applications

22.1 To assist in the evaluation of Applications, the Procuring Entity may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Procuring Entity and all clarifications from the Applicant shall be in writing.

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

23 Responsiveness of Applications

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

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 Applicant 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 Applicant to propose subcontractors for certain specialized parts of the contract as indicated there in as ("Specialized Subcontractors"). Applicants planning to use such Specialized Subcontractors shall specify, in the Application 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 Applications and Prequalification of Applicants

26 Evaluation of Applications

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 Applicants, 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 an Applicant to perform the Contract.

26.2 Subcontractors proposed by the Applicant 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 Applicant 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 Applicantmaybeaddedtothequalificationsoftheapplicantforthepurposeoftheevaluation.
Unless the Applicant 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 Applicant 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 Applicant 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, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Procuring Entity shall prequalify each Applicant for each lot and for a combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant 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 applicants.

26.5 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant'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 Applicant shall not be considered.

27 Procuring Entity's Right to Accept or Reject Applications

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

28 Prequalification of Applicants

28.1 All Applicants whose Applications substantially meet or exceed the specified qualification requirements will

be prequalified by the Procuring Entity. The Procuring Entity shall notify all Applicants in writing of the names of those Applicants who have been prequalified or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately.

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

28 Invitation to Tender

29.1 Promptly after the notification of the results of the prequalification, the Procuring Entity shall invite Tenders from all the Applicants that have been prequalified or conditionally prequalified.

28.2 Applicants 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 Applicant shall be required to provide a Performance Security as specified in the tendering document.

29 Changes in Qualifications of Applicants

30.1 Any change in the structure or formation of an Applicant 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 Applicant) 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 applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant 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 and Administrative Review

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

31.2 A request for administrative review shall be made in the form provided.

SECTION II - PREQUALIFICATION DATA SHEET (PDS)

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITA 1.1	The Procuring Entity is: **As per the invitation** [*insert full name and address]* The identification of the Invitation for Prequalification is: **As per the invitation** [*insert number and title*] The particular type of contract is on good**s** [*insert works, goods or **Non-Consulting Services]*** The application is for _____ [*brief description of subject contract(s) as listed in Section V, in lots if applicable]* Prequalification will be based on _____ *[specify if **on individual contracts** or on multiple Contracts].*
ITA 2	The Source of funds shall be _____N/A_____
ITA 5.2	Maximum number of members in the JV shall be: ____2_____ *[insert a number]*
B. Contents of the Prequalification Document	
ITA 8.1	For clarification purposes, the Procuring Entity's address is: *[insert information or state "same as in ITA1.1 above"]* Attention: *[insert name and room number of Project Officer]* Physical Address: *[insert City, street name, Building, Floor and Room number]* Telephone: *[insert telephone number including country and city codes]* Electronic mail address: *[insert e-mail address of Project Officer]* Web page: [*In case used, identify the widely used website or electronic portal of free access where prequalification information is published]*
ITA 8.2	A pre-application meeting will be held on _____N/A_____ at _____ A pre-arranged Site visit will be held on _____N/A_____ At _____
ITA 8.3	Questions and requests for clarification made in writing or by email shall reach the Procuring Entity not later than _____.
ITA 8.5	Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page _____N/A_____(*Web page of the Procuring Entity).*
ITT 9.2	Addendum issued shall be published at the website _____as per the invitation_____
ITA 8.2	Pre-Application Meeting will be held: [*Yes/No]* ***NO*** *[If Yes, please add the address, date and time of the meeting]*
C. Preparation of Applications	
ITA 12.1 (d)	The Applicant shall submit with its Application, the following additional documents: *[insert list of additional documents]*
ITA 15.2(b)	The source for determining exchange rates is *[insert a publicly available source]*
ITA 16.2	In addition to the original, the number of copies to be submitted with the Application is:

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
	[insert number of copies]
D. Submission of Applications	
ITA 17.1	The deadline for Application submission is: Date: ***[As per the invitation]*** Time: ***[As per the invitation****]* For Application submission purposes only, the Procuring Entity's address is: *[insert information requested below or insert "Procuring Entity's address is the same as that indicated in 1.1]* Attention: ***[As per the invitation****]* Address: ***[As per the invitation****]* Country: ***[As per the invitation****]* Telephone: ***[As per the invitation*** Email address: ***[As per the invitation****]*
ITA 18.1	*[Choose one of the two options below:]* **Late Applications will be returned unopened to the Applicants.** *[or]* The Procuring Entity reserves the right to accept or reject late Applications.
ITA 19.1	The Procuring Entity will/**will not accept** late applications. If late applications will be accepted, they must be received not later than _____**N/A**_____ after the deadline for submission of applications
ITA 20.1	The opening of the Applications shall be at ***[As per the invitation****]*
ITA 20.2	*[The following provision should be included and the required corresponding information inserted only if Applicants have the option of submitting their Applications electronically. Otherwise omit.]* The electronic Application opening procedures shall be: _____**N/A**_____ *[insert a description of the electronic Application opening procedures.]*
E. Procedures for Evaluation of Applications	
ITA 24.1	A margin of preference *[insert either "shall" or "shall not"]* _____apply.
ITA 25.1	At this time the Procuring Entity *[insert "intends" or "does not intend"]* to execute certain specific parts of the Works by sub-contractors selected in advance. *[If the above states "intends" list the specific parts of the works and the respective sub-contractors]*
ITA 25.2	The parts of the Works for which the Procuring Entity permits Applicants to propose Specialized Subcontractors are designated as follows: _____N/A_____ _____ _____ For the above-designated parts of the Works that may require Specialized Subcontractors, the relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Applicant for the purpose of evaluation.
ITA 31.1	An Applicant wishes to make a Procurement-related Complaint, the Applicant should submit its complaint in writing (by the quickest means available, that is either by hand delivery or email), to: For the attention: *[insert full name of person receiving complaints]* Title/position: *[insert title/position]* Procuring Entity: ***[As per the invitation****]* Email address*: [**As per the invitation**]*

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
	In summary, at this stage, a Procurement-related Complaint may challenge any of the following: the terms of the Prequalification Documents; and the Procuring Entity's decision not to prequalify an Applicant.

SECTION III - QUALIFICATION CRITERIA AND REQUIREMENTS

1. This section contains all the methods, criteria, and requirements that the Procuring Entity shall use to evaluate Applications, 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.

(A) PRELIMINARY EVALUATION CRITERIA

S/NO	REQUIREMENTS
1)	The tender has been duly signed by the person lawfully authorized to do so through the power of attorney;
2)	The tender is valid for the period required;
3)	Duly filled, signed and stamped standard forms including: • confidential business questionnaire • self-declaration forms • certificate of independent tender determination • declaration and commitment to the code of ethics • schedule of prices form • tenderer information form • qualification information
4)	Compliance with all general responsiveness requirements of this tender

(B) MANDATORY EVALUATION CRITERIA

S/No.	Condition
1)	Certificate of incorporation
2)	Valid Tax Compliance Certificate - acknowledgements receipt will NOT be considered
3)	Valid Business Permit
4)	Valid CR 12 and copies of IDs of Directors for limited company/ copies of IDs of Directors sole proprietorships and partnerships.
5)	Chronologically serialized tender document

(C) TECHNICAL EVALUATION CRITERIA

S/No.	Requirement	Evaluation attribute	Weighing Score

S/No.	Requirement	Evaluation attribute	Weighing Score
1	Experience of the firm. Number of businesses done for the last 5 years (LPO or contracts or Completion certificates)	5 companies and above =10 Marks, Others prorated	30mks
2	Magnitude of businesses done in the last 5 years. (LPO or contracts or Completion certificates)	5,000,000 and above =10 marks, others prorated	20mks
3	Experience working with Public/Government entity(LPO or contracts or Completion certificates)	At least One Public entity	15mks
4	Financial capacity (Audited Accounts) for most current years.	Quick ratio =(Current assets – stock)/ Current liability	35mks
(PASS MARK TO PROCEED TO LISTING IS 70%): TOTAL			100mks

SECTION IV- APPLICATION 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:

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

[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 thatyouareneitherboundtoacceptanyApplicationthatyoumayreceivenortoinvite the prequalified Applicants to Tender for the contract subject of this Prequalification process, without incurring any liability to the Applicants, in accordance with ITA 26.1.

(i) True and correct: All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

Signed.....*[insertsignature(s)ofanauthorizedrepresentative(s)oftheApplicant]*

Name .....[insert full name of person signing the Application]
In the capacity of ..... *[insert capacity of person signing the Application]*

Duly authorized to sign the Application for and on behalf of: Applicant's
Name..... *[insert full name of Applicant 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 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 *[insert full name]*
In case of Joint Venture (JV), name of each member: *[insert full name of each member in JV]*
Applicant's actual or intended country of registration: *[indicate country of Constitution]*
Applicant's actual or intended year of incorporation: *[indicate year of Constitution]*
Applicant's legal address [in country of registration]: *[insert street/ number/ town or city/ country]*
Applicant's authorized representative information Name: *[insert full name]* Address: *[insert street/ number/ town or city/ country]* Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]* E-mail address: *[indicate 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 ITA 5.6. ☐ In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 5.3. ☐ In case of state-owned enterprise or institution, in accordance with ITA 5.9 documents establishing: Legal and financial autonomy Operation under commercial law Establishing that the Applicant is not under 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 Applicant is a JV) as well as any Specialized Subcontractor proposed to be used by the Applicant 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

Applicant name: *[insert full name]*
Applicant's JV Member's name: *[insert full name of Applicant's JV Member]*
Applicant's JV Member's country of registration: *[indicate country of registration]*
Applicant JV Member's year of constitution: *[indicate year of constitution]*
Applicant JV Member's legal address in country of constitution: *[insert street/ number/ town or city/ country]*
Applicant JV Member's authorized representative information Name: *[insert full name]* Address: *[insert street/ number/ town or city/ country]* Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]* E-mail address: *[indicate e-mail address]*
1. Attached are copies of original documents of ☐ Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA 5.6 ☐ In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and they are not under the supervision of the Procuring Entity, in accordance with ITA 5.9. 2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

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

[The following table shall be filled in for the Applicant and for each member of a Joint Venture]
Applicant's Name: *[insert full name]*
Date: *[insert day, month, year]*
Joint Venture Member's Name: *[insert full name]*
ITT No. and title: *[insert ITT number and title]*
Page *[insert page number]* of *[insert total number]* pages

Non-Performed Contracts in accordance with Section III, Qualification Criteria and Requirements			
☐ Contract non-performance did not occur since 1st January *[insert year]* specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1. ☐ Contract(s) not performed since 1st January *[insert year]* specified in Section III, Qualification Criteria and Requirements, requirement 2.1			
Year	Non- performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and KENYA SHILLING equivalent)
[insert year]	*[insert amount and percentage]*	Contract Identification: *[indicate complete contract name/ number, and any other identification]* Name of Procuring Entity: *[insert full name]* Address of Procuring Entity: *[insert street/city/country]* Reason(s) for nonperformance: *[indicate main reason(s)]*	*[insert amount]*
Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements			
☐ No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3. ☐ Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3 as indicated below.			
Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)
insert year]	*[insert amount]*	Contract Identification: [indicate complete contract name, number, and any other identification] Name of Procuring Entity: *[insert full name]* Address of Procuring Entity: *[insert street/city/country]* Matter in dispute: *[indicate main issues in dispute]* Party who initiated the dispute: *[indicate "Procuring Entity" or "Contractor"]* Status of dispute: *[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]*	*[insert amount]*
Litigation History in accordance with Section III, Qualification Criteria and Requirements			
☐ No Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4. ☐ Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4 as indicated below.			
Year of award	Outcome as percentage of Net Worth	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)

[insert year]	*[insert percentage]*	Contract Identification: [indicate complete contract name, number, and any other identification] Name of Procuring Entity: *[insert full name]* Address of Procuring Entity: *[insert street/city/country]* Matter in dispute: *[indicate main issues in dispute]* Party who initiated the dispute: *[indicate "Procuring Entity" or "Contractor"]* Reason(s) for Litigation and award decision *[indicate main reason(s)]*	*[insert amount]*

5. Form FIN – 3.1 - Financial Situation and Performance

Financial Situation and Performance

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

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

1. Financial data

Type of Financial information in (currency)	Historic information for previous _*[insert number] years, [insert in words]* (amount in currency, currency, exchange rate*, USD equivalent)				
	Year 1	Year 2	Year 3	Year4	Year 5
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 Information					
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 Applicant 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)
1		
2		
3		

5.3 Financial documents

The Applicant 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 Applicant 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 statements[1] for the *[number]* years required above; and complying with the requirements

[1] *If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, 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 Applicant and for each member of a Joint Venture] 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 Table A (Complete if Contractor)

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

Table B (Complete if Supplier)

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

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

* 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. *[insert number]* of *[insert number of similar contracts required]*	Information			
Contract Identification	*[insert contract name and number, if applicable]*			
Award date	*[insert day, month, year, e.g., 15 June, 2015]*			
Completion date	*[insert day, month, year, e.g., 03 October, 2017]*			
Role in Contract *[check the appropriate box]*	Prime Contractor ☐	Member in JV ☐	Management Contractor ☐	Sub-contractor ☐
Total Contract Amount	*[insert total contract amount in local currency]*		KENYA SHILLING *[insert Exchange rate and total contract amount in KENYA SHILLING equivalent]* *	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	*[insert a percentage amount]*	*[insert total contract amount in local currency]*	*[insert exchange rate and total contract amount in KENYA SHILLING equivalent]* *	
	[insert roles and responsibilities]			
Procuring Entity's Name:	*[insert full name]*			
Address: Telephone/fax number E-mail:	*[indicate street / number / town or city / country]* *[insert telephone/fax numbers, including country and city area codes]* *[insert e-mail address, if available]*			

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

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

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.

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

	Information			
Contract Identification	*[insert contract name and number, if applicable]*			
Award date	*[insert day, month, year, e.g., 15 June, 2015]*			
Completion date	*[insert day, month, year, e.g., 03 October, 2017]*			
Role in Contract *[check the appropriate box]*	Prime Contractor ☐	Member in JV ☐	Management Contractor ☐	Sub-contractor ☐
Total Contract Amount	*[insert total contract amount in contract currency(ies)]*		KENYA SHILLING *[insert exchange rate and total contract amount in KENYA SHILLING equivalent]*	
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year *[Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]*	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:	*[insert full name]*			
Address: Telephone/fax number E-mail:	*[indicate street / number / town or city / country]* *[insert telephone/fax numbers, including country and city area codes]* *[insert e-mail address, if available]*			

2. Activity No. Two

3. ……

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

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 of ……dated the…day of …….20…….in the matter of Tender No……..…of ……..20….. 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 of ……....20….……

SIGNED

Board Secretary

Public Procurement Regulatory Authority (PPRA)
KISM Towers, 6th Floor, Ngong Rd
P.O Box 58535- 00200, Nairobi Kenya
Telephone: +254 020 3244000, 2213106/7
Email: info@ppra.go.ke
Website: www.ppra.go.ke