



**COUNTY GOVERNMENT OF BUSIA**

P.O. BOX PRIVATE BAG – 50400

BUSIA, KENYA



**THE COUNTY TREASURY**

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**TENDER DOCUMENT  
FOR  
PROVISION OF VARIOUS CONSULTANCY SERVICES**

**TENDER NO;**

**BSA/CG/38/2017/2018-2019/2020**

**FIRM'S NAME: .....**

**P O BOX .....**

**TEL NO: .....**

**FAX NO: .....**

**SIGNATURE: .....**

**COMPANY STAMP.....**

**E-MAIL ADDRESS.....**

**ACCOUNT NUMBER.....**

**BANK NAME.....**

**BANK BRANCH.....**

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## INTRODUCTION

1.1 This standard procurement prequalification document has been prepared for use by the procuring entities in Kenya and is intended for use in prequalifying candidates wishing to tender for buildings, civil Engineering works, Large Plant, heavy Equipment and certain types of supply and installation contracts where the procuring entity determines it is necessary for procurement to be made through a prequalification process. It may also be used by a procuring entity for the purpose of registration of candidates.

1.2 The following general directions should be observed when using the document.

(a) Specific details should be furnished in the Invitation to Tender and in the special conditions of contract. The final documents to be provided to the tenderers should not have blank spaces or give options

(b) The Instructions to Tenderers and the general conditions of contract should remain unchanged. Any necessary amendments to these parts should be made through the special conditions of contract and the appendix to instructions to tenderers.

1.3 (a) Information contained in the Invitation to Tender shall conform to the data and information in the tender documents to enable potential tenderers to decide whether or not to participate and shall indicate any important tender requirements.

(b) The Invitation to Tender shall be issued as an advertisement in accordance with the regulations or a letter of invitation addressed to tenderers who have expressed interest following the invitation for expression of interest for which the invitation is issued.

**SECTION I - INVITATION FOR TENDER**

**Tender No. (BSA/CG/38/2017/2018-2019/2020)**

**Tender Name (PROVISION OF VARIOUS CONSULTANCY SERVICES)**

1. The (County Government of Busia) invites candidates for (**PROVISION OF VARIOUS CONSULTANCY SERVICES**).
2. Interested and Eligible candidates may obtain the tender documents from (from the Procurement Office 1<sup>st</sup> Floor, Governor's Office) during normal working hours free of charge or download it from the County Website ([www.busiacounty.go.ke](http://www.busiacounty.go.ke)) or IFMIS Portal ([www.supplier.treasury.go.ke](http://www.supplier.treasury.go.ke))
3. Duly completed tender documents in plain sealed envelope marked "Tender No....." with detail of tender No and category should be deposited in the tender box situated at County Government of Busia offices on or before **2<sup>nd</sup> August 2017 at 10.00 a.m.**
4. Tender documents will be opened immediately thereafter in the presence of the tenderers or their representatives who choose to attend. Any document received after the due date and time shall be rejected and returned.

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

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

### **2.1 Scope of Tender**

- 2.1.1 The (*County Government of Busia*) invites service providers for (*PROVISION OF VARIOUS CONSULTANCY SERVICES*).
- 2.1.2 The tender is open to eligible firms and voluntarily formed joint ventures as indicated in appendix to instructions to candidates.

### **2.2 Submission of Application**

- 2.2.1 Tender documents shall be submitted in sealed envelopes marked with the tender name and reference number and deposited in the tender box at (Main Entrance, Governor's Office) or be addressed to (*The County Secretary, County Government of Busia, P.O Box Private Bag Busia*) so as to be received on or before (**2<sup>nd</sup> August 2017 at 10.00 a.m**). The procuring entity reserves the right to accept or reject late applications.
- 2.2.2 All the information requested 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.
- 2.2.3 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.

### **2.3 Eligible Candidates**

- 2.3.1 This invitation for tender 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 criteria shall be prequalified.

### **2.4 Qualification Criteria**

- 2.4.1 Qualification will be based on meeting the minimum requirements to pass in the criteria set as shown below. The declaration will be either pass or fail

regarding the applicant's general and particular experience, personnel and equipment capabilities and financial position as demonstrated by the applicant's response in the forms provided in Section IV and submitted with the letter of application. The procuring entity reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the contract.

- 2.4.2 When highly specialized inputs (especially for execution of the contract) are required by the applicant from specialist sub contractors, such subcontractors and their inputs shall be described in the Standard Form 1 (General Information)
- 2.4.3 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
- 2.4.4 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:-

(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.

## **2.6 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 bidding documents for the project, or with an entity that was proposed as engineer for the contract. Any such association must be disclosed and may result in the dis-qualification of the applicant.

**APPENDIX TO INSTRUCTIONS TO CANDIDATES**

**SECTION III - LETTER OF APPLICATION**

Date .....

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

Ladies and/or Gentlemen

1. Being duly authorized to represent and act on behalf of \_\_\_\_\_ (*name of firm*) and having reviewed and fully understood all of the bidding information provided, the undersigned hereby apply to be awarded by yourselves as a bidder for the following contract under (Tender No. and Tender name)

Tender number	Tender name
1.	

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

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. 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.

3. 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)

**EVALUATION CRITERIA**

**MANDATORY REQUIREMENTS**

NO		SCORES (%)
1	Incorporation/Registration Certificate	10
2	Vat /pin certificate	10
3	Tax Compliance Certificate	10
4	Copy of a Valid Business Permit	10
5	<b>Confidential Business Questionnaire COMPLETELY FILLED AND SIGNED</b>	10
6	Completeness Of Tender Document	10
7	Tender Documents Must be Serialized/Numbered	10
8	Company Profile	30
<b>TOTAL</b>		<b>100</b>

- **Bidders Who Score 70% will be considered for award**

**SECTION IV - STANDARD FORMS**

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1.	General information	
2 A	Joint Venture summary	
5A	Candidate summary	
7.	Financial capability	
8.	Litigation History	
9.	Request for Review	

**SECTION IV - STANDARD FORMS**

**Notes on completion of Standard Forms**

- Application Form 1 - General information  
This form is to be completed by all applicants. Where the applicant proposes to use sub-contractors the information should be supplied in this format. Where there is a joint venture, each partners shall complete the form
- Application Form 2A - Joint Venture Summary  
This form is to be completed by joint venture applicants only.
- 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 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 (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

**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.	



**APPLICATION FORM (8)**

**LITIGATION HISTORY**

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

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

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

8.2 **CONFIDENTIAL BUSINESS QUESTIONNAIRE FORM**

You are requested to give the particulars indicated in Part 1 and either Part 2(a), 2(b) or 2 (c) whichever applied to your type of business  
 You are advised that it is a serious offence to give false information on this form

*Part 1 – General:*

Business Name.....  
 Location of business premises. ....  
 Plot No..... Street/Road .....  
 Postal Address ..... Tel No. .... Fax ..... E mail .....  
 Nature of Business .....  
 Registration Certificate No. ....  
 Maximum value of business which you can handle at any one time – Kshs. ....  
 Name of your bankers ..... Branch .....

	<p align="center"><b>Part 2 (a) – Sole Proprietor</b></p> Your name in full ..... Age ..... Nationality ..... Country of origin ..... • Citizenship details .....																					
	<p align="center"><b>Part 2 (b) Partnership</b></p> Given details of partners as follows: <table border="0"> <thead> <tr> <th>Name</th> <th>Nationality</th> <th>Citizenship Details</th> </tr> </thead> <tbody> <tr> <td>Shares</td> <td></td> <td></td> </tr> <tr> <td>1. ....</td> <td></td> <td></td> </tr> <tr> <td>2. ....</td> <td></td> <td></td> </tr> <tr> <td>3. ....</td> <td></td> <td></td> </tr> <tr> <td>4. ....</td> <td></td> <td></td> </tr> </tbody> </table>	Name	Nationality	Citizenship Details	Shares			1. ....			2. ....			3. ....			4. ....					
Name	Nationality	Citizenship Details																				
Shares																						
1. ....																						
2. ....																						
3. ....																						
4. ....																						
	<p align="center"><b>Part 2 (c) – Registered Company</b></p> Private or Public ..... State the nominal and issued capital of company- Nominal Kshs. .... Issued Kshs. .... Given details of all directors as follows <table border="0"> <thead> <tr> <th>Name</th> <th>Nationality</th> <th>Citizenship Details</th> </tr> </thead> <tbody> <tr> <td>Shares</td> <td></td> <td></td> </tr> <tr> <td>1.....</td> <td></td> <td></td> </tr> <tr> <td>2. ....</td> <td></td> <td></td> </tr> <tr> <td>3. ....</td> <td></td> <td></td> </tr> <tr> <td>4. ....</td> <td></td> <td></td> </tr> <tr> <td>5 .....</td> <td></td> <td></td> </tr> </tbody> </table>	Name	Nationality	Citizenship Details	Shares			1.....			2. ....			3. ....			4. ....			5 .....		
Name	Nationality	Citizenship Details																				
Shares																						
1.....																						
2. ....																						
3. ....																						
4. ....																						
5 .....																						
Date ..... Signature of Candidate .....																						

**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...

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**FOR OFFICIAL USE ONLY**

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

**SIGNED**  
**County Secretary**