



#### DEPARTMENT OF HEALTH

THE MEDICAL SUPERITENDENT
MAKINDU, SULTAN HAMUD, KIBWEZI, KILUNGU, KAMBU,
MUKUYUNI AND MATILIKU SUB COUNTY HOSPITALS
P.O. BOX 81-90138
MAKINDU

#### **ORIGINAL**

## MAKINDU, SULTAN HAMUD, KIBWEZI, KILUNGU, KAMBU, MUKUYUNI AND MATILIKU SUB COUNTY HOSPITALS

### **Tender**

### **Document**

For

PREQUALIFICATION FOR SERVICE AND REPAIR OF OXYGEN PLANT,
REFILLING STATION AND OXYGEN CYLINDERS AT MAKINDU, SULTAN
HAMUD, KIBWEZI, KILUNGU, KAMBU, MUKUYUNI AND MATILIKU SUB
COUNTY HOSPITALS FOR THE PERIOD ENDING 30<sup>TH</sup> JUNE 2027.

(OPEN)

TENDER NO.MKD/SLH/KBZ/MAT/KBU/KLN/MKYN/T/031/2025-2027

The MEDICAL SUPERITENDENT
MAKINDU, SULTAN HAMUD, KIBWEZI, KILUNGU, KAMBU, MUKUYUNI AND
MATILIKU SUB COUNTY HOSPITALS

NAME AND IDENTIFICATION OF TENDER:

PREQUALIFICATION FOR SERVICE AND REPAIR OF OXYGEN PLANT, REFILLING STATION AND OXYGEN CYLINDERS AT MAKINDU, SULTAN HAMUD, KIBWEZI, KILUNGU, KAMBU, MUKUYUNI AND MATILIKU SUB COUNTY HOSPITALS.

Invitation for Pre-Qualification No: MKD/SLH/KBZ/MAT/KBU/KLN/MKYN/T/031/2025-2027

Contract Name: Prequalification of suppliers for PREQUALIFICATION FOR SERVICE AND

REPAIR OF OXYGEN PLANT, REFILLING STATION AND OXYGEN CYLINDERS at Makindu,

Kibwezi, Kambu, Sultan Hamud, Kilungu, Mukuyuni and Matiliku Sub County Hospital.

Procuring Entity or Procuring Entity: County Government of Makueni- Makindu, Kibwezi, Kambu, Sultan

Hamud, Kilungu, Mukuyuni and Matiliku Sub County Hospital

(This Pre-qualification Document is for use with a Standard Tender Document inviting for tenders)

Name of Contract: Prequalification of suppliers for PREQUALIFICATION FOR SERVICE AND REPAIR OF OXYGEN PLANT, REFILLING STATION AND OXYGEN CYLINDERS at; Makindu, Kibwezi, Kambu, Sultan Hamud, Mukuyuni, Kilungu and Matiliku Sub County Hospital

Contract No: MKD/SLH/KBZ/MAT/KBU/KLN/MKYN/T/031/2025-2027

Prequalification Reference No.: MKD/SLH/KBZ/MAT/KBU/KLN/MKYN/T/031/2025-2027

Makindu, Kibwezi, Kambu, Sultan Hamud, Kilungu, Mukuyuni and Matiliku Sub County Hospital invites contractors/Suppliers/Service Providers for PREQUALIFICATION FOR SERVICE AND REPAIR OF OXYGEN PLANT, REFILLING STATION AND OXYGEN CYLINDERS for the hospital.

It is expected that the Invitation to Tender will be made on 19<sup>th</sup> June, 2025. Tendering will be conducted through open tender procedures using a standardized tender document and will be open to all applicants who prequalify.

- 1. Qualified and interested applicants may obtain further information and inspect the Prequalification Document during office hours from 0900 to 1500 hours at the address given below.
- 2. A complete set of Prequalification Document in English may be obtained from the Makueni County website <a href="www.makueni.go.ke">www.makueni.go.ke</a> or <a href="www.tenders.go.ke">www.tenders.go.ke</a> by interested applicants. Tender documents obtained electronically will be free of charge.
- 3. Prequalification Document may be viewed and downloaded for free from the website <a href="www.makueni.go.ke">www.makueni.go.ke</a> or **Public Procurement Information Portal (tenders.go.ke)**. Applicants who download the Prequalification Document must forward their particulars immediately to the hospital one chooses to apply for to facilitate any further clarification or addendum.
- 4. Applications for prequalification should be submitted by postal service, or hand/courier delivery, clearly marked envelopes and delivered to the hospital you choose to apply for before or by 19<sup>th</sup> June 2025 at 10:00 AM.
- 5. Late applications a liable to be rejected.

#### Address where to submit Applications

Completed tender documents in original and a copy in a plain sealed envelope and clearly marked with the tender number and name, and addressed to The Medical Superintendent of the hospital you choose to apply for and be deposited in the Tender Box situated at the Corridor next to the office of the Medical Superintendent (ADMINISTRATION BLOCK)



#### **SECTION I - INSTRUCTIONS TO APPLICANTS (ITA)**

#### A. General

#### 1. Scope of Application

- 1.1 The name of the Procuring Entity inviting for applications is defined in the **PDS**. The particular type of contract (works, goods or Non-Consulting Services required) and its name and description of the contract(s) and its reference number are defined in the **PDS**. If the scope of contract so defined is in multiple contracts, it will be specified in the **PDS** if prequalification will be based on individual contracts or multiple contracts. The Full scope of Works or Goods or Non-Consulting Services are described in Section V (Scope of Works or goods contract).
- 2 Source of Funds to be specified in the PDS, if deemed necessary.

#### 3 Fraud and Corruption

- 3.1 The Government of Kenya requires compliance with its Anti-Corruption laws and its prevailing sanctions policies and procedures.
- 3.2 In further pursuance of this policy, Applicants shall permit and shall cause their agents (where declared or not), subcontractors, sub consultants, service providers, suppliers, and their personnel, to permit the Public Procurement Regulatory Authority (PPRA) to inspect all accounts, records and other documents relating to any initial selection process, prequalification process, tender submission(incase prequalified),proposal submission, and contract performance (in the case of award), and to have them audited by auditors appointed by the PPRA.

#### 4 Collusive practices

4.1 The Procuring Entity requires compliance with the provisions of the Competition Act 2010, regarding collusive practices in contracting. Any applicant found to have engaged in collusive conduct shall be disqualified and criminal and/or civil sanctions may be imposed. To this effect, applicants shall be required to complete and sign a Certificate of Independent Tender Determination" annexed to the Form of applicant.

#### 5 Eligible Applicants

- 5.1 Applicants shall meet the eligibility criteria as per this ITA and ITA 5.1 and 5.2. An Applicant may be a firm that is a private entity, a state-owned enterprise or institution subject to ITA 5.9 or any combination of such entities in the form of a joint venture ("JV") under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, tendering (in the event the JV submits a Tender) and during contract execution (in the event the JV is awarded the Contract). Members of a joint venture may not also make an individual tender, be a subcontractor in a separate tender or be part of another joint venture for the purposes of the same Tender. The maximum number of JV members shall be specified in the PDS.
- 5.2 Public Officers of the Procuring Entity, their Spouses, Child, Parent, Brothers or Sister. Child, Parent, Brother or Sister of a Spouse, their business associates or agents and firms/organizations in which they have a substantial or controlling interest shall not be eligible to be prequalified. Public Officers with such relatives are also not allowed to participate in any procurement proceedings.
- 5.3 A firm may apply for prequalification both individually, and as part of a joint venture, or participate as a subcontractor. If prequalified, it will not be permitted to tender for the same contract both as an individual firm and as a part of the joint venture or as a subcontractor. However, a firm may participate as a subcontractor in more than one Tender, but only in that capacity. Tenders submitted in violation of this procedure will be rejected.
- 5.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, only one prequalified Applicant will be allowed to tender for the. All Tenders submitted in violation of this procedure will be rejected.
- 5.5 An Applicant may have the nationality of any country, subject to the restrictions pursuant to ITA 5.1 and 5.2. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated

or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. sub-contractors or suppliers for any part of the Contract including related Non-Consulting Services.

- 5.6 Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Procuring Entity as Engineer for contract implementation of the contract(s) that are the subject of this prequalification. In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff of the Procuring Entity who:
  - a are directly or indirectly involved in the preparation of the prequalification Document or Invitation to Tender (ITT), Document or specifications of the Contract, and/or the Tender evaluation process of such Contract; or
  - b would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to the Procuring Entity throughout the prequalification, ITT process and execution of the Contract.
- 5.7 An Applicant that has been debarred shall be ineligible to be initially selected for, prequalified for, tender for, propose for, or be awarded a contract during such period of time as the PPRA shall have determined. The list of debarred firms and individuals is available at www.ppra.go.ke
- 5.8 Applicants that are state-owned enterprise or institutions in Kenya may be eligible to prequalify, compete and be awarded a Contract(s) only if they can establish, in a manner accept able to the Procuring Entity, that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not under supervision of any public entity.
- 5.9 An Applicant shall not be under sanction of debarment from Tendering by the PPRA as the result of the execution of a Tender/Proposal–Securing Declaration.
- 5.10 An Applicant that is a Kenyan firm or citizen shall provide evidence of having fulfilled his/her tax obligations by producing a current tax clearance certificate or tax exemption certificate issued by the Kenya Revenue Authority.
- 5.11 An Applicant shall provide any other such documentary evidence of eligibility satisfactory to the Procuring Entity, as the Procuring Entity shall reasonably request.

#### 6 Eligibility

- 6.1 Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated herein. The countries, persons or entities are in eligible if:
  - a. As a matter of law or official regulations, Kenya prohibits commercial relations with that country, or
  - b. By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, Kenya prohibits any import of goods or contracting of works or Non- Consulting Services from that country, or any payments to any country, person, or entity in that country.
- 6.2 When the Works, supply of Goods or provision of non-consulting services are implemented a cross jurisdictional boundary (and more than one country is a Procuring Entity, and is involved in the procurement), then exclusion of a firm or individual on the basis of ITA 5.1 (a) above by any country may be applied to that procurement a cross other countries involved, if the Procuring Entities involved in the procurement so agree.
- 6.3 Any goods, works and production processes with characteristics that have been declared by the relevant national environmental protection agency or by other competent authority as harmful to human beings and to the environment shall not be eligible for procurement.

#### **B.** Contents of the Prequalification Documents

#### **7** Sections of Prequalification Document

7.1 This Prequalification Document consists of parts1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with IT A8.

#### **PART 1 - Prequalification Procedures**

- i) Section I- Instructions to Applicants (ITA)
- ii) Section II Prequalification Data Sheet (PDS)
- iii) Section III Qualification Criteria and Requirements
- iv) Section IV- Application Forms

#### PART 2 - Works, Goods, or Non-Consulting Services Requirements

- i) Section VII- Scope of Works, Goods, or Non-Consulting Services
- 7.2 Unless obtained directly from the Procuring Entity, the Procuring Entity accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Prequalification Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Procuring Entity shall prevail.
- 7.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its Application all information or documentation as is required by the Prequalification Document.

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

- 8.1 An Applicant requiring any clarification of the Prequalification Document shall contact the Procuring Entity in writing at the Procuring Entity's address indicated in the **PDS**. The Procuring Entity will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. The Procuring Entity shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Document directly from the Procuring Entity, including a description of the inquiry but without identifying its source. If so indicated in the **PDS**, the Procuring Entity shall also promptly publish its response at the webpage identified in the **PDS**. Should the Procuring Entity deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 8. And in accordance with the provisions of ITA 17.2.
- 8.2 The Applicant, at the Applicant's own responsibility and risk, is encouraged to visit and examine and inspect the Site of the required contracts and obtain all information that may be necessary for preparing the application. The costs of visiting the Site shall be at the Applicant's own expense. The Procuring Entity shall specify in the **PDS** if a pre-application meeting will be held, when and where. The Procuring Entity shall also specify in the **PDS** if a pre-arranged Site visit will be held and when. The Applicant's designated representative is invited to attend a pre-application meeting and a pre-arranged site visit. The purpose of the meetings will be to clarify issues and to answer questions on any matter that may be raised at that stage.
- 8.3 The Applicant is requested to submit any questions in writing, to reach the Procuring Entity not later than the period specified in the **PDS** before the submission date of applications.
- 8.4 Minutes of a pre-arranged site visit and those of the pre-application meeting, if applicable, including the text of the questions asked by Applicants and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all Applicants who have acquired the prequalification documents. Minutes shall not identify the source of the questions asked.
- 8.5 The Procuring Entity shall also promptly publish anonymized (*no names*) Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page identified **in the PDS**. Any modification to the Prequalification Documents that may become necessary as a result of the pre-arranged site visit and those of the pre-application meeting shall be made by the Procuring Entity exclusively through the issue of an Addendum pursuant to PDS 8 and not through the minutes of the pre-application meeting. Non-attendance at the pre-arranged site visit and the pre-tender meeting will not be a cause for disqualification of a Tenderer.

#### 9 Amendment of Prequalification Document

- 9.1 At any time prior to the deadline for submission of Applications, the Procuring Entity may amend the Prequalification Document by issuing an Addendum.
- 9.2 Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all Applicants who have obtained the Prequalification Document from the Procuring Entity. The Procuring Entity shall promptly publish the Addendum at the Procuring Entity's webpage identified in the PDS.

9.3 To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the Procuring Entity may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

#### C. Preparation of Applications

#### 10 Cost of Applications

10.1 The Applicant shall bear all costs associated with the preparation and submission of its Application. The Procuring Entity will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.

#### 11 Language of Application

11.1 The Application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Procuring Entity, shall be written in English Language. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the English language, in which case, for purposes of interpretation of the Application, the translation shall govern.

#### 12 Documents Comprising the Application

- 12.1 The Application shall comprise the following:
  - a. Application Submission Letter, in accordance with ITA 13.1;
  - b. Eligibility: documentary evidence establishing the Applicant's eligibility, in accordance with ITA 14.1;
  - c. Qualifications: documentary evidence establishing the Applicant's qualifications, in accordance with ITA 15: and
  - d. Any other document required as specified in the PDS.
- 12.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.

#### 13 Application Submission Letter

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

#### 14 Documents Establishing the Eligibility of the Applicant

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

#### 15 Documents Establishing the Qualifications of the Applicant

- 15.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV (Application Forms).
- 15.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the Kenya Shilling equivalent using the rate of exchange determined as follows:
  - a For construction turnover or financial data required for each Year-Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted).
  - b Value of single Contract-Exchange rate prevailing on the date of the contract.
- 15.3 Exchange rates shall be taken from the publicly available source identified in the PDS. Any error in determining the exchange rates in the Application may be corrected by the Procuring Entity.
- 15.4 Applicants shall be asked to provide, as part of the data for qualification, such information, including details of ownership, as shall be required to determine whether, according to the classification established by the Procuring Entity, a particular contractor or group of contractors qualifies for a margin of preference. Further the information will enable the Procuring Entity identify any actual or potential conflict of interest in relation to the

- procurement and/or contract management processes, or a possibility of collusion between Applicants, and thereby help to prevent any corrupt influence in relation to the procurement processor contract management.
- 15.5 The purpose of the information described in ITT 6.2 above overrides any claims to confidentiality which an Applicant may have. There can be no circumstances in which it would be justified for an Applicant to keep information relating to its ownership and control confidential where it is tendering to undertake public sector work and receive public sector funds. Thus, confidentiality will not be accepted by the Procuring Entity as a justification for an Applicant's failure to disclose, or failure to provide required in formation on its ownership and control.
- 15.6 The Applicant shall provide further documentary proof, information or authorizations that the Procuring Entity may request in relation to ownership and control which information on any changes to the information which was provided by the Applicant under ITT 6.3. The obligations to require this information shall continue for the duration of the procurement process and contract performance and after completion of the contract, if any change to the information previously provided may reveal a conflict of interest in relation to the award or management of the contract.
- 15.7 All information provided by the Applicant pursuant to these requirements must be complete, current and accurate as at the date of provision to the Procuring Entity. In submitting the information required pursuant to these requirements, the Applicant shall warrant that the information submitted is complete, current and accurate as at the date of submission to the Procuring Entity.
- 15.8 If an Applicant fails to submit the information required by these requirements, its application will be rejected. Similarly, if the Procuring Entity is unable, after taking reasonable steps, to verify to a reasonable degree the information submitted by an Applicant pursuant to these requirements, then the application will be rejected.
- 15.9 If information submitted by an Applicant pursuant to these requirements, or obtained by the Procuring Entity (whether through its own enquiries, through notification by the public or otherwise), shows any conflict of interest which could materially and improperly benefit the Applicant in relation to the procurement or contract management process, then:
  - a. If the procurement process is still ongoing, the Applicant will be disqualified from the procurement process,
  - b. If the contract has been awarded to that Applicant, the contract award will be set aside,
- 15.10 the Applicant will be referred to the relevant law enforcement authorities for investigation of whether the Applicant or any other persons have committed any criminal offence.
- 15.11 If an Applicant submits information pursuant to these requirements that is incomplete, in accurate or out-of-date, or attempts to obstruct the verification process, then the consequences ITT 6.7 will ensue unless the Applicant can show to the reasonable satisfaction of the Procuring Entity that any such act was not material, or was due to genuine error which was not attributable to the intentional act, negligence or recklessness of the Applicant.

#### 16 Signing of the Application and Number of Copies

- 16.1 The Applicant shall prepare one original of the documents comprising the Application as describedinITA11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.
- 16.2 The Applicant shall submit copies of the signed original Application, in the number specified in the PDS, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

#### D. Submission of Applications

#### 17 Sealing and Marking of Applications

- 17.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:
  - a Bear the name and address of the Applicant;
  - b Be addressed to the Procuring Entity, in accordance with ITA 17.1; and
  - c Bear thespecificidentificationofthisprequalificationprocessindicated in the PDS 1.1.
- 17.2 The Procuring Entity will accept no responsibility for not processing any envelope that was not identified as

required in ITA 16.1 above.

#### 18 Deadline for Submission of Applications

- 18.1 Applicants may either submit their Applications by mail or by hand. Applications shall be received by the Procuring Entity at the address and no later than the deadline indicated in the PDS. When so specified in the PDS, Applicants have the option of submitting their Applications electronically, in accordance with electronic Application submission procedures specified in the **PDS**.
- 18.2 The Procuring Entity may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification Document in accordance with ITA 8, in which case all rights and obligations of the Procuring Entity and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

#### 19 Late Applications

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

#### 20. Opening of Applications

- 20.1 The Procuring Entity shall open all Applications at the date, time and place specified in the **PDS.** Late Applications shall be treated in accordance with ITA 19.1.
- 20.2 Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the **PDS**.
- 20.2 The Procuring Entity shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.

#### **E.** Procedures for Evaluation of Applications

#### 21 Confidentiality

- Information relating to the Applications, their evaluation and results of the prequalification shall not be disclosed to Applicants or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 28.
- 21.2 From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Procuring Entity on any matter related to the prequalification process may do so only in writing.

#### 22 Clarification of Applications

- 22.1 To assist in the evaluation of Applications, the Procuring Entity may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Procuring Entity and all clarifications from the Applicant shall be in writing.
- 22.1 If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Procuring Entity's request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

#### 23 Responsiveness of Applications

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

#### 24 Margin of Preference

24.1 Unless otherwise specified in the PDS, a margin of preference shall not apply in the Tendering process resulting

from this prequalification.

#### 25 Nominated Subcontractors

- 25.1 Unless otherwise stated in the PDS, the Procuring Entity does not intend to execute any specific elements of the works by sub-contractors selected in advance by the Procuring Entity (so-called "Nominated Subcontractors").
- 25.2 The Applicant shall not propose to subcontract the whole of the Works or Goods. The maximum limit of subcontracting permitted under the contract may be specified by the Procuring Entity in the Tendering Document. The Procuring Entity, in ITA 25.2, may permit the Applicant to propose subcontractors for certain specialized parts of the contract as indicated there in as ("Specialized Subcontractors"). Applicants planning to use such Specialized Subcontractors shall specify, in the Application Submission Letter, the activity(ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

#### F. Evaluation of Applications and Prequalification of Applicants

#### **26** Evaluation of Applications

- 26.1 The Procuring Entity shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The Procuring Entity reserves the right to waive min or deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.
- 26.2 Subcontractors proposed by the Applicant shall be fully qualified and meet the minimum specific experience criteria as specified for their parts of the proposed contract for Works or Goods or non-consulting services. The subcontractor's qualifications shall not be used by the Applicant to qualify for the Works or Goods or non-consulting services unless their parts of the Works or Goods or non-consulting services were previously designated by the Procuring Entity in the PDS as can be met by Specialized Subcontractors, in which case:
  - i) The Specialized Subcontractors shall meet the minimum qualification requirements specified in Section III, and
  - ii) the qualifications with respect to specific experience of the Specialized Subcontractor proposed by the ApplicantmaybeaddedtothequalificationsoftheApplicantforthepurposeoftheevaluation.

    Unless the Applicant has been determined prequalified on its own without taking into account the qualification and experience of the proposed specialized sub-contractor, the tender submitted by the Applicant shall include the same specialized sub-contractor failing which, such tender may be rejected unless a change in the specialized sub-contractor was requested by the Applicant and approved by the Procuring Entity subsequent to prequalification but before the tender submission deadline in accordance with ITA 30.
- 26.3 In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Procuring Entity shall prequalify each Applicant for each lot and for a combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements the Eligibility and Qualification Criteria.
- 26.4 Further, in the case of multiple contracts, the Procuring Entity will prepare the Eligibility and Qualification Criteria Form for items 3.1, 3.2, 4.2(a) and 4.2(b) for each Lot, to be completed by applicants.
- 26.5 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant's subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Applicant shall not be considered.

#### 27 Procuring Entity's Right to Accept or Reject Applications

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

#### 28 Prequalification of Applicants

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

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

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

#### 28 Invitation to Tender

- 29.1 Promptly after the notification of the results of the prequalification, the Procuring Entity shall invite Tenders from all the Applicants that have been prequalified or conditionally prequalified.
- 28.2 Applicants may be required to provide a Tender Security or a Tender-Securing Declaration acceptable to the Procuring Entity in the form and an amount to be specified in the tendering document.
- 28.3 The successful Applicant shall be required to provide a Performance Security as specified in the tendering document.

#### 29 Changes in Qualifications of Applicants

30.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to tender (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor whose qualifications were considered to prequalify the Applicant) shall be subject to the written approval of the Procuring Entity prior to the deadline for submission of Tenders. Such approval shall be denied if (i) a prequalified applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III (Qualification Criteria and Requirements); or (iii)in the opinion of the Procuring Entity, the change may result in a substantial reduction in competition. Any such change should be submitted to the Procuring Entity not later than fourteen (14) days after the date of the Invitation to Tender.

#### 31 Procurement Related Complaints and Administrative Review

- 31.1 The procedures for making a Procurement-related Complaint are as specified in the PDS.
- 31.2 A request for administrative review shall be made in the form provided.

## SECTION II - PREQUALIFICATION DATA SHEET (PDS)

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	1
ITA 1.1	The Procuring Entity is: Makindu, Kibwezi, Kambu, Sultan Hamud, Kilungu Mukuyuni and Matiliku Sub County Hospital The identification of the Invitation for Prequalification is: PREQUALIFICATION FOR SERVICE AND REPAIR OF OXYGEN PLANT, REFILLING STATION AND OXYGEN CYLINDERS FOR THE YEAR ENDING 30 <sup>TH</sup> JUNE 2027  The particular type of contract is on Prequalification of suppliers for PREQUALIFICATION FOR SERVICE AND REPAIR OF OXYGEN PLANT, REFILLING STATION AND OXYGEN CYLINDERS FOR THE YEAR ENDING 30 <sup>TH</sup> JUNE 2027
	Prequalification will be based on individual contract.
ITA 2	The Source of funds shall be County Government of Makueni
TA 5.2	Maximum number of members in the JV shall be: N/A [insert a number]
<b>B. Conten</b> ITA 8.1	For clarification purposes, the Procuring Entity's address is: The Medical Superintendent; Makindu, Kibwezi, Kambu, Sultan Hamud, Kilungu, Mukuyuni and Matiliku Sub County Hospital OR
	SUPPLY CHAIN MANAGEMENT P.O BOX 78-90300 MAKUENI Email:procurement@makueni.go.ke Web page: [In case used, identify the widely used website or electronic portal of free access where prequalification information is published] www.makueni.go.ke or Public Procurement Information Portal (tenders.go.ke).
ITA 8.2	A pre-application meeting will be held onN/Aat
	A pre-arranged Site visit will be held on At
TTA 8.3	Questions and requests for clarification made in writing or by email shall reach the Procuring Entity not later than 3 <sup>rd</sup> June, 2025.
ITA 8.5	Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page (Web page of the Procuring Entity).
ITT 9.2	Addendum issued shall be published at the website <u>www.Makueni.go.ke</u> or <b>Public Procurement Information Portal (tenders.go.ke</b> ).
ITA 8.2	Pre-Application Meeting will be held: [Yes/No] N/A [If Yes, please add the address, date and time of the meeting]
	on of Applications
ITA 12.1 (d)	The Applicant shall submit with its Application, the following additional documents: [insert list of additional documents]

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITA 15.2(b)	Authority -the Price Schedule in the format provided -the tender form in the format provided - a dully filled and signed Confidential Business Questionnaire in the format provided - CR12 for Registered Limited Company and copies of ID cards of the Directors/Owners - valid Single Business Permit/License - Compliance with section 74(1) (i) of the PPAD Act, 2015 that makes it a mandatory "requirement of serialization/pagination of pages by the bidder" for each bid submitted - sign and stamp the attached self-declaration form  The source for determining exchange rates is Central bank of Kenya [insert a publicly available source]  In addition to the original, the number of copies to be submitted with the Application is:
	[ ]
	n of Applications
ITA 17.1	The deadline for Application submission is: Date: 19th June, 2025 Time: 10:00 AM For Application submission purposes only, the Procuring Entity's address is: The Medical Superintendent; Makindu, Kibwezi, Kambu, Sultan Hamud, Kilungu, Mukuyuni and Matiliku Sub County Hospital(Address to any hospital you may choose to apply for) Attention: The Medical Superintendent,  Applicants "shall not" have the option of submitting their Applications electronically.
ITA 18.1	The Procuring Entity reserves the right to accept or reject late Applications.
ITA 19.1	The Procuring Entity will not accept late applications.
	If late applications will be accepted, they must be received not later thanafter the deadline for submission of applications
ITA 20.1	The opening of the Applications shall be at 6 <sup>th</sup> June, 2025 at 10:00 AM at the Corridor next to the Medical Superintendent (ADMINISTRATION BLOCK)
ITA 20.2	N/A The electronic Application opening procedures shall be:  [N/A.]
E. Procedur	es for Evaluation of Applications
ITA 24.1	A margin of preference "shall_apply.
ITA 25.1	At this time the Procuring Entity "does not intend" to execute certain specific parts of the Works by sub-contractors selected in advance.

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITA 25.2	The parts of the Works for which the Procuring Entity permits Applicants to propose Specialized Subcontractors are designated as follows:
	For the above-designated parts of the Works that may require Specialized Subcontractors, the relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Applicant for the purpose of evaluation.
ITA 31.1	An Applicant wishes to make a Procurement-related Complaint, the Applicant should submit its complaint in writing (by the quickest means available, that is either by hand delivery or email), to: <b>PPRA</b> ( Public Procurement Regulatory Authority) For the attention: [insert full name of person receiving complaints] Title/position: [insert title/position] Procuring Entity: [insert name of Procuring Entity] Email address: [insert email address] In summary, at this stage, a Procurement-related Complaint may challenge any of the following: the terms of the Prequalification Documents; and the Procuring Entity's decision not to prequalify an Applicant.

### SECTION III - QUALIFICATION CRITERIA AND REQUIREMENTS

- 1. This section contains all the methods, criteria, and requirements that the Procuring Entity shall use to evaluate Applications, all in one Form "Eligibility and Qualification Criteria". The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the Form.
- 2. The Procuring Entity shall insert one Form for <u>each Lot or Contract</u> in case of multiple contracts.
- 3. This form is generic and refers to works and construction. In case of Supply of Goods or Non-Consulting Services, the form shall be amended to read Goods or Non-Consulting Services as appropriate.

Elig	Eligibility and Qualification Criteria			Compliance Requirements			
	FOR LOT(in case of						
Muli	tiple contracts)			-			
				Joint Venture (	existing or intended	)	Submission
No.	Subject	Requirement	Single Entity	All Members Combined	Each Member	One Member	Requirement
1. El	igibility						
1.1	Nationality	Nationality in accordance with ITA 5.6	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.2	Conflict of Interest	No conflicts of interest in accordance with ITA 5.7	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.3	Eligibility	Not declared ineligible by not meeting any of the conditions in ITA 5 and 6.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.4	State-owned Entity in Kenya	Applicant required to meet conditions of ITA 5.9	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI -1.1 and 1.2, with attachments
1.5	United Nations resolution or laws of Kenya	Not having been excluded as a result of prohibition in the laws of Kenya or official regulations against commercial relations with Kenya, or by an act of compliance with UN Security Council resolution, both in accordance with ITA 6.1 and 6.2 and Section V.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments

Eligibility and Qualification Criteria		Compliance Requirements				Document/ Form		
				Joint Venture	e (existing or intended		Color de la color	
No.	Subject	Requirement	Single Entity	All Members Combined	Each Member	One Member	Submission Requirement	
2. Hi	storical Contract Non-P	erformance					•	
2.1	History of Non- Performing Contracts	Non-performance of a contract <sup>1</sup> did not occur as a result of contractor's default since 1 <sup>st</sup> January [insert year].	Must meet requirement <sup>1</sup>	Must meet requirements	Must meet requirement <sup>2</sup>	N/A	Form CON-2	
2.2	Suspension Based on Execution of Tender/Proposal Securing Declaration by the Procuring Entity	Not under suspension based on execution of a Tender/Proposal Securing Declaration pursuant to ITA 5.10.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter	
2.3	Pending Litigation	Applicant's financial position and prospective long-term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant	Must meet requirement	N/A	Must meet requirement	N/A	Form CON – 2	
2.4	Litigation History	No consistent history of court/arbitral award decisions against the Applicant <sup>3</sup> since 1 <sup>st</sup> January [insert year]	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form CON – 2	
3. Fir	nancial Situation and Perf	ormance						
3.1	Financial Capabilities	(i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN – 3.1, with attachments	
		Tippicana oner communents	Must meet	Must meet	N/A	N/A		

<sup>&</sup>lt;sup>1</sup> Nonperformance, as decided by the Procuring Entity, shall include all contracts where (a) nonperformance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Nonperformance shall not include contracts where Procuring Entitys decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the applicant have been exhausted.

<sup>&</sup>lt;sup>2</sup> This requirement also applies to contracts executed by the Applicant as JV member.

<sup>&</sup>lt;sup>3</sup> The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Applicant or any member of a joint venture may result in rejection of the Application.

Eligibility and Qualification Criteria		Compliance Requirements				Document/ Form	
No.	Subject	Requirement	Single Entity	Joint Venture All Members Combined	existing or inte Each Member	One Member	Submission Requirement
		(ii) The <b>Applicant</b> shall also demonstrate, to the satisfaction of the Procuring Entity, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.	requirement	requirement	Member		
		(iii) The audited balance sheets or, if not required by the laws of Kenya, other financial statements acceptable to the Procuring Entity, for the last [insert number] years shall be submitted and must demonstrate the current soundness of the Applicant's financial position and indicate its prospective long-term profitability.	Must meet requirement	N/A	Must meet requirement	N/A	
3.2	Average Annual Construction Turnover	Minimum average annual construction turnover of KENYA SHILLINGS [insert amount in KENYA SHILLING equivalent in words and figures], calculated as total certified payments received for contracts in progress and/or completed within the last [insert number] years, divided by [insert number of years in words] years	Must meet requirement	Must meet requirement	Must meet [insert number] %, [insert percentage in words] of the requirement	Must meet [insert number] %, [insert percentage in words] of the requirement	Form FIN – 3.2
4. Ex	perience				<u> </u>		
4.1 (a)	General Construction Experience	Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last [insert number] years, starting 1 <sup>st</sup> January [insert year].	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 4.1
4.2 (a)	Specific Construction & Contract Management Experience	(i) A minimum number of [state the number] similar contracts specified below that have been satisfactorily and substantially <sup>4</sup> completed as a prime contractor, joint venture member <sup>5</sup> , management contractor or subcontractor between 1st January [insert year] and Application submission deadline:	Must meet requirement	Must meet requirement <sup>6</sup>	N/A	Must meet the following requirements for the key activities listed below [list key activities and the corresponding minimum requirements to be	Form EXP 4.2(a)

<sup>&</sup>lt;sup>4</sup> Substantial completion shall be based on 80% or more works completed under the contract.

<sup>&</sup>lt;sup>5</sup> For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, and role and responsibilities shall be considered to meet this requirement.

<sup>&</sup>lt;sup>6</sup> In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated.

Eligibility and Qualification Criteria			Compliance Requirements			Document/ Form	
				Joint Venture (	existing or in	tended	6.1
No.	Subject	Requirement	Single Entity	All Members Combined	Each Member	One Member	- Submission Requirement
						met by one member otherwise state: "N/A"]	
4.2 (b)		For the above and any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or sub-contractor between 1st January [insert year] and Application submission deadline, a minimum construction experience in the following key activities successfully completed?: [list key activities indicating volume, number or rate of production as applicable.  Under 4.2(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b) define the required capability of the Applicant to execute the Works. There shall not be any inconsistency or repetition of requirement between 4.2(a) and 4.2(b). For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12-month period in the specified period,] <sup>8</sup>	Must meet requirements [Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 25.2]	Must meet requirements [Specify activities that may be met through a Specialized Subcontractor, if permitted in accordance with ITA 25.2]	N/A	Must meet the following requirements for key activities listed below [if applicable, out of the key activities in the first column of this 4.2 b), list key activities (volume, number or rate of production as applicable) and the corresponding minimum requirements that have to be met by one member, otherwise this cell should state: "N/A".]	Form EXP – 4.2 (b)

<sup>&</sup>lt;sup>7</sup> Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period.

<sup>&</sup>lt;sup>8</sup> The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise.

Eligi	Eligibility and Qualification Criteria		Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture ( All Members Combined	existing or int Each Member	One Member	- Submission Requirement
4.3 (a)	Specific Management Experience in supply of goods	(i) A minimum number of [state the number] similar contracts specified below that have been satisfactorily and substantially completed as a prime supplier, joint venture member 10, management contractor or subcontractor between 1st January [insert year] and Application submission deadline:  The similarity of the contracts shall be based on the following: [Based on Section VII, Scope of goods contracts, specify the minimum key requirements in terms of physical size, complexity, construction method, technology and/or other characteristics including part of the requirements that may be met by Specialized Subcontractors, if permitted in accordance with ITA 25.2]	Must meet requirement	Must meet requirement <sup>11</sup>	N/A	Must meet the following requirements for the key activities listed below [list key activities and the corresponding minimum requirements to be met by one member otherwise state: "N/A"]	Form EXP 4.3(a)
4.3 (b)		For the above and any other contracts [substantially completed and under implementation] as prime supplier, joint venture member, or sub-contractor between 1st January [insert year] and Application submission deadline, a minimum construction experience in the following key activities successfully completed 12: [list key activities indicating volume, number or rate of production as applicable.  Under 4.3(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b)	Must meet requirements [Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 25.2]	Must meet requirements [Specify activities that may be met through a Specialized Subcontractor, if permitted in accordance with ITA 25.2]	N/A	Must meet the following requirements for key activities listed below [if applicable, out of the key activities in the first column of this 4.3 b), list key activities (volume, number or rate of production as applicable) and the corresponding	Form EXP – 4.2 (b)

<sup>&</sup>lt;sup>9</sup> Substantial completion shall be based on 80% or more works completed under the contract.

<sup>&</sup>lt;sup>10</sup> For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, and role and responsibilities shall be considered to meet this requirement.

<sup>&</sup>lt;sup>11</sup> In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met.

Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated.

Eligibility and Qualification Criteria		Compliance Requirements				Document/ Form	
No.	Subject	Requirement	Single Entity    Joint Venture (existing or intended   All Members   Each   One Member   Combined   Member   One Member   Combined   Combined		Submission Requirement		
		define the required capability of the Applicant to execute the Works. There shall not be any inconsistency or repetition of requirement between 4.3(a) and 4.3(b). For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12-month period in the specified period 1 <sup>13</sup>				minimum requirements that have to be met by one member, otherwise this cell should state: "N/A".]	

<sup>&</sup>lt;sup>13</sup> The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise.

l.	<b>Application Submission Lett</b>	<u>er</u>		
	e: No. and title			
	ualified for the referenced ITT		Procuring Entity] We, the un	ndersigned, apply to be
<i>a</i> )	No reservations: We have ex	amined and have no	_	ication Document, including ssuing date of each addendum].
b)	No conflict of interest: We ha	ve no conflict of inter	rest in accordance with ITA	5.7;
c)		stated ITA 5, we have not been oposal-Securing Declaration in		
	or service providers for any p that is subject to, a temporary	art of the contract, are suspension or a deba	e not subject to, and not contrarment imposed by the PPR.	ers, consultants, manufacturers, colled by any entity or individual A. Further, we are not ineligible nited Nations Security Council;
	_			e the other] [We are not a state- on but meet the requirements of
f)	following key activities and/ [Insert any of the key activities	or parts of the works or es identified in Section ualification Documen	or supply contracts: In III-4.2 (a)or(b) or 4.3(a) on It and which the Applicant in	r (b) which the Procuring Entity stends to subcontract along with
(g)				ratuities, or fees have been paid Tendering process or execution
	Name of Recipient	Address	Reason	<u>Amount</u>
³ Th	e minimum experience req [insert full name for each occurrence]	uirement for multiple of linsert street, number/city/cour	_	erminimum requirements fective individual co [specify amol currency, val exchange rat KENYA SHII equivalent]

[If no payments are made or promised, add the following statement: "No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application]

- (h) Not bound to accept: We understand that you may cancel the prequalification process at any time and 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 26.1.
- (i) True and correct: All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

Signed	[insertsignature(s)ofanauthorizedrepresentative(s)oftheApplicant]
Name	[insert full name of person signing the Application]
In the capacity of	[insert capacity of person signing the Application]
•	the Application for and on behalf of: Applicant's
Address	[insert street number/town or city/country address]
Dated on	[insert day number] day of [insert month], [insert year]

[For a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached]

## 2. Form ELI -1.1 - Applicant Information Form

Date:[insert day, month, year]
ITT No. and title[insert ITT number and title]
Page[insert page number] of [insert total number] pages
Applicant's name
[insert full name]
In case of Joint Venture (JV), name of each member:
[insert full name of each member in JV]
Applicant's actual or intended country of registration:
[indicate country of Constitution]
Applicant's actual or intended year of incorporation:
[indicate year of Constitution]
Applicant's legal address [in country of registration]:
[insert street/ number/ town or city/ country]
Applicant's authorized representative information
Name: [insert full name]
Address: [insert street/ number/ town or city/ country]
Telephone/Fax numbers: [insert telephone/fax numbers, including country and city codes] E-mail address: [indicate e-mail address]
1. Attached are copies of original documents of
☐ Articles of Incorporation (or equivalent documents of constitution or association), and/or
documents of registration of the legal entity named above, in accordance with ITA 5.6.
☐ In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 5.3.
☐ In case of state-owned enterprise or institution, in accordance with ITA 5.9 documents
establishing:
Legal and financial autonomy
Operation under commercial law
Establishing that the Applicant is not under supervision of the Procuring Entity
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

#### 3. Form ELI-1.2 - Applicant's JV Information Form

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

[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

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

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

Applicant's Name: [insert full name]
Date: [insert day, month, year]

Joint Venture Member's Name: [insert full name] ITT No. and title: [insert ITT number and title]

Page [insert page number] of [insert total number] pages

Non Porfe	rmad	Contracts in	nacardona	with Section III, Qualification Criteria and	
Requirem		Contracts III	accordance	with Section III, Qualification Criteria and	
		t non-perforn	nance did no	ot occur since 1st January [insert year] specified in	Section III, Qualification
		quirements,			, (
□ C	ontrac	t(s) not perfo	rmed since	1st January [insert year] specified in Section III, Q	Qualification Criteria and
Requirem	ents, 1	requirement	2.1		
Year		1	Contract Id	lentification	Total Contract Amount
	1	on of			(current value, currency,
	cont	ract			exchange rate and
					KENYA SHILLING equivalent)
insert	[inse	ert amount		lentification: [indicate complete contract name/	[insert amount]
rear]	and p	oercentage]		nd any other identification]	
				rocuring Entity: [insert full name]	
				Procuring Entity: [insert street/city/country]	
) 1' T	.,. ,.			for nonperformance: [indicate main reason(s)]	
				etion III, Qualification Criteria and Requirements	minamanta Calla Danta 2.2
	_			nce with Section III, Qualification Criteria and Rec	_
□ Pondicated			accordance	with Section III, Qualification Criteria and Require	ments, Sub-Factor 2.3 as
Year of	below		diamuta	Contract Identification	Total Contract
dispute		Amount in dispute (currency)		Contract identification	Amount (currency),
uispuie					USD Equivalent
					(exchange rate)
insert ye	ar1	[insert amount]		Contract Identification: [indicate complete	[insert amount]
inseri ye	cu. j	[insert amount]		contract name, number, and any other	
				identification	
				Name of Procuring Entity: [insert full name]	
				Address of Procuring Entity: [insert	
				street/city/country]	
				Matter in dispute: [indicate main issues in	
				dispute]	
				Party who initiated the dispute: [indicate	
				"Procuring Entity" or "Contractor"]	
				Status of dispute: [Indicate if it is being	
				treated by the Adjudicator, under Arbitration	
T '.' .'	11.	• 1	:4. 0	or being dealt with by the Judiciary]	
_		ory in accord	ance with S	ection III, Qualification Criteria and	
Requirer		igation Iliata	mi in coor	lance with Section III, Qualification Criteria and I	Dogwinomanta Cub Easter
□ 1 2.4.	NO LIT	igation Histo	ry maccore	iance with Section III, Quantication Criteria and I	xequirements, Sub-ractor
	Litiaat	ion History	n accordano	e with Section III, Qualification Criteria and Requ	irements Sub Factor 2.4
as indica			n accordanc	& with Section III, Quantication Criteria and Requ	mements, sub-ractor 2.4
Year of		Outcome a	<u> </u>	Contract Identification	Total Contract
award		percentage			Amount (currency),
		Worth	211100		USD Equivalent
		01311			(exchange rate)

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

### 5. Form FIN – 3.1 - Financial Situation and Performance

#### **Financial Situation and Performance**

[The following table shall be fit	lled in for ti	he Applicant a	nd for each m	ember of a Jo	oint Venture]
Applicant's Name	[i	insert full nam	e]		
Date:[ins	ert day, mo	onth, year]			
Joint Venture Member Name		[ins	ert full name]		
ITT No. and title	[in	isert ITT numl	ber and title]		
Pagefinse	-		_	erl pages	
1. Financial data		neery er [mse		. J Pages	
1. Financiai uata					
Type of Financial information in (currency)	[insert in	nformation for p words] n currency, curr			
	Year 1	Year 2	Year 3	Year4	Year 5
Statement of Financial Position (In	nformation	from Balance S	Sheet)		
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Stateme	ent ent				
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Cash Flow Information					
Cash Flow from Operating Activities					

<sup>\*</sup> Refer ITA 14 for the exchange rate

#### 5.2 Sources of Finance

[The following table shall be filled in for the Applicant and all parties combined in case of a Joint Venture]

Specify sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.

No.	Source of finance	Amount (Kenya shilling equivalent)
1		
2		
3		

#### 5.3 Financial documents

The Applicant and its parties shall provide copies of financial statements for [number] years pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

- a) reflect the financial situation of the Applicant or in case of JV member, and not an affiliated entity (such as parent company or group member).
- b) Be independently audited or certified in accordance with local legislation.
- c) Be complete, including all notes to the financial statements.
- d) Correspond to accounting periods already completed and audited.

Attached are copies of financial	statements	for the	[number]	years 1	required	above;	and	complyi	ng with
the requirements									

If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, the reason for this should be justified.

### 6 Form FIN - 3.2 - Average Annual Construction or Supply Contracts Turnover

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

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

<sup>\*</sup> Refer ITA 14 for date and source of exchange rate.

<sup>\*\*</sup> Total Kenya shilling equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, 3.2.

## **Table B (Complete if Supplier)**

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

Refer ITA 15 for date and source of exchange rate.

<sup>\*\*</sup> Total Kenya shilling equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, 3.2.

#### 7 Form EXP - 4.1 - General Construction or Supply or service Contract Experience (Select one)

[The following table shall be filled in for the Applicant and in the case of a JV Applicant, each Member] Applicant's Name: [insert full name]

[Identify contracts that demonstrate continuous construction work over the past [number] years pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 4.1. List contracts chronologically, according to their commencement (starting) dates.]

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

<sup>\*</sup> Refer ITA 15 for date and source of exchange rate.

## 8 Form EXP - 4.2(a) - Specific Construction and Contract Management Experience or Supply or service Contract Experience (*Select one*)

[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]

Applicant's Name[insert full name]
Date:[insert day, month, year]
Joint Venture Member Name[insert full name]
ITT No. and title[insert ITT number and title]
Page[insert page number] of[insert total number] pages

Similar Contract No.	Information						
[insert number] of [insert number of							
similar contracts required]							
Contract Identification	[insert contract name and number, if applicable]						
Awarddate	[insert day, me	onth, year, e.g., 1.	5 June, 2015]				
Completion date	[insert day, mo	onth, year, e.g., 0.	3 October, 2017]				
Role in Contract				a 1			
[check the appropriate box]	Prime	Member in	Management	Sub-			
	Contractor □	JV	Contractor	contractor			
Total Contract Amount	[insert total con	ntract amount in	KENYA SHILLING [insert				
	local currency	]	Exchange rate and total				
			contract amount in KENYA				
			SHILLING				
			equivalent] *				
If member in a JV or sub-contractor,	[insert a	[insert total	[insert exchange rate	and total			
specify share in value in total Contract	percentage	contract amount in	n contract amount in K	<i>ENYA</i>			
amount and roles and responsibilities	amount]	local currency]	SHILLING equivalent] *				
_	[insert roles an	d responsibilities]					
Procuring Entity's Name:	[insert full nan	ne]					
Address:	[indicate stree	t / number / town	or city / country]				
Telephone/fax number	[insert telepho	ne/fax numbers, ii	ncluding country and				
E-mail:	city area codes	s/					
	[insert e-mail	address, if availa	ble]				

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

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

# 10 Form EXP - 4.2(b) - Construction Experience or Supply or service contract in Key Activities (select one)

Applicant's Name [insert fi	ull name]			
Date:[insert day, month, ye	ear]			
Applicant's JV Member's Name	[insert ful	l name]		
Sub-contractor's Name (as p	er ITA 24.2 and	1 24.3): [insert f	ull name]	
ITT No. and title[insert IT	T number and t	itle]		
Page[insert page number] of	f	[insert total nui	mber] pages	
All Sub-contractors for key activities must Section III, Qualification Criteria and Requ		formation in thi	is form as per I	ΓA 24.2 and 24.3 a
<ol> <li>Key Activity No. One: [insert brief of Total Quantity of Activity under the</li> </ol>				ificity]
	Information			
		name and num	ber, if applicab	le]
Awarddate	[insert day, mo	nth, year, e.g.,	15 June, 2015]	
Completion date	[insert day, mo	nth, year, e.g., (	03 October, 201	[7]
check the appropriate box			Management Contractor	Sub-contractor
	[insert total contract amount in contract currency(ies)]  KENYA SHILLING [exchange rate and tot contract amount in KI SHILLING equivalent		and total nt in KENYA	
production, as applicable) performed under	Total quantity in the contract (i)			Actual Quantity Performed (i) x (ii)
Year 1				
Year 2				
Year 3				
Year 4				
Procuring Entity's Name:	[insert full name	<i>[</i> ]		
Telephone/fax number	[insert telephone city area codes]	/ number / town e/fax numbers, in l ldress, if availab	cluding country	• -

3	
	Information
Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III:	
Section III:	
	[insert response to inquiry indicated in left column]

2. Activity No. Two

#### STAGE 1: PRELIMINARY EVALUATION/MANDATORY REQUIREMENTS

Eligible bidders should note that only those meeting the criteria indicated below as minimum, supported by the relevant documents at submission will be considered for further evaluation: -

NO.	Mandatory Requirement	Responsive or Not Responsive
1.	Must Submit a copy of certificate of Registration/ Incorporation	
2.	Must Submit a copy of a current/valid Tax Compliance or Exemption certificate from Kenya Revenue Authority	
3.	Must Fill the tender form in the format provided	
4.	Must submit a dully filled and signed Confidential Business Questionnaire in the format provided	
5.	Copy of CR12 for Registered Limited Company and copies of ID cards of the Directors/Owners	
6.	Copy of Valid Single Business Permit/License	
7.	Compliance with section 74(1) (i) of the PPAD Act, 2015 that makes it a mandatory "requirement of serialization/pagination of pages by the bidder" for each bid submitted	
8.	Must fill, sign and stamp the attached self-declaration form	

Only Bidders who comply to all the above mandatory requirements qualify for the next stage of evaluation.

STAGE 2: TECHNICAL EVALUATION/QUALIFICATIONS

NO	EVALUATION CLITERIA	PERFORMANCE	MAXIMUN SCORES
1	Delivery period	Signed &stamped work program showing delivery timelines	30
2.	Past experience/ Significance of the amount of value of Past Supply	Attach copies of LPO/LSO-20marks Notification, Recommendation letters - 10marks	30
3.	Qualifications of Directors & other Key Personnel Related to the Works	Attach relevant certificates	20
4.	Financial capacity	Bank reference letter or audited accounts for the last two years or bank statement	20
35			

Total Points	100

## Only bidders obtaining a score of 70% and above shall qualify for

## financial evaluation. STAGE 3: FINANCIAL EVALUATION:

Tenderers with the lowest evaluated bids per item will be recommended for award

## FINANCIAL EVALUATION (for official use only)

Bidder No.	Bidder's Name & address	Names of Directors & Phone Nos.	Location/Ward	Tender sum Quoted	Remarks/Rating
1.					
2.					
3.					
Etc.					

#### FORM OF TENDER

#### INSTRUCTIONS TO TENDERERS

#### INSTRUCTIONS TO TENDERERS

The Tenderer must prepare this Form of Tender on stationery with its letterhead clearly showing the Tenderer's complete name and business address.

All italicized text is to help Tenderer in preparing this form.

Tenderer must complete and sign CERTIFICATE OF INDEPENDENT TENDER DETERMINATION and the SELF DECLARATION OF THE TENDERER and TENDERER'SELIGIBILITY-CONFIDENTIAL BUSINESSQUESTIONNAIRE all attached to this Form of Tender.

The Form of Tender shall include the following Forms duly completed and signed by the Tenderer.

Tenderer's Eligibility-Confidential Business Questionnaire

Certificate of Independent Tender Determination

Self-Declaration of the Tenderer

Date of this Tender submission:			[insert date (as day,	month and year) of	Tender submission]
Tender	Name	and	Identification:	[insert	identification]
Alternative	No.:		[insert identification	No if this is a	Tender for an
alternative]					
То	:	[Insert c	omplete name of Procur	ing Entity]	

**No reservations:** We have examined and have no reservations to the Tendering document, including Addenda issued in accordance with Instructions to tenderers (ITT 7);

**Eligibility**: We meet the eligibility requirements and have no conflict of interest in accordance with ITT 3;

**Tender/Proposal-Securing Declaration**: We have not been suspended nor declared ineligible by the Procuring Entity based on execution of a Tender-Securing Declaration. or

Proposal-Securing Declaration in Kenya in accordance with ITT 3.6;

**Conformity:** We offer to supply in conformity with the Tendering document and in accordance with the Delivery Schedules specified in the Schedule of Requirements the following Goods: [insert a brief description of the Goods and Related Services];

**Tender Price**: The total price of our Tender, excluding any discounts offered in item below is:

Option 1, in case of one lot: Total price is: <u>[insert the total price of the Tender in words and figures, indicating the various amounts and the respective currencies]</u>;

or

Option 2, in case of multiple lots: (a) Total price of each lot [insert the total price of each lot in words and figures, indicating the various amounts and the respective currencies]; and (b) Total price of all lots (sum of all lots) [insert the total price of all lots in words and figures, indicating the various amounts and the respective

*currencies*];

**Discounts**: The discounts offered and the methodology for their application are:

The discounts offered are: [Specify in detail each discount offered.]

The exact method of calculations to determine the net price after application of discounts are shown below: [Specify in detail the method that shall be used to apply the discounts];

- **Tender Validity Period**: Our Tender shall be valid for the period specified in TDS 17.1 (as amended, if applicable) from the date fixed for the Tender submission deadline specified in TDS 21.1 (as amended, if applicable), and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
- **Performance Security**: If our Tender is accepted, we commit to obtain a performance security in accordance with the Tendering document;
- One Tender per tenderer: We are not submitting any other Tender(s) as an individual tenderer, and we are not participating in any other Tender(s) as a Joint Venture member, or as a subcontractor, and meet the requirements of ITT 3.9, other than alternative Tenders submitted in accordance with ITT 12;
- **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 Procuring Entity. Further, we are not ineligible under the Kenya laws or official regulations or pursuant to a decision of the United Nations Security Council;
- **State-owned enterprise or institution**: [select the appropriate option and delete the other] [We are not a state-owned enterprise or institution] / [We are a state-owned enterprise or institution but meet the requirements of ITT 3.7];
- Commissions, gratuities, fees: We have paid, or will pay the following commissions, gratuities, or fees with respect to the Tendering process or execution of the Contract: [insert complete name of each Recipient, its full address, the reason for which each commission or gratuity was paid and the amount and currency of each such commission or gratuity]

Name of Recipient	Address	Reason	Amount

(If none has been paid or is to be paid, indicate "none.")

- **Binding Contract**: We understand that this Tender, together with your written acceptance thereof included in your Letter of Acceptance, shall constitute a binding contract between us, until a formal contract is prepared and executed;
- **Procuring Entity Not Bound to Accept**: We understand that you are not bound to accept the lowest evaluated cost Tender, the Best Evaluated Tender or any other Tender that you may receive; and
- **Fraud and Corruption**: We hereby certify that we have taken steps to ensure that no person acting for us or on our behalf engages in any type of Fraud and Corruption.
- Code of Ethical Conduct: We undertake to adhere by the Code of Ethics for Persons Participating in Public Procurement and Asset Disposal, copy available from \_\_\_\_\_\_(specify website) during the procurement process and the execution

of any resulting contract.

**Collusive practices**: We hereby certify and confirm that the tender is genuine, non-collusive and made with the intention of accepting the contract if awarded. To this effect we have signed the "Certificate of Independent tender Determination" attached below.

We, the Tenderer, have completed fully and signed the following Forms as part of our Tender:

Tenderer's Eligibility; Confidential Business Questionnaire – to establish we are not in any conflict to interest.

Certificate of Independent Tender Determination – to declare that we completed the tender without colluding with other tenderers.

Self-Declaration of the Tenderer – to declare that we will, if awarded a contract, not engage in any form of fraud and corruption.

Declaration and commitment to the Code of Ethics for Persons Participating in Public Procurement and Asset Disposal.

Further, we confirm that we have read and understood the full content and scope of fraud and corruption as informed in "Appendix 1- Fraud and Corruption" attached to the Form of Tender.

Name of the tenderer: \*[insert complete name of the tenderer]

Name of the person duly authorized to sign the Tender on behalf of the tenderer: \*\*[insert complete name of person duly authorized to sign the Tender]

Title of the person signing the Tender: [insert complete title of the person signing the Tender]

Signature of the person named above: [insert signature of person whose name and capacity

are shown above] Date signed [insert date of signing] day of [insert month], [insert year]

- \*: In the case of the Tender submitted by a Joint Venture specify the name of the Joint Venture as tenderer.
- \*\*: Person signing the Tender shall have the power of attorney given by the tenderer. The power of attorney shall be attached with the Tender Schedules.

#### CERTIFICATE OF INDEPENDENT TENDER DETERMINATION

I, the undersigned, in submitting the accompanying Letter of Tender to the
Procuring Entity] for: [Name and
number of tender] in response to the request for tenders made by: [Name of Tenderer] do hereby make the following statements that I certify to be true and complete in every respect:
I certify, on behalf of[Name
of Tenderer] that:
I have read and I understand the contents of this Certificate;
I understand that the Tender will be disqualified if this Certificate is found not to be true and complete in every respect;
I am the authorized representative of the Tenderer with authority to sign this Certificate, and to submit the Tender on behalf of the Tenderer;
For the purposes of this Certificate and the Tender, I understand that the word "competitor" shall include any individual or organization, other than the Tenderer, whether or not affiliated with the Tenderer, who:
has been requested to submit a Tender in response to this request for tenders;
could potentially submit a tender in response to this request for tenders, based on their qualifications, abilities or experience;
The Tenderer discloses that [check one of the following, as applicable]:
The Tenderer has arrived at the Tender independently from, and without consultation, communication, agreement or arrangement with, any competitor;
the Tenderer has entered into consultations, communications, agreements or arrangements with one or more competitors regarding this request for tenders, and the Tenderer discloses, in the attached document(s), complete details thereof, including the names of the competitors and the nature of, and reasons for, such consultations, communications, agreements or arrangements;
In particular, without limiting the generality of paragraphs (5)(a) or (5)(b) above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
prices;
methods, factors or formulas used to calculate prices;
the intention or decision to submit, or not to submit, a tender; or
the submission of a tender which does not meet the specifications of the request for Tenders; except as specifically disclosed pursuant to paragraph (5)(b) above;

In addition, there has been no consultation, communication, agreement or arrangement with any competitor regarding the quality, quantity, specifications or delivery particulars of the works or services to which this request for tenders relates, except as specifically authorized by the procuring authority or as specifically disclosed pursuant to paragraph (5)(b) above;

the terms of the Tender have not been, and will not be, knowingly disclosed by the Tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening, or of the awarding of the Contract, whichever comes first, unless otherwise required by law or as specifically disclosed pursuant to paragraph (5)(b) above.

Name

Title					
Date					

 $[Name, \, title \,\, and \,\, signature \,\, of \,\, authorized \,\, agent \,\, of \,\, Tenderer \,\, and \,\, Date]$ 

#### **SELF-DECLARATION FORMS**

#### 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 Pos	t Office Box	•••••	being
a resident ofmake a statement as follows:-				
THAT I am the Company Secrets Officer/Director of a Bidder in resp  title/description) for duly authorized and competen	ect of	(insert na Tender  (insert name	me of the Compan No(insert	tender
THAT the aforesaid Bidder, its Dire participating in procurement pro	ctors and subco	ontractors have no		n
THAT what is deponed to herein ab belief.	ove is true to th	e best of my kno	wledge, information	and
(Title)	(Signature)		(Date)	
Bidder Official Stamp				

#### FORM SD2

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

I, . ofa sta	tement as follows:-	of P.O. Boxin the Republic of		being a resident do hereby make
1.	THAT I amthe Chief of	respect of <b>Tender No</b> .  ler title/description) for	(insert	name of the
Tl	HAT the aforesaid Bidder, its servar fraudulent practice and has not be Management, Staff and/or employ (insert name	en requested to pay any invees and/or agents of	nducement to any me	mber of the Board,
Tl	HAT the aforesaid Bidder, its servar to any member of the Boar(name of the	d, Management, Staff		
Tl	HAT the aforesaid Bidder will not e bidders participating in the subjec		any corrosive practic	e with other
TI	HAT what is deponed to herein abo	ve is true to the best of my	knowledge informat	ion and belief.
	(Title)	(Signature)		(Date)

Bidder's Official Stamp

## DECLARATION AND COMMITMENT TO THE CODE OF ETHICS

I	(Person) on behalf of (Name of
the Business/ Company/Firm)	
and fully understood the contents of the Public Procurement & Ass	
the Code of Ethics for persons participating in Public Procuresponsibilities under the Code.	irement and Asset Disposal and my
responsibilities under the Code.	
I do hereby commit to abide by the provisions of the Code of Etl	hics for persons participating in Public
Procurement and Asset Disposal.	
Name of Authorized signatury	
Name of Authorized signatory	
Sign	
Position	
Office addressTeleph	one
•	
E-mail	
Name of the Firm/Company	
Date	
(Company Seal/ Rubber Stamp where applicable)	
(Company sour ranger stamp where approximate)	
Witness	
Name	
Sign	
Date	
~ ····································	

#### **APPENDIX 1- FRAUD AND CORRUPTION**

(Appendix 1 shall not be modified)

#### **Purpose**

1.1 The Government of Kenya's Anti-Corruption and Economic Crime laws and their sanction's policies and procedures, Public Procurement and Asset Disposal Act (no. 33 of 2015) and its Regulation, and any other Kenya's Acts or Regulations related to Fraud and Corruption, and similar offences, shall apply with respect to Public Procurement Processes and Contracts that are governed by the laws of Kenya.

#### Requirements

- 2.1 The Government of Kenya requires that all parties including Procuring Entities, Tenderers, (applicants/proposers), Consultants, Contractors and Suppliers; any Sub-contractors, Sub-consultants, Service providers or Suppliers; any Agents (whether declared or not); and any of their Personnel, involved and engaged in procurement under Kenya's Laws and Regulation, observe the highest standard of ethics during the procurement process, selection and contract execution of all contracts, and refrain from Fraud and Corruption and fully comply with Kenya's laws and Regulations as per paragraphs 1.1 above.
- 2.2 Kenya's public procurement and asset disposal act (no. 33 of 2015) under Section 66 describes rules to be followed and actions to be taken in dealing with Corrupt, Coercive, Obstructive, Collusive or Fraudulent practices, and Conflicts of Interest in procurement including consequences for offences committed. A few of the provisions noted below highlight Kenya's policy of no tolerance for such practices and behavior:
  - a person to whom this Act applies shall not be involved in any corrupt, coercive, obstructive, collusive or fraudulent practice; or conflicts of interest in any procurement or asset disposal proceeding;

A person referred to under subsection (1) who contravenes the provisions of that subsection commits an offence;

Without limiting the generality of the subsection (1) and (2), the person shall be—disqualified from entering into a contract for a procurement or asset disposal proceeding; or

if a contract has already been entered into with the person, the contract shall be voidable;

The voiding of a contract by the procuring entity under subsection (7) does not limit any legal remedy the procuring entity may have;

An employee or agent of the procuring entity or a member of the Board or committee of the procuring entity who has a conflict of interest with respect to a procurement:-

shall not take part in the procurement proceedings;

shall not, after a procurement contract has been entered into, take part in any decision relating to the procurement or contract; and

shall not be a subcontractor for the bidder to whom was awarded contract, or a member of the group of bidders to whom the contract was awarded, but the subcontractor appointed shall meet all the requirements of this Act.

An employee, agent or member described in subsection (1) who refrains from doing anything prohibited under that subsection, but for that subsection, would have been within his or her duties shall disclose the conflict of interest to the procuring entity;

If a person contravenes subsection (1) with respect to a conflict of interest described in subsection (5)(a) and the contract is awarded to the person or his relative or to another person in whom one of them had a direct or indirect pecuniary interest, the contract shall be terminated and all costs incurred by the public entity shall be made good by the awarding officer. Etc.

2.3 In compliance with Kenya's laws, regulations and policies mentioned above, the Procuring

#### Entity:

Defines broadly, for the purposes of the above provisions, the terms set forth below as follows:

"corrupt practice" is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;

"fraudulent practice" is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;

"collusive practice" is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;

"coercive practice" is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;

"obstructive practice" is:

deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede investigation by Public Procurement Regulatory Authority (PPRA) or any other appropriate authority appointed by Government of Kenya into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or

acts intended to materially impede the exercise of the PPRA's or the appointed authority's inspection and audit rights provided for under paragraph 2.3 e. below.

Defines more specifically, in accordance with the above procurement Act provisions set forth for fraudulent and collusive practices as follows:

"fraudulent practice" includes a misrepresentation of fact in order to influence a procurement or disposal process or the exercise of a contract to the detriment of the procuring entity or the tenderer or the contractor, and includes collusive practices amongst tenderers prior to or after tender submission designed to establish tender prices at artificial non-competitive levels and to deprive the procuring entity of the benefits of free and open competition.

Rejects a proposal for award<sup>1</sup> of a contract if PPRA determines that the firm or individual recommended for award, any of its personnel, or its agents, or its subconsultants, sub-contractors, service providers, suppliers and/ or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;

Pursuant to the Kenya's above stated Acts and Regulations, may sanction or debar or recommend to appropriate authority (ies) for sanctioning and debarment of a firm or individual, as applicable under the Acts and Regulations;

Requires that a clause be included in Tender documents and Request for Proposal documents requiring (i) Tenderers (applicants/proposers), Consultants, Contractors, and Suppliers, and their Sub-contractors, Sub-consultants, Service providers, Suppliers, Agents personnel, permit the PPRA or any other appropriate authority appointed by Government of Kenya to inspect<sup>2</sup> all accounts, records and other documents relating to the procurement process, selection and/or contract execution, and to have them audited by auditors appointed by the PPRA or any other appropriate authority appointed by Government of Kenya; and

Pursuant to Section 62 of the above Act, requires Applicants/Tenderers to submit along with their Applications/Tenders/Proposals a "Self-Declaration Form" as included in the procurement document declaring that they and all parties involved in the procurement process and contract execution have not engaged/will not engage in any corrupt or fraudulent practices.

<sup>1</sup>For the avoidance of doubt, a party's ineligibility to be awarded a contract shall include, without limitation, applying for pre-qualification, expressing interest in a consultancy, and tendering, either directly or as a nominated subcontractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.

Inspections in this context usually are investigative (i.e., forensic) in nature. They involve fact-finding activities undertaken by the Investigating Authority or persons appointed by the Procuring Entity to address specific matters related to investigations/audits, such as evaluating the veracity of an allegation of possible Fraud and Corruption, through the appropriate mechanisms. Such activity includes but is not limited to: accessing and examining a firm's or individual's financial records and information, and making copies thereof as relevant; accessing and examining any other documents, data and information (whether in hard copy or electronic format) deemed relevant for the investigation/audit, and making copies thereof as relevant; interviewing staff and other relevant individuals; performing physical inspections and site visits; and obtaining third party verification of information.

## TENDERER INFORMATION FORM

[The tenderer shall fill in this Form in accordance with the instructions indicated below. No alteration to its format shall be permitted and no substitutions shall be accepted.]
Date:
Tender Name and Identification: [Insert identification
Alternative No.:
Pageofpages
Tenderer's Name [insert Tenderer's legal name]
In case of JV, legal name of each member: [insert legal name of each member in JV]
Tenderer's actual or intended country of registration: [insert actual or intended country of registration]
Tenderer's year of registration: [insert Tenderer's year of registration]
Tenderer's Address in country of registration: [insert Tenderer's legal address in country of registration]
Tenderer's Authorized Representative Information
Name: [insert Authorized Representative's name]
Address: [insert Authorized Representative's Address]
Telephone/Fax numbers: [insert Authorized Representative's telephone/fax numbers]
Email Address: [insert Authorized Representative's email address]
Attached are copies of original documents of [check the box(es) of the attached original documents]
For Kenyan Tenderers a current tax clearance certificate or tax exemption certificate issued by the Kenya Revenue Authority in accordance with ITT 3.14.
□Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITT 3.4. In case of JV, letter of intent to form JV or JV agreement, in accordance with ITT 3.1.
In case of state-owned enterprise or institution, in accordance with ITT 4.6 documents establishing:
Legal and financial autonomy
Operation under commercial law
Establishing that the tenderer is not under the supervision of the Procuring Entity
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

## TENDERER'S ELIGIBILITY- CONFIDENTIAL BUSINESS QUESTIONNAIRE FORM

Instruction to Tenderer

Tender is instructed to complete the particulars required in this Form, *one form for each entity if Tender is a JV*. Tenderer is further reminded that it is an offence to give false information on this Form.

#### **Tenderer's details**

	ITEM	DESCRIPTION
1	Name of the Procuring Entity	
2	Name of the Tenderer	
3	Full Address and Contact Details of the Tenderer.	
	1. Country	
	2. City	
	3. Location	
	4. Building	
	5. Floor	
	6. Postal Address	
	7. Name and email of contact person.	
4	Reference Number of the Tender	TENDER
		NO.MKD/SLH/KBZ/MAT/KBU/KLN/
		MKYN/T/031/2025-2027
5	Date and Time of Tender Opening	19 <sup>th</sup> June 2025 at 10:00am
6		
7	Maximum value of business which the Tenderer	
	handles.	
8		

#### **General and Specific Details**

Partnership, provide the following details.

Sole Proprietor, provide the following	g details.	
Name in full		
Age	Nationality	
Country of Origin	Citizenship	

	Names of Partners	Nationality	Citizenship	% Shares owned
1				
2				
3				

	Registered Company, provide	e the following details	S.	
Priva	ate or public Company			
State	e the nominal and issued capita	l of the Company-		
iii) Giv	Nominal Kenya Shillings (Edu Issued Kenya Shillings (Equi we details of Directors as follow	ivalent)		
	Names of Director	Nationality	Citizenship	% Shares owned
1				
2				
3				

DISCLOSURE OF INTEREST- Interest of the Firm in the Procuring Entity.

(i)	Are there any person/	persons in	(Name of	Procuring Entity	) who	has an interest
	or relationship in this	s firm? Yes/No		••••		

If yes, provide details as follows.

	Names of Person	Designation in the	Interest	or
		Procuring Entity	Relationship	with
			Tenderer	
1				
2				
3				

## Conflict of interest disclosure

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
1	Tenderer is directly or indirectly controlled by or is under common control with another tenderer.		
2	Tenderer receives or has received any direct or indirect subsidy from another tenderer.		
3	Tenderer has the same legal representative as another tenderer		
4	Tender has a relationship with another tenderer, directly or through common third parties that puts it in a position to influence the tender of another tenderer, or influence the decisions of the Procuring Entity regarding this tendering process.		
5	Any of the Tenderer's affiliates		

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
	participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of the tender.		
6	Tenderer would be providing goods, works, non-consulting services or consulting services during implementation of the contract specified in this Tender Document.		
7	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who are directly or indirectly involved in the preparation of the Tender document or specifications of the Contract, and/or the Tender evaluation process of such contract.		
8	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who would be involved in the implementation or supervision of the Contract.		
9	Has the conflict stemming from such relationship stated in item 7 and 8 above been resolved in a manner acceptable to the Procuring Entity throughout the tendering process and execution of the Contract?		

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t	) Certific	catioi
т.	, Coluin	cation

(f) Certification		
On behalf of the Tenderer, I certif	y that the information	given above is correct.

Full Name	
Title or Designation	
(Signature)	(Date)



## SECTION V - SCOPE OF WORKS, Goods or Non-Consulting Services required

- 1. Description of the Works or Supply contract.
- 2. Construction Period or Goods Supply Period or Non-Consulting Services Contract period.
- 3. Site and Other Data.

#### **Request For Review**

#### FORM FOR REVIEW (r.203 (1))

## PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD APPLICATION NO......OF......20...... **BETWEEN** ... APPLICANT **AND** ... RESPONDENT (Procuring Entity) Request for review of the decision of the............ (Name of the Procuring Entity of .............dated the...day of REQUEST FOR REVIEW I/We......p. of address: Physical address......P. O. Box No................................, 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. .....20......

**SIGNED** 

**Board Secretary** 

