



**KENYA RAILWAYS**

**TENDER**

**FOR**

**REGISTRATION OF SUPPLIERS AND SERVICE PROVIDERS FOR  
SUPPLY OF GOODS AND PROVISION OF WORKS AND SERVICES  
FOR YEAR 2022-2024**

**TENDER NO: KR/SCM/REG/2022-2024**

**CLOSING DATE: WEDNESDAY 27<sup>TH</sup> April 2022  
CLOSING TIME: 10:00 AM**

**The Managing Director  
Kenya Railways  
P.O. Box 30121-00100  
NAIROBI, KENYA.**

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**REGISTRATION DOCUMENT FOR WORKS, GOODS AND SERVICE CONTRACTS  
FOR YEAR 2022-2024**

Invitation for Pre-qualification No.: **KR/SCM/REG/2022-2024** Procuring Entity or  
Procuring Entity: **Kenya Railways**

Issued on: **1<sup>st</sup> April,2022**



## REGISTRATION OF SUPPLIERS AND SERVICE PROVIDERS FOR SUPPLY OF GOODS AND PROVISION OF WORKS AND SERVICES FOR YEAR 2022 – 2024

Kenya railways invites application from interested registered suppliers and service providers for registration of suppliers and service providers for KR procurement operations for the years 2022 – 2024 in the following categories:

### A. SUPPLY OF GOODS

No	Category No.	Item Description	Eligibility/ Target Group
1.	KR/SCM/REG-G/001/2022-2024	Supply and Delivery of Computers, Printers, Scanners, Servers, Shredders, UPS and other ICT Related Equipment Printers, Scanners, Servers, Shredders, UPS and other ICT Related Equipment	Open to all
2.	KR/SCM/REG-G/002/2022-2024	Supply and Delivery of General Office Stationery	Reserved – Special Group
3.	KR/SCM/REG-G/003/2022-2024	Supply and Delivery of Uniforms, Protective Clothing's and Corporate Wears	Reserved-Special Group
4.	KR/SCM/REG-G/004/2022-2024	Supply and Delivery of Office Furniture, Fittings and General Equipment's	Reserved – Special Group
5.	KR/SCM/REG-G//005/ 2022-2024	Supply and Delivery of General Hardware, Electrical and Plumbing Materials & Tools	Open to all
6.	KR/SCM/REG-G//006/ 2022-2024	Supply and Delivery of Motor Vehicle Spare Parts, Tires, Tubes and Batteries	Open to all
7.	KR/SCM/REG-G/007/ 2022-2024	Supply and Delivery of Textbooks to Railway Training Institute	Open to all
8.	KR/SCM/REG-G/008/ 2022-2024	Supply and Delivery of Cutlery Crockery and Kitchen Equipment to Railway Training Institute	Open to all
9.	KR/SCM/REG-G/009/ 2022-2024	Supply and Delivery of Bottled Water, Water Dispensers and Disposable Cups	Reserved – Special Group
10.	KR/SCM/REG-G/010/ 2022-2024	Supply and Delivery of Printer Consumables – Toners, maintenance Kits and General Accessories	Reserved – Special Group
11.	KR/SCM/REG-G/011/ 2022-2024	Design, Printing, Supply and Delivery of Branded Promotional Materials, Creative Designs and other Printing Materials	Reserved – Special Group
12.	KR/SCM/REG-G/012/ 2022-2024	Supply and Delivery of Firewood & Charcoal to Railway Training Institute	Reserved – Special Group
13.	KR/SCM/REG-G/013/ 2022-2024	Supply, Delivery and Maintenance of Fire Fighting Equipment's, Fire	Open to all

No	Category No.	Item Description	Eligibility/ Target Group
14.	KR/SCM/REG-G/014/ 2022-2024	Supply of Fresh Cut-Flowers, potted flowers and maintenance of indoor plants	Reserved – Special Group
15.	KR/SCM/REG-G/015/ 2022-2024	Supply and Delivery of Newspapers, Magazines and Periodicals	Reserved – Special Group
16.	KR/SCM/REG-G/016/ 2022-2024	Supply and Delivery of Safety Equipment's - Boots, Gloves, Overall, Goggles etc.	Reserved – Special Group
17.	KR/SCM/REG-G/017/ 2022-2024	Supply and delivery of rolling stock airbrake spares	Open to all
18.	KR/SCM/REG-G/018/ 2022-2024	Supply and delivery of automotive paints and general paints	Open to all
19.	KR/SCM/REG-G/019/ 2022-2024	Supply and delivery of train control systems and accessories	Open to all
20.	KR/SCM/REG-G/020/ 2022-2024	Supply and delivery of rolling stock asset (Locomotives, DMUs, Wagons, Coaches, Cranes etc.)	Open to all
21.	KR/SCM/REG-G/021/ 2022-2024	Supply and delivery of Locomotives spares	Open to all
22.	KR/SCM/REG-G/022/ 2022-2024	Supply and delivery of rail wagons spares and coaches spares	Open to all
23.	KR/SCM/REG-G/023/ 2022-2024	Supply and delivery of DMUs spares	Open to all
24.	KR/SCM/REG-G/024/ 2022-2024	Supply and delivery of raw materials for spare parts manufacturing/fabrication	Open to all
25.	KR/SCM/REG-G/025/ 2022-2024	Supply and delivery of industrial gases and welding accessories	Open to all
26.	KR/SCM/REG-G/026/ 2022-2024	Supply and delivery of rolling stock maintenance consumables (special spirit, brake blocks, cleaning industrial detergents, silicon, belzona etc.)	Open to all
27.	KR/SCM/REG-G/027/ 2022-2024	Supply and delivery of lubricants	Open to all
28.	KR/SCM/REG-G/028/ 2022-2024	Supply and delivery of locomotive parts repair services (pressing, rewinding, clutch filling, valves repairs etc. )	Open to all
29.	KR/SCM/REG-G/029/ 2022-2024	Supply and delivery of electrical fittings and accessories	Open to all
30.	KR/SCM/REG-G/030/ 2022-2024	Supply and delivery of Marine vessel maintenance spares, tools and equipment	Open to all
31.	KR/SCM/REG-G/031/2022-2024	Supply Installation, Commissioning and Maintenance of Security Surveillance System and Access	Open to all

## B. PROVISION OF SERVICES

No	Category No.	Item Description	Eligibility/ Target Group
1.	KR/SCM/REG-S/001/ 2022-2020	Provision of Legal Services <b>LSK - Registered Firms Only</b>	Open to all
2.	KR/SCM/REG-S/002/ 2022-2024	Provision of Environmental Site Assessment Services – <b>NEMA Registered Firms Only</b>	Open to all
3.	KR/SCM/REG-S/003/ 2022-2024	Provision of Auctioneering Services – <b>Licensed Auctioneers Only</b>	Open to all
4.	KR/SCM/REG-S/004/ 2022-2024	Provision of Consultancy Services – Training Services – <b>Must be NITA Registered Firms</b>	Open to all

No	Category No.	Item Description	Eligibility/ Target Group
5.	KR/SCM/REG-S/005/ 2022-2024	Provision of Consultancy Services – General Professional Services (Customer Satisfaction, Perception Surveys, Media Training & Monitoring, Employee Satisfaction and Work Environment Surveys among others)	Open to all
6.	KR/SCM/REG-S/006/ 2022-2024	Provision of Health and Safety Consultancy Services and Training	Open to all
7.	KR/SCM/REG-S/007/ 2022-2024	Provision of Internet Connectivity Services, Short Code SMS Services	Open to all
8.	KR/SCM/REG-S/008/ 2022-2024	Provision of tank wagons cleaning services	Open to all
9.	KR/SCM/REG-S/009/ 2022-2024	Provision of tank wagons calibration services	Open to all
10.	KR/SCM/REG-S/010/ 2022-2024	Provision of marine vessel certification and services	Open to all
11.	KR/SCM/REG-S/011/ 2022-2024	Production of electronic media content- Documentaries, Animations and infomercials	Open to all
12.	KR/SCM/REG-S/012/ 2022-2024	Provision of fabrication of Miniatures, Sand table and associated services	Open to all
13.	KR/SCM/REG-S/013/ 2022-2024	Provision of Media monitoring and Media training services	Open to all
14.	KR/SCM/REG-S/014/ 2022-2024	Provision of Training for customer service and Support services	Open to all

### C. WORKS.

No	Category No.	Item Description	Eligibility/ Target Group
1.	KR/SCM/REG-W/001/2022-2024	Provision of Building and Construction Services – <b>NCA Registered Firms Only</b>	Open to all
2.	KR/SCM/REG-W/021/2022-2024	Provision of Electrical/ Mechanical Repairs and Maintenance Works – <b>NCA Registered Firms Only</b>	Open to all

### D. HIRING SERVICES

No	Category No.	Item Description	Eligibility/
1.	KR/SCM/REG-H/001/ 2022-2024	Hire of Conference Facilities, Catering and Accommodation Services in Mombasa, Nairobi, Kisumu and Naivasha	Open to all
2.	KR/SCM/REG-H/002/ 2022-2024	Hire of Office Furniture and Equipment – Mombasa, Nairobi, Kisumu and Naivasha	Reserved – Special Group
3.	KR/SCM/REG-H/003/ 2022-2024	Hire of Cranes, forklifts, Jacks and Earth Moving Equipment's and Road crane rescue services.	Open to all
4.	KR/SCM/REG-H/004/2022-2024	Hire of Tents, Chairs, Tables, Mobile Toilets and Public Address Systems, Interior Décor, Lighting for hire and event Management (Mombasa, Nairobi, Kisumu and Nakuru)	Reserved – Special Group

A complete set of the Prequalification Tender Documents may be downloaded by interested and eligible candidates Free of Charge at <http://krc.co.ke> or [www.ppip.go.ke](http://www.ppip.go.ke). Those who download the documents from the website must forward their particulars immediately for recording and any further clarifications and addenda to [procurement@treasury.go.ke](mailto:procurement@treasury.go.ke).

Completed Tender Documents, "Original" enclosed in plain sealed envelope, marked with the Tender Number shall be addressed to: -

The Managing Director  
Kenya Railways,  
P.O. Box 30121 – 00100  
Nairobi

and be deposited in the tender box provided at the Kenya Railways Headquarters, Haile Sellasie Avenue, Block C, Ground Floor Reception Area, so as to be received on or before **Wednesday 27<sup>th</sup> April, 2022 at 10:00 a.m.**

All Bid Documents must be serialized / paginated.

Tenders will be opened immediately thereafter in the presence of the tenderers or their representatives who choose to attend the opening at Kenya Railways Headquarters, Haile Selassie Avenue, Satimma Conference Room on Block C, First Floor on **Wednesday 27<sup>th</sup> April, 2022 at 10:00 a.m.**

**GENERAL MANAGER – SUPPLY CHAIN MANAGEMENT  
FOR: MANAGING DIRECTOR**

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PART 1 - TENDER PROCEDURES

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

### **A. General**

#### **1. Scope of Tender**

- 1.1 The name of the Procuring Entity inviting for Tenders 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, Tenderers 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 (in case 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 Tenderer found to have engaged in collusive conduct shall be disqualified and criminal and/or civil sanctions may be imposed. To this effect, Tenderers shall be required to complete and sign a Certificate of Independent Tender Determination" annexed to the Form of Tenderer.

#### **5. Eligible Tenderers**

- 5.1 Tenderers shall meet the eligibility criteria as per this ITA and ITA 5.1 and a Tenderer 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 Tender for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, only one prequalified Tenderer will be allowed to tender for the. All Tenders submitted in violation of this procedure will be rejected.

5.5 A Tenderer may have the nationality of any country, subject to the restrictions pursuant to ITA

5.1 and 5.2. A Tenderer shall be deemed to have the nationality of a country if the Tenderer 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 Tenderers shall not have a conflict of interest. Tenderers 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, Tenderers 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 A Tenderer 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](http://www.ppra.go.ke)

5.8 Tenderers 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 acceptable 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 A Tenderer shall not be under sanction of debarment from Tendering by the PPRA as the result of the execution of a Tender/Proposal– Securing Declaration.

5.10A Tenderer 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 A Tenderer 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 ineligible if:

a. As a matter of law or official regulations, Kenya prohibits commercial relations with that country, or

b. By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, Kenya prohibits any import of goods or contracting of works or Non- Consulting Services from that country, or any payments to any country, person, or entity in that country.

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 parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with IT A8.

PART 1 - Prequalification Procedures

- i) Section I- Instructions to Tenderers (ITA)
- ii) Section II - Prequalification Data Sheet (PDS)
- iii) Section III - Qualification Criteria and Requirements
- iv) Section IV- Tender 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-Tender 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 Tenderer is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its Tender all information or documentation as is required by the Prequalification Document.

8. Clarification of Prequalification Documents, site visit(s) and Pre-Tender Meeting

8.1 A Tenderer 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 Tenders. The Procuring Entity shall forward a copy of its response to all prospective Tenderers 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 Tenderer, at the Tenderer'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 Tender. The costs of visiting the Site shall be at the Tenderer's own expense. The Procuring Entity shall specify in the PDS if a pre-Tender 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 Tenderer's designated representative is invited to attend a pre-Tender 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 Tenderer 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 Tenders.

8.4 Minutes of a pre-arranged site visit and those of the pre-Tender meeting, if applicable, including the text of the questions asked by Tenderers and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all Tenderers 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-Tender 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-Tender 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 Tenders, 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 Tenderers 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 Tenderers reasonable time to take an Addendum into account in preparing their Tenders, the Procuring Entity may, at its discretion, extend the deadline for the submission of Tenders in accordance with ITA 17.2.

## C. Preparation of Tenders

### 10. Cost of Tenders

10.1 The Tenderer shall bear all costs associated with the preparation and submission of its Tender. 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 Tender

11.1 The Tender as well as all correspondence and documents relating to the prequalification exchanged by the Tenderer and the Procuring Entity, shall be written in English Language. Supporting documents and printed literature that are part of the Tender 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 Tender, the translation shall govern.

### 12. Documents Comprising the Tender

12.1 The Tender shall comprise the following:

- a. Tender Submission Letter, in accordance with ITA 13.1;

- b. Eligibility: documentary evidence establishing the Tenderer's eligibility, in accordance with ITA 14.1;
- c. Qualifications: documentary evidence establishing the Tenderer's qualifications, in accordance with ITA 15; and
- d. Any other document required as specified in the PDS.

12.2 The Tenderer shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Tender.

### 13. Tender Submission Letter

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

### 14. Documents Establishing the Eligibility of the Tenderer

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

### 15. Documents Establishing the Qualifications of the Tenderer

15.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Tenderer shall provide the information requested in the corresponding Information Sheets included in Section IV (Tender Forms).

Wherever a Tender Form requires a Tenderer to state a monetary amount, Tenderers 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.

15.2 Exchange rates shall be taken from the publicly available source identified in the PDS. Any error in determining the exchange rates in the Tender may be corrected by the Procuring Entity.

15.3 Tenderers 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 Tenderers, and thereby help to prevent any corrupt influence in relation to the procurement processor contract management.

15.4 The purpose of the information described in ITT 6.2 above overrides

any claims to confidentiality which a Tenderer may have. There can be no circumstances in which it would be justified for a Tenderer 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 a Tenderer's failure to disclose, or failure to provide required information on its ownership and control.

- 15.5 The Tenderer 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 Tenderer 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.
- 15.6 All information provided by the Tenderer 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 Tenderer shall warrant that the information submitted is complete, current and accurate as at the date of submission to the Procuring Entity.
- 15.7 If a Tenderer fails to submit the information required by these requirements, its Tender will be rejected. Similarly, if the Procuring Entity is unable, after taking reasonable steps, to verify to a reasonable degree the information submitted by a Tenderer pursuant to these requirements, then the Tender will be rejected.
- 15.8 If information submitted by a Tenderer 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 Tenderer in relation to the procurement or contract management process, then:
- a. If the procurement process is still ongoing, the Tenderer will be disqualified from the procurement process,
  - b. If the contract has been awarded to that Tenderer, the contract award will be set aside,
- 15.9 the Tenderer will be referred to the relevant law enforcement authorities for investigation of whether the Tenderer or any other persons have committed any criminal offence.
- 15.10 If a Tenderer submits information pursuant to these requirements that is incomplete, inaccurate or out-of-date, or attempts to obstruct the verification process, then the consequences ITT 6.7 will ensue unless the Tenderer 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 Tenderer.

## 16. Signing of the Tender and Number of Copies

16.1 The Tenderer shall prepare one original of the documents comprising the Tender as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Tender shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Tenderer. In case the Tenderer is a JV, the Tender 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.

The Tenderer shall submit copies of the signed original Tender, 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 Tenders**

#### **17. Sealing and Marking of Tenders**

17.1 The Tenderer shall enclose the original and the copies of the Tender in a sealed envelope that shall:

- a Bear the name and address of the Tenderer;
- b Be addressed to the Procuring Entity, in accordance with ITA 17.1; and
- c Bear the specific identification of this prequalification process indicated 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 Tenders**

18.1 Tenderers may either submit their Tenders by mail or by hand. Tenders 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, Tenderers have the option of submitting their Tenders electronically, in accordance with electronic Tender submission procedures specified in the PDS.

18.2 The Procuring Entity may, at its discretion, extend the deadline for the submission of Tenders by amending the Prequalification Document in accordance with ITA 8, in which case all rights and obligations of the Procuring Entity and the Tenderers subject to the previous deadline shall thereafter be subject to the deadline as extended.

#### **19. Late Tenders**

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

#### **20. Opening of Tenders**

20.1 The Procuring Entity shall open all Tenders at the date, time and place specified in the PDS. Late Tenders shall be treated in accordance with ITA 19.1.

20.2 Tenders 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 Tenders to include, as a minimum, the name of the Tenderers. A copy of the record shall be distributed to all Tenderers.

## E. Procedures for Evaluation of Tenders

### 21. Confidentiality

21.1 Information relating to the Tenders, their evaluation and results of the prequalification shall not be disclosed to Tenderers or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Tenderers in accordance with ITA 28.

21.2 From the deadline for submission of Tenders to the time of notification of the results of the prequalification in accordance with ITA 28, any Tenderer that wishes to contact the Procuring Entity on any matter related to the prequalification process may do so only in writing.

### 22. Clarification of Tenders

22.1 To assist in the evaluation of Tenders, the Procuring Entity may, at its discretion, ask a Tenderer for a clarification (including missing documents) of its Tender, to be submitted within a stated reasonable period of time. Any request for clarification from the Procuring Entity and all clarifications from the Tenderer shall be in writing.

22.1 If a Tenderer does not provide clarifications and/or documents requested by the date and time set in the Procuring Entity's request for clarification, its Tender shall be evaluated based on the information and documents available at the time of evaluation of the Tender.

### 23. Responsiveness of Tenders

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

### 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 Tenderer 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 Tenderer to propose subcontractors for certain specialized parts of

the contract as indicated there in as (“Specialized Subcontractors”). Tenderers planning to use such Specialized Subcontractors shall specify, in the Tender 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 Tenders and Prequalification of Tenderers

### 26. Evaluation of Tenders

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 Tenderers, 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 a Tenderer to perform the Contract.

26.2 Subcontractors proposed by the Tenderer 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 Tenderer 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 Tenderer may be added to the qualification soft he Tenderer for the purpose of the evaluation. Unless the Tenderer 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 Tenderer 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 Tenderer 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, Tenderers should indicate in their Tenders the individual contract or combination of contracts in which they are interested. The Procuring Entity shall prequalify each Tenderer for each lot and for a combination of contracts for which the Tenderer has thereby indicated its interest and for which the Tenderer 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 Tenderers.

26.5 Only the qualifications of the Tenderer shall be considered. The qualifications of other firms, including the Tenderer'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 Tenderer shall not be considered.

## 27. Procuring Entity's Right to Accept or Reject Tenders

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

## 28. Prequalification of Tenderers

28.1 All Tenderers whose Tenders substantially meet or exceed the specified qualification requirements will be prequalified by the Procuring Entity. The Procuring Entity shall notify all Tenderers in writing of the names of those Tenderers who have been prequalified or conditionally prequalified. In addition, those Tenderers who have been disqualified will be informed separately.

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

## 29. Invitation to Tender

29.1 Promptly after the notification of the results of the prequalification, the Procuring Entity shall invite Tenders from all the Tenderers that have been prequalified or conditionally prequalified.

29.2 Tenderers may be required to provide a Tender Security or a Tender-Securing Declaration acceptable to the Procuring Entity in the form and an amount to be specified in the tendering document.

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

## 30. Changes in Qualifications of Tenderers

30.1 Any change in the structure or formation of a Tenderer 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 Tenderer) 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 Tenderer proposes to associate with a disqualified Tenderer or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Tenderer 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

31.1 The procedures for making a Procurement-related Complaint are as specified in the PDS.

## SECTION II – REGISTRATION DATA SHEET (PDS)

<b>A. General</b>	
<b>ITA 1.1</b>	<p>The Procuring Entity is; <b>Kenya Railways</b>  <b>P.O. Box 30121 – 00100</b>  <b>Nairobi</b></p> <p>The identification of the Invitation for Registration is:  <b>KR/SCM/REG/2022-2024</b></p> <p>The particular type of contract is for <b>Services, Goods and Small Works</b></p> <p>The Tender is for: <b>Registration of Suppliers / Contractors for Supply of Goods and Provision of Works &amp; Services for the Financial Years 2022 – 2024</b></p> <p>Registration will be based on: <b>Individual Contract</b></p>
<b>ITA 2</b>	The Source of funds shall be: <b>Government of Kenya</b>
<b>ITA 5</b>	Maximum number of members in JV shall be: <b>Not Applicable</b>
<b>B. Comments of the Registration Document</b>	
<b>ITA 8.1</b>	<p>For clarification purposes the Procuring Entity’s Address is;</p> <p style="text-align: center;">The Managing Director  Kenya Railways  Kenya Railways Headquarters  Haile Selassie Avenue  P.O. Box 30121 – 000100  Nairobi – Kenya</p> <p style="text-align: center;">Att: General Manager – Supply Chain Management  Tel: .....  Email: <a href="mailto:procure@krc.co.ke">procure@krc.co.ke</a></p>
<b>ITA 8.2</b>	A pre- arranged meeting will be held on: <b>Not Applicable</b>
	Pre- Tender meeting shall be held: <b>Not Applicable</b>
<b>ITA 8.3</b>	A pre – arrange site visit will be held on: <b>Not Applicable</b>
<b>ITA 8.5</b>	Minutes of the pre-arranged site visit and those of the pre-proposed meeting at the web page: <b>Not Applicable</b>
<b>ITA 9.2</b>	Addendum issued shall be published at the website: <a href="http://www.krc.co.ke">www.krc.co.ke</a> and <a href="http://www.ppip.go.ke">www.ppip.go.ke</a>
<b>C. Preparation of Tender</b>	

<b>ITA 12.1 (d)</b>	<p>The Tenderer shall submit (Mandatory Requirement) with its Tender the following documents;</p> <ol style="list-style-type: none"> <li>1. Certified copy of Certificate of Registration / Certificate of Incorporation.</li> <li>2. Copy of Valid Tax Compliance Certificate from Kenya Revenue Authority</li> <li>3. Certified copy of Certificate of Confirmation of Directors and Shareholding (CR 12) (Issued within the last 12 Months to Tender Opening Date)</li> <li>4. The bid document "Original" must be sequentially paginated / serialized.</li> </ol>
	<p><b>NOTE:</b> All copies that require certification to be certified by an Advocate and Commissioner of Oaths, High Court of Kenya</p>
<b>ITA 15.2 (b)</b>	<p>The source for determining exchange rates is: <b>Central Bank of Kenya</b></p>
<b>ITA 16.2</b>	<p>In addition to the original of the Tender, the number of copies is <b>one</b></p> <ol style="list-style-type: none"> <li>a) Tenderers will be required to provide firmly bound requalification documents (original and copy) in either spiral, perfect cover, hard cover or case bound).</li> <li>b) The tender documents should be paginated/serialized (each page of the tender submission must have a number and the numbers must be in chronological order). For pagination, the numbering system to be used are numerical numbers, i.e. 1,2,3,4,5,6,7,8,9,10.....n (n being the last page of the tender document).</li> <li>c) The <b>Tender MUST</b> be submitted be in the required format (The Tenderer shall prepare two copies of the tender, clearly marking each "<b>ORIGINAL TENDER</b>" and "<b>COPY OF TENDER,</b>" firmly bound) and serialized on each page of the bid submitted, Sec.74.1. i. of the PPADA, 2015.</li> </ol>
<p><b>D. Submission of Tender</b></p>	
<b>ITA 17.1</b>	<p>The Tenderer will submit any request for clarifications in writing at the Address _ The Managing Director Kenya Railways Kenya Railways Headquarters P.O. Box 30121-00100, Nairobi</p> <p><b>Attention:</b> General Manager, Supply Chain Management Email: <a href="mailto:procure@krc.co.ke">procure@krc.co.ke</a></p> <p>to reach the Procuring Entity not later than <b>three (3) working days</b> before the tender closing date Kenya Railways shall publish its response at the website <a href="http://www.krc.co.ke/">www.krc.co.ke/</a> <a href="http://www.ppip.go.ke">www.ppip.go.ke</a> and Via email for registered applicants</p>

ITA 18.1	Late Tenders will be <b>returned unopened</b> to the Tenderer
ITA 19.1	The Procuring Entity <b>will not</b> accept late Tenders
ITA 20.1	The Tender opening shall take place at: <b>Street Address:</b> Kenya Railways Headquarters Block C <b>Floor/Room number:</b> Sattima Conference Room 1 <sup>st</sup> Floor, <b>City:</b> Nairobi <b>Country:</b> Kenya <b>Date:</b> <b>Wednesday 27<sup>TH</sup> April, 2022</b> <b>Time:</b> <b>10:00Am</b>
ITA 20.2	The electronic Tender opening procedure shall be; <b>Not Accepted</b>
E. Procedure for Evaluation of Tenders	
ITA 24.1	A margin of preference: <b>Not Applicable</b>
ITA 25.1	At this time the Kenya Railways does not intend to execute certain specific parts of the Goods / Services by sub-contractors selected in advance
ITA 25.2	The parts of the Goods / Services for which the Kenya Railways permits the Tenderer to propose specialized Sub Contractors are described as follows; N/A
ITA 31.1	An Tenderer wishes to make a Procurement related complaints, the Tenderer should submit its complaint in writing to: <a href="http://www.ppra.go.ke">www.ppra.go.ke</a> or <u>email</u>  <b>The Secretary,</b> Public Procurement Administrative Review Board, The Public Procurement Regulatory Authority, 10th Floor, National Bank House, P.O. Box 58583-00200, NAIROBI, Kenya. Tel: +254 (0) 20 3244000 Email: <a href="mailto:info@ppra.go.ke">info@ppra.go.ke</a> , <a href="mailto:complaint@ppra.go.ke">complaint@ppra.go.ke</a> <b>Website:</b> <a href="http://www.ppoa.go.ke">www.ppoa.go.ke</a> In summary, a Procurement-related Complaint may challenge any of the following:  (i) the terms of the Tender Documents; and (ii) the Procuring Entity's decision to award the contract.

## SECTION III - QUALIFICATION CRITERIA AND REQUIREMENTS

1. This section contains all the methods, criteria, and requirements that the Procuring Entity shall use to evaluate Tenders, 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 each Lot or Contract 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.

### Mandatory Requirements

- Certified copy of Certificate of Registration / Certificate of Incorporation.
- Copy of Valid Tax Compliance Certificate from Kenya Revenue Authority
- Certified copy of Certificate of Confirmation of Directors and Shareholding (CR 12) (Issued within the last 12 Months to Tender Opening Date, for Limited Companies or copy of Identification Card (ID) for Sole Proprietors
- Certified copy of the County Government Business Permit
- The bid document "Original" must be sequentially paginated / serialized.
- Duly filled, signed and stamped Self-Declaration Form that the Tenderer is Not Debarred
- Dully filled, signed and Stamped Self Declaration form that the Tenderer will not engage in any Corrupt or Fraudulent Practice.
- Must fill the Tender forms/documents in the format provided including all the forms
  - Tender Submission Letter
  - Tenderer Information Form
  - Historical Contract Non Performance and Pending Litigation and Litigation History
  - Financial Situation and Performance
  - Sources of Finance
  - Average Annual Turnover
  - General Experience
  - Specific Experience
  - Experience in Key Activities

Failure to produce these certificates and filling the forms will lead to automatic disqualification of the candidate. Evaluation shall be on a Yes / No Criteria.

**NOTE:** All copies that require certification to be certified by an Advocate and Commissioner of Oaths, High Court of Kenya

<b>A</b>	<b>PRELIMINARY EVALUATION/ MANDATORY REQUIREMENT</b>	<b>Mandatory</b>
1.	Certified Copies of Registration/incorporation Certificate Attached	<b>Mandatory</b>
2.	Current KRA Tax Compliance Certificate in the Firms Name attached	<b>Mandatory</b>
3.	Attach a Valid I-Tax PIN Certificate in the Name of the registered Business Attached	<b>Mandatory</b>
4.	Provide a Valid Special Group Registration Certificate Attached — <b>(For Firms Applying Under Special Group Requirements)</b>	<b>Mandatory</b>
5.	Certified Copy of CR 12 Certificate issued within the last three Months	<b>Mandatory</b>
6.	Filled, Signed and Stamped Confidential Business Questionnaires clearly stating the names of the Directors Shareholders and Beneficial Owners <b>(In case of a Company)</b>	<b>Mandatory</b>
7.	Attach Copies of National Identification document / Passport for all the listed Owners/ Shareholders/Partners Listed in 5 and 6 above	<b>Mandatory</b>
8.	Filled, Signed and Stamped Integrity Declaration Form Provided	<b>Mandatory</b>
9.	Provide a Certified copy of current Business Permit /License	<b>Mandatory</b>
10.	Provide County of Operation (office Location, Certified Copy of Lease agreement as proof of ownership of office/ business premises)	<b>Mandatory</b>
11.	Provide Building and Construction Works only — Current NCA Registration Certificate Accompanied by a Current Practicing License,	<b>Mandatory</b>
12.	Bidder <b>MUST</b> submit <b>1</b> Original copy & <b>1</b> Copies of Tender Document.	<b>Mandatory</b>
13.	Paginate/serialize the tender document as required by Law <b>(in the format 1, 2, 3, 4.....to the last page) and indicate total number of pages on the cover page.</b>	<b>Mandatory</b>



**TENDERER’S ELIGIBILITY- CONFIDENTIAL BUSINESS QUESTIONNAIRE FORM**

a) 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.

**A. Tenderer’s details**

	<b>ITEM</b>	<b>DESCRIPTION</b>
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	
5	Date and Time of Tender Opening	
6	Current Trade License No and Expiring date	
7	Maximum value of business which the Tenderer handles.	
8		

**General and Specific Details**

b) Sole Proprietor, provide the following details.

Name in full \_\_\_\_\_

\_\_\_\_\_

Age \_\_\_\_\_ Nationality\_

\_\_\_\_\_

-

Country of Origin \_\_\_\_\_ Citizenship \_\_\_\_\_

\_\_\_\_\_

c) Partnership, provide the following details.

	<b>Names of Partners</b>	<b>Nationality</b>	<b>Citizenship</b>	<b>% Shares owned</b>
1				
2				
3				

(d) Registered Company, provide the following details.

i) Private or public Company \_\_\_\_\_

ii) State the nominal and issued capital of the Company-

Nominal	Kenya	Shillings	(Equivalent)
.....			.....
Issued	Kenya	Shillings	(Equivalent)
.....			.....

iii) Give details of Directors as follows.

	<b>Names of Director</b>	<b>Nationality</b>	<b>Citizenship</b>	<b>% Shares owned</b>
1				
2				
3				

(e) 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 firm? Yes/No.....

If yes, provide details as follows.

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

(ii) Conflict of interest disclosure

	<b>Type of Conflict</b>	<b>Disclosure YES OR NO</b>	<b>If YES provide details of the relationship with Tenderer</b>
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 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		

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
	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?		

(f) Certification

On behalf of the Tenderer, I certify that the information given above is correct.

Full Name \_\_\_\_\_

Title or Designation \_\_\_\_\_

(Signature)

(Date)

**SECTION IV- TENDERFORMS**

**1. Tender Submission Letter**

Date: .....*[insert day, month, and year]*

ITT No. and title: ..... *[insert ITT number and title]*

To: .....*[insert full name of Procuring Entity]* We, the undersigned, apply

to be prequalified for the referenced ITT and declare that:

- a) No reservations: We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s), issued in accordance with ITA 8: *[insert the number and issuing date of each addendum]*.
- b) No conflict of interest: We have no conflict of interest in accordance with ITA 5.7;
- c) Eligibility: We (and our subcontractors) meet the eligibility requirements as stated ITA 5, we have not been suspended by the Procuring Entity based on execution of a Tender/Proposal-Securing Declaration in accordance with ITA 5.8;

Suspension and Debarment: We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the PPRA. Further, we are not ineligible under the Kenya laws or official regulations or pursuant to a decision of the United Nations Security Council;

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 ITA5.9];*

- f) Subcontractors and Specialized Subcontractors: We, in accordance with ITA 24.2 and 25.2, plan to subcontract the following key activities and/or parts of the works or supply contracts:

..... *[Insert any of the key activities identified in Section III-4.2 (a)or(b) or 4.3(a) or (b) which the Procuring Entity has permitted under the Prequalification Document and which the Tenderer intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]*

- (g) Commissions, gratuities, fees: We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process, the corresponding Tendering process or execution of the Contract:

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
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*[insert full name for each occurrence]*

*[insert street/ number/city/country]*

*[indicate reason]*

*[specify amount currency, value, exchange rate and KENYA*

*SHILLING 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 Tender]*

- (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 Tender that you may receive nor to invite the prequalified Tenderers to Tender for the contract subject of this Prequalification process, without incurring any liability to the Tenderers, in accordance with ITA 26.1.
- (i) True and correct: All information, statements and description contained in the Tender are in all respect true, correct and complete to the best of our knowledge and belief.

Signed.....*[insert signature(s) of an authorized representative(s) of the Tenderer]*

Name .....*[insert full name of person signing the Tender]*  
In the capacity of ..... *[insert capacity of person signing the Tender]*

Duly authorized to sign the Tender for and on behalf of: Tenderer's Name..... *[insert full name of Tenderer or the name of the JV]*

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 - Tenderer 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 <i>[insert full name]</i>
In case of Joint Venture (JV), name of each member: <i>[insert full name of each member in JV]</i>
Applicant's actual or intended country of registration: <i>[indicate country of Constitution]</i>
Applicant's actual or intended year of incorporation: <i>[indicate year of Constitution]</i>
Applicant's legal address[in country of registration]: <i>[insert street/ number/ town or city/ country]</i>
Applicant's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of <input type="checkbox"/> registration of the legal entity named above, in accordance with ITA 5.6. <input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 5.3. <input type="checkbox"/> 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 - Tenderer's JV Information Form

[The following form is additional to Form ELI-1.1., and shall be completed to provide information relating to each JV member (incase the Tenderer is a JV) as well as any Specialized Subcontractor proposed to be used by the Tenderer for any part of the Contract resulting from this prequalification]

Date: ..... [insert day, month, year]

ITT No. and title: ..... [insert ITT number and title] Page.....[insert page number] of [insert total number] pages

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



**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-Performed Contracts in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> Contract non-performance did not occur since 1 <sup>st</sup> January <i>[insert year]</i> specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 <sup>st</sup> January <i>[insert year]</i> specified in Section III, Qualification Criteria and Requirements, requirement 2.1			
Year	Non-performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and KENYA SHILLING equivalent)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Procuring Entity: <i>[insert full name]</i> Address of Procuring Entity: <i>[insert street/city/country]</i> Reason(s) for nonperformance: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>
Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4.			
<input type="checkbox"/> Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4 as indicated below.			
Year of award	Outcome as percentage of Net Worth	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)
<i>[insert year]</i>	<i>[insert percentage]</i>	Contract Identification: <i>[indicate complete contract name, number, and any other identification]</i> Name of Procuring Entity: <i>[insert full name]</i> Address of Procuring Entity: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate "Procuring Entity" or "Contractor"]</i> Reason(s) for Litigation and award decision <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>

**4. Form FIN – 3.1 - Financial Situation and Performance**

**Financial Situation and Performance**

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

Tenderer'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

**1. Financial data**

Type of Financial information in (currency)	Historic information for previous <i>[insert number]</i> years,				
	Year 1 <i>[insert in words]</i>	Year 2	Year 3	Year 4	Year 5
	<b>(amount in currency, currency, exchange rate*, USD equivalent)</b>				
Statement of Financial Position (Information from Balance Sheet)					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					

CashFlow Information					
Cash Flow from Operating Activities					

\* Refer ITA 14 for the exchange rate

### 5.2 Sources of Finance

*[The following table shall be filled in for the Tenderer 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 Tenderer 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 Tenderer 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<sup>1</sup> for the *[number]* years required above; and complying with the requirements

<sup>1</sup>If the most recent set of financial statements is for a period earlier than 12 months

from the date of Tender, the reason for this should be justified.

**6 Form FIN - 3.2 - Average Annual Turnover**

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

Venture] Tenderer'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 **	

\* Refer ITA 14 for date and source of exchange rate.

\*\* 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	Exchange rate*	USD equivalent

<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Construction Turnover **	

Refer ITA 15 for date and source of exchange rate.

\*\* 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 Experience (Select one)**

*[The following table shall be filled in for the Tenderer and in the case of a JV Tenderer, each Member]*

Tenderer'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

*[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 Applicant
<i>[indicate year]</i>	<i>[indicate year]</i>	Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i>  Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KENYA SHILLING equivalent*]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
			<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
			<i>[insert "Prime Contractor"</i>

		<p>Contract name: <i>[insert full name]</i></p> <p>Brief Description of the Works performed by the</p> <p>Applicant: <i>[describe works performed briefly]</i></p> <p>Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KENYA SHILLING equivalent*]</i></p>	
		<p>Contract name: <i>[insert full name]</i></p> <p>Brief Description of the Works performed by the</p> <p>Applicant: <i>[describe works performed briefly]</i></p> <p>Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and Kenya shillings equivalent*]</i></p>	<p><i>contractor” or</i></p> <p><i>”Management Contractor”]</i></p>
<p>Name of Procuring Entity: <i>[indicate full name]</i></p>			

\* Refer ITA 15 for date and source of exchange rate.

**8 Form EXP - 4.2(a) - Specific Experience (Select one)**

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

Tenderer'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

<b>Similar Contract No.</b> <i>[insert number]of [insert number of similar contracts required]</i>	<b>Information</b>			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		KENYA SHILLING <i>[insert Exchange rate and total contract amount in KENYA SHILLING equivalent] *</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in KENYA SHILLING equivalent] *</i>	
	<i>[insert roles and responsibilities]</i>			
Procuring Entity's Name:	<i>[insert full name]</i>			
Address: Telephone/fax number	<i>[indicate street / number / town or city / country]</i> <i>[insert telephone/fax numbers, including country and</i>			
Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III:				
1. Amount	<i>[insert amount in local currency, exchange rate, KENYA SHILLING in words and inFigures]</i>			
2. Physical size of required works items	<i>[insert physical size of items]</i>			
3. Complexity	<i>[insert description of complexity]</i>			

\* Refer ITA 15 for date and source of exchange rate.

## 9 Form EXP - 4.2(a) (cont.) - Specific Experience (cont.)

4. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
6. Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Works]</i>



**10 Form EXP - 4.2(b) - Experience in Key Activities (select one)**

Tenderer's Name: ..... *[insert full name]*

Date: ..... *[insert day, month, year]*

Tenderer's JV Member's Name: ..... *[insert full name]*

Sub-contractor's Name..... (as per ITA 24.2 and 24.3): *[insert full name]*

ITT No. and title: ..... *[insert ITT number and title]*

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

All Sub-contractors for key activities must complete the information in this form as per ITA 24.2 and 24.3 and Section III, Qualification Criteria and Requirements, 4.2.

1. Key Activity No. One: *[insert brief description of the Activity, emphasizing its specificity]*

Total Quantity of Activity under the contract: \_\_\_\_\_

	<b>Information</b>			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in contract currency(ies)]</i>		KENYA SHILLING <i>[insert exchange rate and total contract amount in KENYA SHILLING equivalent]</i>	
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year <i>[Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]</i>	Total quantity in the contract (i)	Percentage participation (ii)	Actual Quantity Performed (i) x (ii)	
Year 1				
Year 2				
Year 3				
Year 4				
Procuring Entity's Name:	<i>[insert full name]</i>			
Address: Telephone/fax number E-mail:	<i>[indicate street / number / town or city / country]</i> <i>[insert telephone/fax numbers, including country and city area codes]</i> <i>[insert e-mail address, if available]</i>			

2. Activity No. Two

3. ....

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


SELF DECLARATION FORMS - DEBARRED

(r.47)

FORM SD1

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

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

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

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

3. THAT what is deponed to hereinabove is true to the best of my  
knowledge, information and belief.

.....  
(Title) (Signature)

.....

(Date) Bidder Official Stamp

FORM SD2

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

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

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

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

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

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

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

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

Bidder's Official Stamp