



REPUBLIC OF KENYA

GOVERNMENT OF MAKUENI COUNTY

THE DEPARTMENT OF HEALTH SERVICES
MBOONI, TAWA, KISAU & KALAWA SUB-COUNTY HOSPITALS



TENDER NOTICE : 2024-2025 & 2025-2026

TENDERS/PREQUALIFICATIONS ARE INVITED FROM INTERESTED BIDDERS FOR SUPPLY & DELIVERY OF THE UNDER-LISTED ITEMS/SERVICES FOR THE FINANCIAL YEARS 2024-2025 & 2025-2026

NO	TENDER NO	TENDER NAME	ELIGIBILITY
1	MB/TA/KI/KA/SCH/T/001/2024-2026	Supply And Delivery of Human medicine	Open
2	MB/TA/KI/KA/SCH/T/002/2024-2026	Supply And Delivery of Surgical dressings/ non pharmaceuticals	Open
3	MB/TA/KI/KA/SCH/T/003/2024-2026	Supply And Delivery of Laboratory reagents	Open
4	MB/TA/KI/KA/SCH/T/004/2024-2026	Supply And Delivery of X- ray materials.	Open
5	MB/TA/KI/KA/SCH/T/005/2024-2026	Supply& delivery of cereals, grocery, meat, eggs, cutlery, milk & milk products.	Open
6	MB/TA/KI/KA/SCH/T/006/2024-2026	Provision of outside catering services (meals and drinks).	Open
7	MB/TA/KI/KA/SCH/T/007/2024-2026	Supply And Delivery of Medical and Industrial gases.	Open
8	MB/TA/KI/KA/SCH/T/008/2024-2026	Supply & Delivery of Orthopaedic, Plaster , Occupational Therapy & Dental Items.	Open
9	MB/TA/KI/KA/SCH/T/009/2024-2026	Supply & Delivery of Hardware, Plumbing and Building Materials.	Open
10	MB/TA/KI/KA/SCH/T/010/2024-2026	Supply & Delivery of Motor Vehicle Tyres, Tubes, Batteries & Spare Parts.	Open
11	MB/TA/KI/KA/SCH/T/011/2024-2026	Supply And Delivery of Fuels, Oils and Lubricants.	Open
12	MB/TA/KI/KA/SCH/T/012/2024-2026	Supply And Delivery of Electrical Items ,Coker accessories and Fire fighting equipment.	Open
13	MB/TA/KI/KA/SCH/T/013/2024-2026	Provision of security services.	Open
14	MB/TA/KI/KA/SCH/T/013/2024-2026	Supply And Delivery of Stationery and Printed Medical Stationers.	Reserved
15	MB/TA/KI/KA/SCH/T/015/2024-2026	Supply And Delivery of Charcoal, firewood and LPG cooking gas	Reserved
16	MB/TA/KI/KA/SCH/T/016/2024-2026	Supply And Delivery of Cleansing Materials and Detergents.	Reserved
17	MB/TA/KI/KA/SCH/T/017/2024-2026	Supply And Delivery of Clean Water.	Reserved
18	MB/TA/KI/KA/SCH/T/018/2024-2026	Supply And Delivery of Tonnor cartridge and computer accessories	Reserved
PRE-QUALIFICATION NO.		PRE-QUALIFICATION NAME	ELIGIBILITY
1	MB/TA/KI/KA/SCH/P/01/2024-2026	Construction, Plumbing and electrical works	Open
2	MB/TA/KI/KA/SCH/P/02/2024-2026	Supply And Maintenance Of Medical And Dental Equipment	Open
3	MB/TA/KI/KA/SCH/P/03/2024-2026	Repair And Servicing Of Government Vehicles, Plants, Generator, Motorcycles, Boreholes And Water Pumps	Open
4	MB/TA/KI/KA/SCH/P/04/2024-2026	Internet connection	Open
5	MB/TA/KI/KA/SCH/P/05/2024-2026	Provision of exhausting sewerage, pit latrines services and maintenance of sewer lines	Open
6	MB/TA/KI/KA/SCH/P/06/2024-2026	Supply And Branding Of Curtains, Linen And Uniforms	Reserved
7	MB/TA/KI/KA/SCH/P/07/2024-2026	Supply And Repair Of Office Furniture	Reserved
8	MB/TA/KI/KA/SCH/P/08/2024-2026	Provision of ICT Services, Office Machines (Printers, Laptops, Computers, Computer Accessories & other Office Equipment	Reserved

Notes: **Open:** - open for all suppliers **Reserved:** Only Youth, Women & PWDS are eligible

Interested and eligible bidders may download the registration bid documents from the county website: makueni.go.ke/tenders or www.tenders.go.ke

Completed registration documents in plain sealed envelopes clearly marked with Tender Registration No. [Category & reference number] addressed to:-

The Medical Superintendents Mbooni Sub County Hospital P.O. Box 116- 90125 Kikima Mbooni.hospital@makueni.go.ke	The Medical Superintendents Tawa Sub County Hospital P.O. Box 70 -90133 Tawa tawa.hospital@makueni.go.ke	The Medical Superintendents Kisau Sub County Hospital P.O. Box 144-90127 Mbumbuni kisau.hospital@makueni.go.ke	The Medical Superintendents Kalawa Sub County Hospital P.O. Box 543 - 90300 Makueni Kalawa.hospital@makueni.go.ke
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MUST be deposited in the tender boxes placed outside the office of the Medical Superintendent on or before the **28th June 2024** at **10.00 AM**. Applications will be opened immediately and publicly in the presence of the bidders or their authorized representatives who choose to attend. Bulky tenders should be hand delivered to the Supply Chain Management Office of the respective sub county hospitals and signed against.

Youth, Women and Persons living with disabilities (PWDs) are encouraged to apply.

Late bids shall not be accepted.

SUPPLY CHAIN MANAGEMENT OFFICERS.
FOR: MEDICAL SUPERINTENDENTS.



DEPARTMENT OF HEALTH SERVICES
P.O BOX MAKUENI
MBOONI, TAWA, KISAU & KALAWA HOSPITALS



REGISTRATION OF SUPPLIERS / CONTRACTORS

FINANCIAL YEARS 2024-2025 & 2025/2026

TENDER NUMBER	
TENDER NAME	<hr/> <hr/> <hr/>
ELIGIBILITY (RESERVED/OPEN)	<hr/>

CLOSING/OPENING DATE: FRIDAY 28th JUNE 2024, 10.00 AM

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**INVITATION FOR TENDERS AND REGISTRATION OF SUPPLIERS, CONTRACTORS
AND CONSULTANTS**

TENDER NO:

TENDER NAME:

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The County Government of Makueni is established under Act No.17 of 2012 of the laws of Kenya.

The County Government of Makueni:- Mbooni, Tawa, Kisau and Kalawa Sub County Hospitals invites applications for the registration of interested and qualified Suppliers, Contractors and Consultants in the following categories for the financial years **2024 -2026**.

BIDDER DETAILS

NAME AND ADDRESS OF THE FIRM: _____

TEL NO. OF THE FIRM _____

EMAIL ADDRESS: _____

INVITATION FOR TENDER AND PREQUALIFICATION

The Government of Makueni County :- Mbooni, Tawa, Kisau & Kalawa intend to register candidates for works, goods and services for the financial year 2024 – 2026

1. Qualified and interested applicants may obtain further information from the Supply Chain Offices of the respective sub county hospitals during normal working hours from **0800 hrs – 1700 hrs** or get any clarification through the email:-
2. Eligible candidates may obtain the prequalification documents from the county website **makueni.go.ke/tenders/** and/or from the **Public Procurement Portal tenders.go.ke** free of charge.

Completed registration documents in plain sealed envelopes clearly marked with Tender No. (Category and reference number) addressed to:-

The Medical superintendent Mbooni Sub County Hospital P.o Box 116- 90125 Kikima Mbooni.hospital@makueni.go.ke	The Medical superintendent TawaSub County Hospital P.o Box 70 -90133 Tawa tawa.hospital@makueni.go.ke	The Medical superintendent Kisau Sub County Hospital P.o Box 144-90128 Mbumbuni kisau.hospital@makueni.go.ke	The Medical superintendent Kalawa Sub County Hospital P.o Box 543 - 90300 Makueni Kalawa.hospital@makueni.go.ke
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3. All candidates whose applications will have been received before the closing date and time will be advised in due course of the results of their applications.
4. Number of copies to be submitted : **One** (*ITA 16.2*), *serialized/Paginated*
5. Late bids shall not be accepted

MEDICAL SUPERIDENTENTS
MBOONI, TAWA, KIASU & KALAWA SUB COUNTY HOSPITALS.

SECTION I - INSTRUCTIONS TO APPLICANTS (ITA)

A. General

1. Scope of Application

The Government of Makueni County:- Mbooni, Tawa, Kisau and Kalawa Sub county hospitals intends to register candidates for works, goods and services for the financial year 2024-2026

1.1 It is expected that registration applications will be submitted to be received by the procuring entity not later than **28th June 2024, 10.00 Am.**

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

1.3 General information on the goods/services is as specified in the tender document.

2.0 To check on corruption 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.

3.0 Collusive practices

3.1 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.

4.0 Eligible Applicants

4.1 An applicant may be a firm that is a private entity, a state-owned enterprise or institution 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.

4.2 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.

- 4.3 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.
- 4.4 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 same. All Tenders submitted in violation of this procedure will be rejected.
- 4.5 An Applicant may have the nationality of any country. 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.
- 4.6 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.
- 4.7 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
- 4.8 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.
- 4.9 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.
- 4.10 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.
- 4.11 An Applicant shall provide any other such documentary evidence of eligibility satisfactory to the Procuring Entity, as the Procuring Entity shall reasonably request.

5.0 Eligibility

- 5.1 Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated herein. The countries, persons or entities are ineligible 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.
- 5.2 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 by any country may be applied to that procurement a cross other countries involved, if the Procuring Entities involved in the procurement so agree.
- 5.3 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

C. Sections of Prequalification Document

- 5.4 This Prequalification Document consists of parts 1 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

- 5.5 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 case of any discrepancies, documents issued directly by the Procuring Entity shall prevail.
- 5.6 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.
- 6.0 Clarification of Prequalification Documents, site visit(s) and Pre-Application Meeting
- 6.1 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.

- 6.2 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.
 - 6.3 The Applicant is requested to submit any questions in writing, to reach the Procuring entity not later than the COB of **28th June 2024**
 - 6.4 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.
 - 6.5 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.
- 7.0 Amendment of Prequalification Document
- 7.1 At any time prior to the deadline for submission of Applications, the Procuring Entity may amend the Prequalification Document by issuing an Addendum.
 - 7.2 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.
- C. Preparation of Applications
- 8.0 Cost of Applications
- 8.1 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.
- 9.0 Language of Application
- 9.1 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.

10.0 Documents Comprising the Application

10.1 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.

10.2 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.

11.0 Application Submission Letter

11.1 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.

12.0 Documents Establishing the Eligibility of the Applicant

12.1 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).

13.0 Documents Establishing the Qualifications of the Applicant

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

13.2 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.

13.3 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.

13.4 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.

13.5 The purpose of the information described in IIT 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 information on its ownership and control.

- 13.6 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.
- 13.7 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.
- 13.8 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.
- 13.9 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,
- 13.10 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.
- 13.11 If an Applicant submits information pursuant to these requirements that is incomplete, inaccurate 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.
- 14.0 Signing of the Application and Number of Copies
- 14.1 The Applicant shall Submit the relevant documents manually through and the documents 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.
- D. Submission of Applications
- 15.0 Sealing and Marking of Applications
- 16.0 Deadline for Submission of Applications: **28th June 2024**
- 16.1 Applicants shall submit their applications **manually** on or before **28th June 2024** .
- 16.2 The Procuring Entity may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification Document 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.

17.0 Late Applications

18.1 Late applications shall not be accepted.

20 Opening of Applications

20.1 The Procuring Entity shall open all applications at the date and time 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, Address and contact numbers of the 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, any Applicant that wishes to contact the Procuring Entity on any matter related to the prequalification process may do so only in writing the respective Emails that are pro

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 Applicant may be added to the qualification of the Applicant for the purpose of the evaluation.

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

28.1 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.

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

29 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.

29.2 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.

29.3 The successful Applicant shall be required to provide a Performance Security as specified in the tendering document.

30.0 Changes in Qualifications of Applicants

Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 28 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.

31.0 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: Government of Makueni County: Mbooni, Tawa, Kisau & Kalawa sub county hospitals. Invitation for Supplier registration.
ITA 2	Source of funds : Government of Makueni County Mbooni, Tawa, Kisau & Kalawa sub county hospitals.
ITA 5.2	Maximum number of members in the JV : N/A
B. Contents of the Prequalification Document	
ITA 8.1	For clarification purposes, the Procuring Entity's address is: (Respective addresses for each facility)
ITA 8.2	A pre-application meeting will be held on: N/A. A pre-arranged Site visit will be held on N/A.
ITA 8.3	Questions and requests for clarification shall reach the Procuring Entity not later than COB 20th June 2024
ITA 8.5	Minutes of the pre-arranged site visit and those of the pre-proposal meeting are at the web page N/A.
ITT 9.2	Addendum issued (if any) shall be published at the website
ITA 8.2	Pre-Application Meeting will be held: N/A
C. Preparation of Applications	
ITA 12.1 (d)	The Applicant shall submit with its Application, the following additional documents: (As per evaluation criteria)
ITA 15.2(b)	The source for determining exchange rates is (Central Bank of Kenya)
ITA 16.2	The number of copies to be submitted with the Application is: (One)
D. Submission of Applications	
ITA 17.1	The deadline for Application submission is: Date: 28TH June 2024, 10.00 Am
ITA 18.1	Late Applications will not be opened and thus not evaluated.
ITA 19.1	The opening of the Applications shall be on: 28TH June 2024, 10.00 Am
E. Procedures for Evaluation of Applications	
ITA 24.1	A margin of preference 30% shall apply.
ITA 31.1	If an Applicant wishes to make a Procurement-related Complaint, the Applicant should submit its complaint in by hand delivery or email), to the supply chain office of the respective Sub county Hospital.
ITA 31.2	Evaluation shall be conducted as per the set criteria.

SECTION III - QUALIFICATION CRITERIA AND REQUIREMENTS

2.4.1.1 The following mandatory documents shall form the basis for evaluation

N	DESCRIPTION	REQUIREMENT
1	Application Submission Letter	Mandatory
2	Application information form /Joint venture form	Mandatory
3	Copy of Certificate of registration/Certificate of Incorporation	Mandatory
4	Copy of Valid Tax Compliance Certificate/Or exemption certificate from KRA	Mandatory
5	Copy of Certificate of Confirmation of Directors and Shareholding (CR 12) (Issued within the last 12 Months to Tender Opening Date, for Limited Company's or copy of Identification Card (ID) for Sole Proprietors	Mandatory
6	Duly filled, signed and stamped Self-Declaration Form that the Tenderer is Not Debarred	Mandatory
7	Dully filled, signed and Stamped Self Declaration form that the Tenderer will not engage in any Corrupt or Fraudulent Practice	Mandatory
8	Valid copy of Business Permit from the County Government of Makueni for the firm bidding, or any other valid single business permit from other counties.	(Mandatory For open categories)
9	Valid AGPO Certificate (issued by the National Treasury)	(For reserved categories)
10	Copy of Registration to relevant bodies: IATA, NCA, LSK, NEMA, Poisons Board etc.	Mandatory where applicable.
11	Copy of Current Practicing Certificate for Professionals where applicable	Mandatory where applicable.
12	Litigation history form	Mandatory
Bidders who do not pass the preliminary evaluation shall not proceed to the technical stage;		
Parameter/Requirement-		
1	Average annual turnover form	10 Mks
2	Relevant Past Experience (Attach documental evidence)	30 Mks
3	Financial capability (Attach documental evidence): Bank reference letters, bank statements, Audited Accounts	20 Mks
4	Financial situation and performance form fully filled	5 Mks
5	Sources of finance form fully filled	5 Mks

Notes: The pass mark for technical evaluation is 70%
 Documentary evidence is required for all categories.
 Document should be serialized/Paginated.
 All quoted prices MUST be net inclusive of VAT.

SECTION IV- APPLICATION FORMS

1. Application Submission Letter

Date.....

Invitation for tender/Pre-qualification No.:

Tender Name:

To: **Mbooni, Tawa, Kisau & Kalawa sub county hospitals.** 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.
- b) No conflict of interest:
- c) Eligibility: We (and our subcontractors) meet the eligibility requirements, and that we have not been suspended by the Procuring Entity based on execution of a Tender/Proposal-Securing Declaration in accordance with ITA 5.8;
- d) 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;
- e) 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:

- 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
.....
.....
.....

“No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application (Tick)

Not bound to accept: We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any Application that you may receive nor to invite the prequalified Applicants to Tender for the contract subject of this Prequalification process, without incurring any liability to the Applicants, in accordance with ITA 28.1.

- h) 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..... Name

In the capacity of

Duly authorized to sign the Application for and on behalf of Applicant's Name.....

Address Dated on

2. Form ELI -1.1 - Applicant Information Form

Date:

Invitation for Pre-qualification No.:

Tender Name:

.....

1	Name of firm _____	
2	Physical location of business (note that a visit to your office may be made to confirm the information provided as part of evaluation) a. Town _____ Street _____ b. Building _____ Floor _____	
3	Office telephone number 1. _____ 2. _____	Principal Contact Person a. Name _____ b. Position _____
4	Postal address P.O. Box _____ Code _____	E-mail _____
5	Maximum value of business which you can handle at any one time Ksh. _____	Year of incorporation/registration _____ Duration of business operations _____

Sole proprietor (Give details of partners as follows)

Your name in full	
Nationality	
Age	
Country of origin	
Citizenship details	
County	
Ward	

Partnership (Give details of partners as follows)

No.	Name	Nationality	Citizen details	Share(%)

Registered company Give details of directors as follows

Private or public _____				
Nominal capital Ksh. _____ issued capital Ksh. _____				
No.	Name	Nationality	Citizen details	Share(%)

Date _____ Signature of tenderer _____

(if Kenyan citizen, indicate under citizenship details whether by birth, naturalization or registration)

3. Form ELI-1.2 - Applicant's Joint Venture 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:

Invitation for Pre-qualification No.:

Tender Name:

Applicant name:
Applicant's JV Member's name:
Applicant's JV Member's country of registration:
Applicant JV Member's year of constitution:
Applicant JV Member's legal address in country of constitution:
Applicant JV Member's authorized representative information Name:..... Address:..... Telephone/Fax numbers: E-mail address:.....
<p>1. Attached are copies of original documents of</p> <p><input type="checkbox"/> 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</p> <p><input type="checkbox"/> 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.</p> <p>2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.</p>

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:.....

Date:.....

Joint Venture Member's Name:.....

Invitation for Pre-qualification No:.....

Contract Name:.....

Non-Performed Contracts in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> Contract non-performance did not occur since 1 st January..... [insert year] specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1. <input type="checkbox"/> Contract(s) not performed since 1 st January..... [insert year] specified in Section III, Qualification Criteria and Requirements, requirement 2.1			
	Non-performed portion of contract	Contract Identification	Contract Amount (current value, currency, exchange rate and KENYA SHILLING equivalent)
	[insert amount and percentage]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Procuring Entity: Address of Procuring Entity: Reason(s) for nonperformance	[insert amount]
Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3. <input type="checkbox"/> 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 amount]

		<p>.....[insert full name]</p> <p>Address of Procuring Entity:.....</p> <p>.....[insert street/city/country]</p> <p>Matter in dispute:.....</p> <p>.....[indicate main issues in dispute]</p> <p>Party who initiated the dispute:.....</p> <p>.....</p> <p>.....</p> <p>[indicate “Procuring Entity” or “Contractor”]</p> <p>Status of dispute:.....</p> <p>.....[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</p>	
--	--	---	--

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

Invitation for Pre-qualification No.:

Contract Name:

1. Financial

Type of Financial information in (currency)	Historic information for previous [insert number] years, [insert in words] (amount in currency, currency, exchange rate*, ...)				
	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		
4		

5.3 Financial documents

The Applicant and its parties shall provide copies of financial statements for two(2) 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.
- Attach copies of financial statements (Audited accounts) for the past two years required above; and complying with the requirements

SELF DECLARATION FORMS - DEBARRED (r.47) FORM SD1

SELF DECLARATION THAT THE PERSON/TENDERER IS NOT DEBARRED IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015.

I,, of Post Office Box being a resident of in the Republic of do hereby make a statement as follows: -

1. THAT I am the Company Secretary/ Chief Executive/Managing Director/Principal Officer/Director of (insert name of the Company) who is a Bidder in respect of Tender No. for (insert tender title/description) for (insert name of the Procuring entity) and duly authorized and competent to make this statement. Kenya Subsidiary Legislation, 2020

2. THAT the aforesaid Bidder, its Directors and subcontractors have not been debarred from participating in procurement proceeding under Part IV of the Act.

3. THAT what is depend to herein above is true to the best of my knowledge, information and belief.

.....
(Title) (Signature) Date

Bidders official stamp.

SELF DECLARATION FORMS - CORRUPT OR FRAUDULENT PRACTICE

SELF DECLARATION THAT THE PERSON/ TENDERER WILL NOT ENGAGE IN ANY CORRUPT OR FRAUDULENT PRACTICE

I, of P. O. Box
being a resident of in the Republic
of do hereby make a statement as follows: -

1. THAT I am the Chief Executive/Managing Director/Principal Officer/Director of
..... (insert name of the Company) who is a Bidder
in respect of Tender No.....

for
.....(insert tender title/description)

for (insert name of the
Procuring entity) and duly authorized and competent to make this statement, Kenya
Subsidiary Legislation, 2020

2. THAT the aforesaid Bidder, its servants and/or agents /subcontractors will not engage
in any corrupt or fraudulent practice and has not been requested to pay any inducement
to any member of the Board, Management, Staff and/or employees and/or agents of
..... (insert name of the Procuring entity) which is the procuring entity.

3. THAT the aforesaid Bidder, its servants and/or agents /subcontractors have not
offered
any inducement to any member of the Board, Management, Staff and/or employees
and/or agents of(Name of
the procuring entity)

4. THAT the aforesaid Bidder will not engage /has not engaged in any corrosive practice
with other
bidders participating in the subject tender

5. THAT what is deponed to herein above is true to the best of my knowledge
information
and belief.

.....
(Title) (Signature) Date

Bidders official stamp.

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 ofdated the.....day of20.....in the matter of Tender No.....of20.....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 of20.....

SIGNED

Board Secretary