

**REPUBLIC OF KENYA**



**COUNTY GOVERNMENT OF KERICHO**

**REGISTRATION OF SUPPLIERS**

**FOR**

**FINANCIAL YEAR 2020/2021 – 2021/2022**

**TENDER NO: CGK/R/014/2020/2022**

**TENDER NAME: Provision of Legal Services**

**SEPTEMBER 2020**

**PRE-QUALIFICATION DOCUMENT 2020/2021 – 2021/2022**

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## 1.1 SECTION I - INVITATION FOR PREQUALIFICATION (IFQ)

**Tender No. CGK/R/014/2020/2022**

### **Tender Name: Provision of legal services**

The **County Government of Kericho** hereinafter referred as “Procuring entity” intended to prequalify candidates for the **Provision of legal services** Prequalification is open to eligible firms.

1. Eligible candidates may inspect and download the prequalification document from the county website [www.kericho.go.ke](http://www.kericho.go.ke). Any queries regarding this invitation shall be directed to the Head of Supply Chain Management or the undersigned.
2. A minimum requirement for qualification is to have successfully attached *the required documents in accordance with the instructions to candidates*.
3. Applications for prequalification must be submitted enclosed in plain sealed envelopes marked with the tender name and reference number and deposited in the *tender box marked “REGISTRATION”* at *County Government of Kericho Headquarter, along Nakuru – Kisumu highway, opposite Sinendet Towers ground floor reception* or to be addressed to:

Chief Officer, Finance,  
County Government of Kericho,  
P.O. Box 112-20200,  
Kericho.

Submission of names shall be continuous and the registration list shall be updated periodically.

4. All candidates whose applications will have been received will be advised in due course, of the results of their applications. Only candidates prequalified under this prequalification process will be invited to tender.

*Chief Officer, Finance.*

## **SECTION II - INSTRUCTIONS TO CANDIDATES**

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## **SECTION II - INSTRUCTIONS TO CANDIDATES**

### **2.1 Scope of Tender**

The **County Government of Kericho** hereinafter referred to as the procuring entity intends to prequalify suppliers for the following **Provision of Legal Services** It is expected that prequalification applications will be submitted to be received by the procuring entity *any day during office hours*.

- 2.1.1 Prequalification is open to eligible firms and voluntarily formed joint ventures as indicated in appendix to instructions to candidates.
- 2.1.2 Contract details will be specified during invitation to tender. The tender invitation and tender documents will be issued as and when need arises.

### **2.2 Submission of Application**

- 2.2.1 Applications for prequalification shall be submitted in sealed envelopes marked with the tender name and reference number and deposited in the tender box as per instructions in the invitation for prequalification.
- 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 pre-qualification 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 of the prequalification document may be made at any time, directed to the Head of Supply Chain Management or the Chief Officer, Finance.

### **2.3 Eligible Candidates**

- 2.3.1 This invitation for pre-qualification 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 prequalification criteria shall be prequalified.

## **2.4 Qualification Criteria**

2.4.1 Pre-qualification will be based on meeting the minimum requirements to pass in the criteria set as shown in the appendix to instructions to tenderers. 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 When highly specialized inputs (especially for execution of the contract) are required by the applicant from specialist sub suppliers, such sub-suppliers and their inputs shall be described in the Standard Form 1 (General Information)

2.4.3 General Experience. The applicant shall meet the following minimum criteria specified in the appendix to instruction to tenderers.

2.4.4 Personnel capabilities. The applicant must have suitably qualified personnel to fill the key positions as specified in the appendix to instructions to tenderers.

2.4.5 Equipment capabilities. The applicant should own, or have assured access (through hire, lease, purchase agreement, availability of manufacturing equipment, or other means) of the key items of equipment in full good working order, and must demonstrate that, based on known commitments they will be available for use in the proposed contract. The applicant may also list alternative equipment that it would propose for the contract together with an explanation of the proposal as specified in the appendix to instructions to tenderers.

2.4.6 Financial position. The applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit and other financial means sufficient to meet the construction cash flow as specified in the appendix to instructions to tenderers.

2.4.7 Litigation history 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 (not less than ( 70 %)) 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     ( 20%)     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 pre-qualification and any change in a prequalified 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 pre-qualification of a joint venture does not necessarily pre-qualify 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 prequalify if it meets all the prequalification 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 prequalification 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 disqualification of the applicant.

**2.8. Updating Pre-qualification Information**

2.8.1 Pre qualified candidates shall be required to update the financial information used for pre-qualification 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**

**2.4 Qualification Criteria** Pre-qualification will be based on meeting the minimum requirements to pass in the criteria set as shown below.

2.4.8 General Experience. The applicant shall meet the following minimum criteria:

**Preliminary Evaluation**

	<b>Requirement</b>	<b>Remarks</b>
1.	Duly filled, signed and stamped letter of application (section III)	Must meet
2.	Dully filled general information form(application form 1)	Must meet
3.	Copy of registration /incorporation certificate to show that the applicant is a registered company and legally authorized to do business in Kenya	Must meet
4.	Valid Tax Compliance Certificate	Must meet
5.	Valid Single Business Permit	Must meet
6.	Valid <b>CR12</b> certificate and copy of national <b>IDs</b> for all directors	Must meet
7.	Practicing certificate and valid practicing licenses for lead staff	Must meet
8.	Dully filled self-declaration not to engage in corruption or fraudulent practices	Must meet
9.	Duly filled Declaration Form	Must meet
10.	Must Sequentially serialize all pages of the submitted prequalification document in a format 001, 002 003 (ALL PAGES)	Must meet

***NOTE: Bidders who do not meet any of the above criterion shall be declared non responsive and thus disqualified***



## **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 County Government of Kericho,  
P.O. Box 112 – 20200,  
Kericho.

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 pre-qualification information provided, the undersigned hereby apply to be prequalified by yourselves as a bidder for the following contract 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 yourselves 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	
Contract 1	Telephone 1
Contract 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

5. This application is made with the full understanding that:

- (a) bids by prequalified applicants will be subject to verification of all information submitted for prequalification 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 prequalification 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
1. 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.
  - 2.

3. 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.
4. 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**

### **Table of Contents**

Form No.	Name
1.	General information
2.	General experience record
2 A	Joint Venture summary
3.	Particular experience record
3A	Details of contracts of similar nature and complexity
4.	Summary sheet current contract commitments/works in progress
5.	Personnel capabilities
5A	Candidate summary
6.	Equipment capability
7.	Financial capability
8.	Litigation History
9.	Self-Declaration Form
10.	Declaration Form
11.	Request for Review

## **SECTION IV - STANDARD FORMS**

### **Notes on the sample Forms**

- Application Form 1 - General information  
This form is to be completed by all applicants. Where the applicant proposes to use sub-suppliers the information should be supplied in this format. Where there is a joint venture, each partners shall complete the form
- Application Form 2 - General Experience Record  
This form is to be completed by all applicants. Separate sheets should be used for each partner of a joint venture. Applicants are not required to enclose testimonials, certificates or publicity materials with their applications.
- Application Form 2A - Joint Venture Summary  
This form is to be completed by joint venture applicants only.
- Application Form 3 - Particular Experience Record  
This form is to be completed by all applicants meeting the requirement set out in the instructions to candidates. Separate sheets shall be used for each member of or joint venture. Complimentary information will be given on application Form 3A.
- Application Form 3A - Details of Contracts of similar nature and complexity  
This form shall be completed by all applicants and will contain similar works completed by the applicant or a member of a joint venture
- Application Form 4 - Summary sheet. Contract commitments/work in progress  
This form is to be completed by all applicants including each member of a joint venture. It shall contain the current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.
- Application Form 5 - Personnel Capabilities  
This form is to be completed by all applicants. It shall include specific positions essential to contract implementation. The applicants shall provide the names of at least two candidates qualified to meet the specified

requirements stated for each position. The data on their experience shall be supplied on Form 5A

- Application Form 5A - Candidate Summary  
This form is to be completed by all applicants. The information provided will complement information on Form 5. A separate form shall be used for each personnel
- Application Form 6 - Equipment Capability  
This form is to be completed by all applicants. It should provide adequate information to demonstrate clearly that the applicant has the capability to meet the requirements for each and all items of equipment listed in the instructions to candidates. A separate form shall be prepared for each item of equipment or for alternative equipment proposed by the applicant.
- Application Form 7 - Financial Capability  
This form shall be completed by every applicant and each member of a joint venture. It should contained financial information to demonstrate that they meet the requirements stated in the instructions to candidates. If necessary separate sheets should be used to provide complete banker information. A copy of the audited balance sheet if available should be attached. The information should include the summary of actual assets and liabilities for the last five years.
- Application Form 8 - Litigation History  
This form is to be completed by all applicants including each member of a joint venture. It should provide information on any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution. A separate sheet should be used for each member of a joint venture
- Form RB1 - Request for Review  
This form is only to be filled by the tenderer when aggrieved by the Procuring Entity and submitted to the Review Board at anytime during the tender process but not later than 14 days after date of notification of award

**APPLICATION FORM(1)**

**GENERAL INFORMATION**

1.	Name of firm	
2.	Head office address	
3.	Telephone	Contact
4.	Fax	E-mail
5.	Place of incorporation/registration	Year of incorporation/registration

Nationality of owners		
	Name	Nationality
1.		
2.		
3.		
4.		
5.		



**APPLICATION FORM (2)**

**GENERAL EXPERIENCE RECORD**

Name of Applicant or partner of a joint venture
---

Annual turnover data (Construction only)		
Year	Turnover	Kshs.
1.		
2.		
3.		
4.		
5.		

**APPLICATION FORM (2A)**

**JOINT VENTURE SUMMARY**

Names of all partners of a joint venture
1. Lead partner
2. Partner
3. Partner
4. Partner
5. Partner
6. Partner

Total value of annual construction turnover, in terms of work billed to clients, in Kshs.

Annual turnover data (construction only: Kshs.
--

Partner	Form 2 Page no.	Year 1	Year 2	Year 3
1. Lead Partner				
2. Partner				
3. Partner				
4. Partner				
5. Partner				
6. Partner				
	Totals			

**APPLICATION FORM (3)**

**PARTICULAR EXPERIENCE RECORD**

Name of Applicant or partner of a joint venture
---



**APPLICATION FORM (4)**

**SUMMARY SHEET: CURRENT CONTRACT  
COMMITMENTS/WORK IN PROGRESS**

Name of Applicant or partner of a joint venture
---

Name of contract	Value of outstanding work Kshs.	Estimated completion date
1.		
2.		
3.		
4.		
5.		
6.		

**APPLICATION FORM (5)**

**PERSONNEL CAPABILITIES**

Name of Applicant
-------------------

1.	Title of position Name of prime candidate Name of alternate candidate
2.	Title of position Name of prime candidate Name of alternate candidate
3.	Title of position Name of prime candidate Name of alternate candidate
4.	Title of position Name of prime candidate Name of alternate candidate

**APPLICATION FORM (5A)**

**CANDIDATE SUMMARY**

Name of Applicant
-------------------

Position	Candidate * Prime                      * Alternate	
Candidate information	1. Name of candidate	2. Date of birth
	3. Professional qualifications	
Present employment	4. Name of employer	
	5. Address of employer	
Telephone	Contact (manager/personnel officer)	
Fax	E mail	
Job title of candidate	Years with present employer	

Summarize professional experience over the last 20 years, in reverse chronological order. Indicate particular technical and managerial experience relevant to the Project.

From	To	Company/Project/Position/Relevant technical and management experience





**APPLICATION FORM (7)**

**FINANCIAL CAPABILITY**

Name of Applicant or partner of a joint venture
---

Banker	Name of banker		
	Address of banker		
	Telephone	Contact name and title	
	Fax	E mail	

Financial information in Kshs.	Actual : previous five years		Projected: next two years	
	1.	2.	3.	4.
1. Total assets				
2. Current assets				
3. Total liabilities				
4. Current liabilities				



5. Profits before taxes				
6. Profits after taxes				

Source of finance	Amount Kshs.
1.	
2.	
3.	
4.	

**LETTER OF NOTIFICATION OF AWARD**

Address of Procuring Entity

\_\_\_\_\_  
\_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RE: Tender No. \_\_\_\_\_

Tender Name \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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

*(FULL PARTICULARS)* \_\_\_\_\_  
\_\_\_\_\_

SIGNED FOR ACCOUNTING OFFICER

**SELF-DECLARATION FORM**

**ANTI-CORRUPTION DECLARATION**

We **(insert the name of the company/supplier)** .....  
declare and guarantees that no offer, gift or payment consideration or benefit of any kind,  
which constitutes an illegal or corrupt practice, has been or will be made to anyone by  
our organization or agent, either directly or indirectly, as an inducement or reward for the  
award or execution of this procurement.

In the event the above is contravened we accept that the following to apply-

- a) The person shall be disqualified from entering into a contract for the procurement;  
or
- b) If a contract has already been entered into with the person, the contract shall be  
voidable at the option of COUNTY GOVERNMENT OF KERICHO
- c) The voiding of a contract by the procuring entity under subsection (b) does not  
limit any other legal remedy that COUNTY GOVERNMENT OF KERICHO may  
have

Name.....Signature.....Date.....

Company Seal/Business Stamp

**ANTI-FRAUDULENT PRACTICE DECLARATION**

We **(insert the name of the company/supplier)** .....  
declares and guarantees that no person in our organization has or will be involved in a  
fraudulent practice in any procurement proceeding.

Name..... Signature.....  
Date.....

Company Seal/Business Stamp

**NON-DEBARMENT DECLARATION**

We **(insert the name of the company/ supplier)** .....  
declares and guarantees that no director or any person who has any controlling interest in  
our organization has been debarred from participating in a procurement proceeding.

Name.....Signature.....Date.....  
...

Company Seal/Business Stamp

**DECLARATION FORM**

Date: .....

To: .....

.....

.....

The Tenderer i.e. (Name and address) .....

.....

.....

declares the following:

- a) Has not been debarred from participating in public procurement under the provisions of the Public Procurement and Disposal Act, 2005.
- b) Has not been involved in and will not be involved in corrupt and fraudulent practices regarding public procurement.

.....  
(Title)

.....  
(Signature)

.....  
(Date)

**REQUEST FOR REVIEW FORM**

**FORM RB 1**

**REPUBLIC OF KENYA  
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

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

BETWEEN

.....APPLICANT

AND

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

Request for review of the decision of the..... (*Name of the Procuring Entity*) of  
.....dated the...day of .....20.....in the matter of Tender No.....of  
.....20...

**REQUEST FOR REVIEW**

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

- 1.
  - 2.
- 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 of  
.....20.....

**SIGNED**  
**Board Secretary**