



**PREQUALIFICATION DOCUMENT**

**FOR**

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**PROVISION OF LEGAL SERVICES - TENDER NO KENAS NO/18/2013/2015**

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**KENYA ACCREDITATION SERVICE**

**P.O BOX 47400-00100**

**NAIROBI KENYA**

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**SECTION I - INVITATION FOR TENDERS**

**DATE: APRIL 2013**

**TENDER: REFNO.KENAS/18/2013/15**

**CONTRACT PERIOD JULY 2013-JUNE 2015 – 2 YEARS**

- 1.1 The Kenya Accreditation Service invites sealed tenders from eligible candidates for **PROVISION FOR LEGAL SERVICES - TENDER NO KENAS NO/18/2013/2015**. Interested eligible candidates may obtain further information from and inspect the tender documents at the procurement Office 2<sup>nd</sup> floor Embankment Plaza during normal office working hours.
- 1.2 A complete set of tender documents may be obtained by interested candidates upon payment of a non-refundable fee of **(3000.00)** in cash or bankers cheque payable to KENAS Cashier at 2<sup>nd</sup> floor.

Completed tender documents are to be enclosed in plain sealed envelopes, marked with the Pre-qualification number, name and be deposited in the Tender Box at 2<sup>nd</sup> Floor or be addressed to,

**THE CHIEF EXECUTIVE OFFICER,  
KENYA ACCREDITATION SERVICE,  
P.O. Box 47400-0010  
NAIROBI**

so as to be received on or before 7<sup>th</sup> May 2013 at 11.00 a.m.

- 1.3 Tenders will be opened immediately thereafter in the presence of the candidates representatives who choose to attend.

## **SECTION II - INSTRUCTIONS TO TENDERERS**

### **2.1. Eligible Tenderers**

- 2.1.1 This Invitation for Tenders is open to all tenderers eligible as described in the Appendix to Instructions to Tenderers. Successful tenderers shall provide the services for the stipulated duration from the date of commencement (hereinafter referred to as the term) specified in the tender documents.
- 2.1.2 The procuring entity's employees, committee members, board members and their relatives (spouse and children) are not eligible to participate in the tender unless where specially allowed under section 131 of the Act.
- 2.1.3 Tenderers shall provide the qualification information statement that the tenderer (including all members of a joint venture and subcontractors) is not associated, or have been associated in the past, directly or indirectly, with a firm or any of its affiliates which have been engaged by the Procuring entity to provide consulting services for the preparation of the design, specifications, and other documents to be used for the procurement of the services under this Invitation for tenders.
- 2.1.4 Tenderers involved in the corrupt or fraudulent practices or debarred from participating in public procurement shall not be eligible.

### **2.2 Cost of Tendering**

- 2.2.1 The Tenderer shall bear all costs associated with the preparation and submission of its tender, and the procuring entity, will in no case be responsible or liable for those costs. Regardless of the conduct or outcome of the tendering process
- 2.2.2 The price to be charged for the tender document shall not exceed **shs.3000.00**
- 2.2.3 The procuring entity shall allow the tenderer to review the tender document free of charge before purchase.

### **2.3 Clarification of Documents**

- 2.3.1 A prospective candidate making inquiries of the tender document may notify the Procuring entity in writing or by post, fax or email at the entity's address indicated in the Invitation for tenders. The Procuring entity will respond in writing to any request for clarification of the tender documents, which it receives no later than seven (7) days prior to the deadline for the submission of tenders, prescribed by the procuring entity. Written copies of the Procuring entities response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective tenderers who have received the tender documents"
- 2.3.2 The procuring entity shall reply to any clarifications sought by the tenderer within 3 days of receiving the request to enable the tenderer to make timely submission of its tender

#### **2.4.0 Amendment of documents**

- 2.4.1 At any time prior to the deadline for submission of tenders, the Procuring entity, for any reason, whether at its own initiative or in response to a clarification requested by a prospective tenderer, may modify the tender documents by issuing an addendum.
- 2.4.2 All prospective tenderers who have obtained the tender documents will be notified of the amendment by post, fax or email and such amendment will be binding on them.
- 2.4.3 In order to allow prospective tenderers reasonable time in which to take the may extend the deadline for the submission of tenders.
- 2.4.4 The Tenderer is expected to examine all instructions, forms, terms, and specifications in the tender documents. Failure to furnish all information required by the tender documents or to submit a tender not substantially responsive to the tender documents in every respect will be at the tenderers risk and may result in the rejection of its tender.

#### **2.5.0. Language of Tender**

- 2.5.1 The Pre-qualification prepared by the tenderer, as well as all correspondence and documents relating to the tender exchanged by the tenderer and the Procuring Entity, shall be written in English language. Any printed literature furnished by the tenderer may be written in another language provided they are accompanied by an accurate English translation of the relevant passages in which case, for purposes of interpretation of the tender, the English translation shall govern.

#### **2.6 Documents Comprising the Tender**

- 2.6.1 This document includes questionnaire forms and documents required from the Prospective bidders. In order to be considered for pre-qualification prospective bidders must submit all the information herein requested.

#### **2.7 Submission of Application**

The Pre-qualification document shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the tenderer. Any such corrections must be initialed by the person(s) who signs the pre-qualification document.

- 2.7.1 The Pre-qualification document should be prepared and submitted as specified in the Invitation for Pre-qualification of Suppliers on or before **TUESDAY 7<sup>TH</sup> MAY 2013.**

Any tender received after the deadline shall be rejected as a late tender and shall not be considered.

### **3.0 Eligible Candidates**

- 3.1.1. This prequalification document is open to all candidates who are eligible as defined in Kenya's Public Procurement Law and regulations. All bidders who pass the set criteria shall be prequalified. Due diligence will be undertaken and any bidder found to be in breach and has provided false information will lead to automatic disqualification.
- 3.1.2 KENAS will examine the tenders to determine completeness, general orderliness and sufficiency in responsiveness.
- 3.1.2 Tenderers shall not contact KENAS on matters relating to their tender from the time of opening to the time the evaluation is finalized and official communication sent to them. Any effort by the tenderer to influence the Service in the evaluation shall result in the cancellation of their tender.
- 3.1.3 Prequalification will be based on meeting the minimum criteria regarding the applicant's legal status, general and particular experience, personnel and financial position as demonstrated by their responses.
- 3.1.4 The applicants must have registered offices and the KENAS reserves the discretion of visiting physical premises from which the applicant conducts business if so desired to confirm existence and capability to deliver the said goods, works or services.
- 3.1.5 Tenderers who qualify according to the selection criteria will be invited to submit their quotations for the supply of goods, works or services as and when required.
- 3.1.6 KENAS reserves the right to accept or reject any or all tenders.

### **3.2.0 Registration/Prequalification Duration**

- 3.2.1. The service will retain the suppliers for duration of twenty four (24) months subject to supplier's satisfactory performance which will be re-evaluated periodically. Only those suppliers that continuously demonstrate the ability to meet the Service requirements will be retained in the prequalification list for the entire period.
- 3.2.3. There shall be two phases of carrying out the evaluation of pre-qualification applications:
  - a) Preliminary Evaluation; and
  - b) Technical Evaluation.

### **3.3.0 Preliminary Evaluation**

- a) All the applications shall be sorted out according to the various categories and levels contained in the application for pre-qualification form.
- b) Pre-screening shall be done for all the applications in each category to determine responsiveness by providing copies of:

- 1) Certificate of Incorporation / Registration;
- 2) PIN/VAT Certificate;
- 3) Current Trade License / Business Permit;
- 4) Certificates from affiliated regulatory or accrediting bodies/associations (where applicable);
- 5) Current Tax Compliance Certificate;
- 6) Evidence of Physical Location of business premise;
- 7) Evidence of Electronic Tax Register (ETR);
- 8) Three (3) letters of commendation from your corporate/major clients;
- 9) Completed Confidential Business Questionnaire;
- 10) Audited accounts for the last two years or 6 months Bank Statements;
- 11) Company profile; and
- 12) Original Receipt as proof that tenderer purchased the pre-qualification document(s).
- 13) Must fill the Tender form in the format provided

d) A list shall be compiled for those tenderers who pass the preliminary evaluation to be evaluated in detail.

**Technical Evaluation**

- a) The evaluation committee shall undertake a thorough and objective analysis of the suppliers contained in the list;
- b) A detailed assessment of each applicant will be made in the course of evaluating the application.
- c) Details of the applicants organizational structure, financial capability, annual turnover for the last two years, experience in the relevant field, available resources and references will be assessed as follows:

<b>Item No.</b>	<b>Evaluation Criteria</b>	<b>Max Score</b>	<b>Score Awarded</b>	<b>Remarks</b>
1	<b>Company Profile:</b>			
	a) Provide company profile showing names of Directors and their biasness in practice;	10		
	b) Certification by regulatory/affiliation bodies (attach copy)	5		
		5		
	c) Letters from the Advocates Complaints Commission and the Disciplinary Committee on the status of partners/firm in regard to complaints:	5		

2	<b>Experience:</b> a) Number of years in the business (maximum score for three years and above); b) List (and provide evidence) of 3 major current references with their contacts within the last two years. State product/service provided and value of goods/service.	5 15		
3	<b>Physical Facilities:</b> a) Provide evidence of availability of office premise (copy of title deed, lease/tenancy agreement or utility bill);	10		
4	<b>Financial Capacity:</b> a) Provide audited accounts for the last 2 years b) 6 months bank statements;	10 5		
5	Copy of the professional indemnity held by your firm, or advocates therein	10		
5	Highlights of major civil litigation undertaken by the firm in the last 5 years;	5		
6	Provide qualifications and experience of key personnel (attach CVs) and Copies of the current practicing	10		
7	Well-arranged Tender document according to the format provided	5		
	<b>TOTAL SCORE</b>	<b>100</b>		

- NB Pass mark is 70% and above.



3.2.1. Information relating to preliminary evaluations of all the applications and also those who qualify for pre-qualification shall not be disclosed to applicants or any other persons not officially concerned with such process until the notification of pre-qualification results is made to all applicants.

3.2.2. Once the list of those who succeeded to be prequalified has been approved and ratified by the Tender Committee, the Commission shall notify in writing all those applicants who have been pre-qualified.

### **3.3 Confidentiality**

3.3.1 Information relating to evaluation of tenders and recommendations concerning pre-qualification shall not be disclosed to the tenderers until the pre-qualified firms have been advised accordingly.

**SECTION II: STANDARD FORMS**

**CONFIDENTIAL BUSINESS QUESTIONNAIRE FORM**

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

**Part 1 – General:**

Business Name .....

Location of business premises.....

Plot No..... Street/Road.....

Postal Address ..... Tel No. .... Fax ..... E mail .....

Nature of Business .....

Registration Certificate No. ....

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

Name of your bankers ..... Branch .....

**Part 2 (a) – Sole Proprietor**

Your name in full ..... Age .....

Nationality ..... Country of origin .....

Citizenship details.....

**Part 2 (b) Partnership**

Given details of partners as follows:

Name	Nationality	Citizenship Details	Shares
1. ....	.....	.....	.....
2. ....	.....	.....	.....
3.....	.....	.....	.....
4.....	.....	.....	.....

**Part 2 (c) – Registered Company**

Private or Public .....

State the nominal and issued capital of company-

Nominal Kshs. ....

Issued Kshs. ....

Given details of all directors as follows

Name	Nationality	Citizenship Details	Shares
1.....	.....	.....	.....
2.....	.....	.....	.....
3.....	.....	.....	.....
4.....	.....	.....	.....
5.....	.....	.....	.....

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

**TENDER SUBMISSION FORM**

Having studied the pre-qualification information for the above tender category We/I hereby state:

- a. That the information furnished in our/my application is accurate to the best of our/my knowledge.
- b. That in case of being pre-qualified we /I acknowledge that this grants us the right to participate in due time in the submission of a tender or quotation on the basis of provision in the tender or quotation documents to follow.
- c. That pre-qualification bidders will be invited randomly to participate in the tender/quotations as and when there is a requirement.
- d. We/I enclose all the required documents and information required for the pre-qualification evaluation.
- e. Our tender is binding to us and if found acceptable we shall be pleased to be included in the list of pre-qualified firms.
- f. We understand you are not bound to accept either in part or whole any tender you receive.

Date:.....

Applicant's Name.....

Represented by.....

Signature.....

(Full name and designation of the person signing and stamp or seal).