



**PREQUALIFICATION/REGISTRATION OF
SUPPLIERS/SERVICE PROVIDERS FOR
PROVISION OF LEGAL.**

TENDER NO.: KVDA/PQ/15/2018-2019/20

RECEIPT NO.....

TENDER REG. NO.....

**CLOSING DATE: TUESDAY 23RD OCTOBER ,2018
AT 10.00 AM**

TABLE OF CONTENTS

Contents	Page
1. Pre-qualifications Instruction	3
2. Brief Contract Regulations	4
3. Pre-qualification Data Instructions	5
4. Form PQ-1-Pre-qualification Documents	8
Form PQ-2-Pre-qualification Data	9
Form PQ-3-Supervisory Personnel	10
Form PQ-4-Financial Position	11
Form PQ-5-Past Experience	12
Form PQ- 6-Sworn Statement	13
Form PQ-7-Confidential Questionnaires	14
Form PQ-8-Tender Questionnaires	16
Form PQ-9-Litigation History	17

PRE-QUALIFICATION INSTRUCTIONS

1.1 Introduction

The Managing Director, Kerio Valley Development Authority would like to invite interested candidates who must qualify by meeting the set criteria as provided by the **Procuring entity** to perform the contract of provision of legal services to the Authority.

1.2 Pre-Qualification Objective

The main objective of this part is to supply and deliver assorted items and also provide services under relevant tenders/Quotations to the Managing Director, Kerio Valley Development Authority as and when required during the **period ending 30th June, 2020.**

1.3 Invitation of Pre-qualification

Suppliers registered with Registrar of Companies under the Law of Kenya in respective merchandise or services are invited to submit their PRE-QUALIFICATION documents to the MANAGING DIRECTOR, KERIO VALLEY DEVELOPMENT AUTHORITY so that they may be pre-qualified for submission of tenders/Quotations. Bids will be submitted in complete lots singly or in combination. The client requires prospective suppliers to supply mandatory information for pre-qualification.

1.4 Experience

Prospective suppliers and contractors must have carried out successfully supply and delivery of similar items/services to Government institutions of similar size and complexity. Potential suppliers/contractors must demonstrate the willingness and commitment to meet the pre-qualification criteria.

1.5 Pre-qualification Document

This document includes questionnaire forms and documents required of prospective suppliers.

1.6 In order to be considered for pre-qualification prospective supplier must submit all the information herein requested.

1.7 INVITATION TO TENDER

DATE **4TH OCTOBER, 2018**
TENDER REF. NO. **KVDA/PQ/15/2018-2019/20**
TENDER NAME: **PROVISION OF LEGAL SERVICES.**

- 1.7.1 The Kerio Valley Development Authority, Eldoret **invites sealed bids from eligible candidates for Provision of legal services.**
- 1.7.2 Interested eligible candidates may obtain further information from KVDA website: www.kvda.go.ke OR PPIP Portal: www.tenders.go.ke OR inspect the prequalification documents at Supplies and Procurement Department, Kerio Valley Development Authority, P. O. Box 2660, Eldoret, Telephone No. 053 63361/3 – Ext. 225 during normal working hours.
- 1.7.3 A complete set of prequalification documents may be obtained by interested candidates from KVDA website www.kvda.go.ke OR PPIP Portal: www.tenders.go.ke free of charge.
- 1.7.4 **Completed prequalification documents are to be enclosed in plain sealed envelopes marked with tender reference number and be deposited in the Tender Box “A” at 13th Floor KVDA Plaza (Eldoret) or be addressed to:**

**The Managing Director
Kerio Valley Development Authority,
P. O. Box 2660 - 30100
ELDORET.**

So as to be received on or before Tuesday 23rd October ,2018 at 10.00 am.

- 1.7.5 **Tenders will be opened immediately thereafter in the presence of the Candidates or their representatives who choose to attend at the KVDA Boardroom, 14thFloor, Kerio Valley Development Authority’s Plaza**

1.8 Questions Arising from Documents

Questions that may arise from the Pre-qualifications documents should be directed to the Managing Director whose address is given in par 1.

1.9 Additional Information

The Government reserves the right to request submission of additional information from prospective bidders.

1.10 Invitation to Tenders/Quotations

Bidding documents (Tender/Quotations) will be made available only to those bidders whose qualifications are accepted by the Authority after **scoring more than 70 points** soon after the completion of the pre-qualification process

2. BRIEF CONTRACT REGULATIONS/GUIDELINES

2.1 Taxes on Imported Materials

The supplier will have to pay custom duty and VAT as applicable for all imported materials to be supplied unless the item(s) is/are donor funded.

2.2 Customs Clearance

The contractors shall be responsible for custom clearance of their imported goods and materials

2.4 Contract Price

The contract shall be of unit price type or cumulative of computed unit price and quantities required. Quantities may increase or decrease as determined by demand and on the authority of the client's Accounting Officer or Tender Committee.

2.5 Payments

All local purchase shall be on credit of a minimum of thirty (30) days or as it may be stipulated in the contract Agreement.

PRE-QUALIFICATION DATA INSTRUCTIONS

3.1. Pre-qualification data Forms

The attached questionnaire forms PQ-1, PQ-2, PQ-3, PQ-4, PQ-6, PQ-7 & PQ-8 are to be completed By prospective supplier/contractors who wish to be pre-qualified for submission of tender for the **specified tender lot**

3.1.1 The Pre-qualification application forms which are not filled out completely and submitted in the prescribed manner may not be considered. All the documents that form part of the proposal must be written in the English language and in ink.

3.2 QUALIFICATION

3.21 It is understood and agreed that the pre-qualification Data on prospective bidders is to be used by Government in determining, according to its sole judgment and discretion, the qualifications of prospective bidder to perform in respect to the **Tender lot** as described by the client.

3.22 Prospective bidders will not be considered qualified unless in the Judgment of Government they posses capability, experience, qualified personnel available and suitability of equipment and net current assets or working capital sufficient to satisfactorily execute the contract for goods/Services.

3.3 Essential Criteria for Pre-qualification

3.3.1. (a) Experience: Prospective bidder shall have at least 3 years experience in the supply of goods, services and allied items incase of potential supplier/contractor should show competence, willingness and capacity to service the contract.

(b) Prospective supplier requires special Experience and capability to organize, supply and delivery of items, or services at short notice.

3.3.2 Personnel

The names and pertinent information and the CV of the key personnel for individual or group to execute the contract must be indicated in Form PQ-3.

3.3.3 Financial Condition

The supplier's financial condition will be determined by latest financial statement submitted with the pre-qualification documents as well as Letters of reference from their bankers regarding supplier's credit position. Potential suppliers/contractors will be pre-qualified on the satisfactorily information given.

3.3.4 Special consideration will be given to the financial resources available as working capital, taking into account the amount of uncompleted orders on contract and now in progress. Data on Form PQ-4. However, potential bidders should provide evidence of financial capability to executive contract.

3.3.5 Past Performance

Past performance will be given due consideration in pre-qualifying bidders. Letters of reference from past customers should be included in Form PQ-5 where applicable.

3.3.6 Newly Registered firms

Such firms may not have any experience or past performance documented. Marks for such criteria shall be awarded in full if the personnel/staff shall be proven to have relevant compensating experience. No prove of LPO's /LSO's/invoices/Contracts shall therefore be required litigation history's marks shall also be awarded in full for such new firms.

3.3.7 Firms under preference and reservation regulations

Such entities shall be required to have been registered with the County or National Treasury and submit the certificate to be exempted from the evaluation criteria and qualify.

3.4 **STATEMENT**

Application must include a sworn statement Form PQ-6 by the Tenderer ensuring the accuracy of the information given.

3.5 **WITHDRAWAL OF PREQUALIFICATION**

Should a condition arise between the time firm is pre-qualified to bid and the bid opening date which in the opinion of the client/Government could substantially change the performance and qualification of the bidder or his ability to perform such as but not limited to bankruptcy, change in ownership or new commitments. The Authority reserves the right to reject the tender from such a bidder even though he was initially pre-qualified.

3.6 **OUTLINED SUPPLY AND DELIVERY PROCEDURES**

The Pre-qualified applicant should also submit a brief statement of supply and service delivery methods and procedures he plans to use to execute the contract in form PQ-2

3.7 **Pre-qualification Criteria**

Required Information	Form type	Points Score
1. Prequalification Documentation	PO-1	10
2. Pre-qualification Data	PQ-2	10
3. Supervisory Personnel	PQ-3	10
4. Financial Position	PQ-4	15
5. Past Experience	PQ-5	15
6. Sworn Statement	PQ-6	10
7. Confidential Questionnaire	PQ-7	20
8. Tender Questionnaire	PQ-8	5
9. Litigation History	PQ-9	5
TOTAL		100

3.8 **Qualification Mark**

The qualification mark is **70 points** and over

All firms to provide:

- a) Copies of Certificate of Registration
- b) Copy of V.A.T Registration Certificate
- c) Registration certificate from the professional body
- d) Tax compliance Certificate from Kenya Revenue Authority (**Failure to produce this certificate to prove compliance will lead to automatic disqualification thus No further evaluation of your application**)
- e) Copies of Pin Certificates of Firm/Company/Individual
- f) List of ongoing Contracts/Projects (goods, services)
- g) Bank references / Bank statement for the last 6 months
- h) Current year business licence

FORM PQ - 2

PRE-QUALIFICATION DATA

1. Legal name of firm.....
Post office address.....
Street and Address.....
City.....
Country.....
Telephone No..... Person to contact.....
Title.....

2. Organization & Business Information.....
Management Person.....
Director.....
General Manager.....
Other.....
Partnership (if applicable).....
Names of Partners.....

3. Business founded or incorporated.....
4. Under present management since.....
5. Net worth equivalent Kshs.....

6. Enclose copy of the organization chart of the firm indicating the main fields of activities

FORM PQ-3

SUPERVISORY PERSONNEL

Name.....

Age.....

Academic Qualification.....

Professional Qualification.....

Length of service with contractor or supplier position held

Supply or service experience

a) Name of Client/Customer.....

b) Character and nature of Contract.....

c) Contract value.....

d) Location of Contract.....

e) Period of Contract.....

f) Title and responsibility in Contract.....

.....

g) Other.....

Proposed Technical Personnel

a)

b)

c)

d)

e)

f)

g)

Proposed position in this project if contract is awarded.....

.....

Brief statement of supply and service delivery method the supplier plans to use to execute the contract.....

FORM PQ-4

FINANCIAL POSITION

Attached a copy of firm's two recent certified financial statements giving Summary of assets and current liabilities/or any other financial support.

FORM PQ-5

PAST EXPERIENCE

NAMES OF THE APPLICANTS CLIENTS IN THE LAST TWO YEARS

NAMES OF APPLICANTS OTHER CLIENTS AND VALUES OF CONTRACT/ORDERS

- 1.
 - i) Name of client (Organization).....
 - ii) Address of Client (Organization).....
 - iii) Name of contact person at the client (Organization).....
 - iv) Telephone No. of Client.....
 - v) Value of contract.....
 - vi) Duration of contract (date).....

- 2. Name of 2nd client (Organization)
 - (i) Name of client (Organization).....
 - (ii) Address of client (Organization.....
 - (iii) Name of contact person at the client (Organization.....
 - (iv) Telephone No. of Client.....
 - (v) Value of contract.....
 - (vi) Duration of contract (Date).....

- 3. Name of 3rd Client (Organization)
 - i) Name of client (Organization).....
 - ii) Address of Client (Organization).....
 - iii) Telephone No. of Client.....
 - iv) Name of contact person at the client (Organization).....
 - v) Value of contract.....
 - vi) Duration of contract (Date).....

- 4. Others.....

FORM PQ - 6

SWORN STATEMENT

Having studied the pre-qualification information for the above project we/I hereby state:

- a. The information furnished in our application is accurate to the best of our knowledge.
- b. That in case of being pre-qualified we acknowledge that this grants us the right to participate in due time in the submission of a tender or quotation on the basis of provisions in the tender or quotation documents to follow.
- c. When the call for Tenders/Quotations is issued the legal technical or financial conditions or the contractual capacity of the firm changes we come ourselves to inform you and acknowledge your right to review the pre-qualification made.
- d. We enclose all the required documents and information required for the pre-qualification evaluation.

Date.....

Applicant's Name.....

Address.....

Tel. No.....

Represented by.....

Signature.....

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

FORM PQ-7

CONFIDENTIAL BUSINESS QUESTIONNAIRE

You are requested to give the particulars indicated in part 1 and either part 2 (a) 2 (b) or 2 (c) whichever applies in your type of business.

You are advised that it is a serious offence to give false information on this Form

PART 1 GENERAL

Business Name.....

Location of Business premises.....

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

Postal Address.....Tel No.....Mobile No.....

Nature of business.....

Current Trade License No.....Expiring date.....

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

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

Functioning e-mail address(es).....

PART 2 (A) – Sole Proprietor

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

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

Citizenship details.....

Part 2 (b) – Partnership:

Name Nationality citizenship Details Shares

1

2

3

4

5

Part 2 (c) - Registered Company

Private or Public

State the nominal and issue capital of the company

Nominal Kshs.....

Issued Kshs.....

Give details of all directors as follows: Name Nationality Citizenship Details Shares

1.

2.

3.

4.

5.

Date..... Signature & Stamp of Tenderer.....

If Kenyan Citizen indicate under Citizenship Details whether by Birth, naturalization or Registration
GPK(L)

FORM PQ - 8 TENDER QUESTIONNAIRE

Please fill in block letters

1. Full names of tenderer

.....
.....

2. Full address of tenderer to which tender correspondence is to be sent (unless an agent has been appointed below)

.....
.....

3. Telephone numbers of tenderer

.....
.....

4. Fax number of tenderer

.....
.....

5. Name of tenderers representative to be contacted on matters of the tender during the tender period.

.....
.....

6. Details of tenderers nominated agent (if any) to receive tender notices. This is essential if the Tenderer does not have his registered address in Kenya (name, address, telephone and fax)

.....
.....
.....

Signature and stamp/seal of tenderer

LITIGATION HISTORY

Name of Contractor/Supplier

Contractors/Supplier should provide information on any history litigation or arbitration resulting from contracts executed in the last five years or currently under execution.

Year	Award for or against	Name of client cause of Litigation and matter in dispute	Disputed Amount (current value, Kshs. Equivalent