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**GOLF HOTEL LIMITED**

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| **TENDER DOCUMENT**  **FOR**  **PREQUALIFICTAION**  **FINANCIAL YEAR 2024-2026** |

**CLOSING DATE: THURSDAY 25TH APRIL, 2024 AT 11.00 AM**

**APRIL ,2024**

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***REGISTRATION INSTRUCTIONS***

* 1. ***INTRODUCTION***

GOLF HOTEL LIMITED Invites applications for PREQUALIFICATION AND FRAMEWORK AGREEMENT of suppliers from interested eligible candidates for the supply of under listed goods, services and works

|  |  |  |
| --- | --- | --- |
| **CATEGORY A- SUPPLY OF GOODS AND SERVICES** | **TARGET GROUP** | **GROUPS** |
|  | **ITEM DESCRIPTION** |  |
| GHL/25/2024-2026 | Provision of Motor Vehicle Maintenance and repair services | Open |
| GHL/26/2024-2026 | Provision of Air ticketing services | Open |
| GHL/27/2024-2026 | Provision of Internet connectivity and Cloud Hosting services | Youth |
| GHL/28/2024-2026 | Supply, delivery and Maintenance of CCTV system | Youth |
| GHL/29/2024-2026 | Supply and delivery of Linen materials, curtains and sheers | Open |
| GHL/30/2024-2026 | Provision of cleaning services like sanitary bins | Open |
| GHL/31/2024-2026 | Provision of Website creation, installation and maintenance services | Open |
| GHL/32/2024-2026 | Provision of architectural services | Youth |
| GHL/33/2024-2026 | Provision of auctioneering services | Open |
| GHL/34/2024-2026 | Provision of serving and maintenance of Cold room, Air conditioners and mechanical ventilation services. | Open |
| GHL/35/2024-2026 | Supply and delivery of computer and computer accessories | Youth, women and PWD |
| GHL/36/2024-2026 | Supply and delivery of crockery and cutleries | Youth Women and PWD |
| GHL/37/2024-2026 | Provision of Events Management services, Tents, DJ’s, Bands, Comedians, Dancers, Musicians, Models and MC’S | Youth |
| GHL/38/2024-2026 | Provision of Graphic design /creative services | Youth |
| GHL/39/2024-2026 | Supply and delivery of kitchen equipment’s and kitchen wares | Open |
| GHL/40/2024-2026 | Provision of Legal services | Open |
| GHL/41/2024-2026 | Provision of annual NEMA audit services | Open |
| GHL/42/2024-2026 | Supply and delivery of hotel furniture | Open |
| GHL/43/2024-2026 | Provision of photography and video coverage | Youth |
| GHL/44/2024-2026 | Provision of PABX annual services and maintenance and telephone extension | Open |
| GHL/45/2024-2026 | Supply and delivery of staff uniforms and shoes | Open |
| GHL/46/2024-2026 | Provision of survey services | Open |
| GHL/47/2024-2026 | Supply and delivery of postage services | Open |
| GHL/48/2024-2026 | Supply and delivery of Alcohol and Beverages | Open |
| GHL/49/2024-2026 | Provision of company secretarial  services | Open |

*** GOLF HOTEL KAKAMEGA P.O. BOX 118-50100 Kakamega, TELEPHONE +254(0)728 833 974***

***WEBSITE: www.golfhotelkakamega.com, EMAIL:*** [***info@golfhotelkakamega.com***](mailto:info@golfhotelkakamega.com)

PRE-QUALIFICATION DOCUMENT FOR GOODS WORKS AND SERVICES CONTRACTS

Invitation for Pre-qualiﬁcation No.:

*Contract Name: [insert name of contract]*

Procuring Entity or Procuring Entity *GOLF HOTEL LIMITED*

Issued on*: [insert date when Pre- qualiﬁcation Document was issued to Applicants]*

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

#### INVITATION TO APPLY FOR PREQUALIFICATION

Name of Contract: Contract No: Prequaliﬁcation Reference No.:

1. The *GOLF HOTEL LIMITED* intends to prequalify contractors/Suppliers/Service Providers for *[insert contract number and/or name, a brief description of the type(s) of works/ Goods/* Services *to be provided, including quantities, location and other information necessary to enable potential Applicants to decide whether or not to respond to this prequaliﬁcation. This information may include the essential items listed in the Prequaliﬁcation Document and any important or specialized prequaliﬁcation requirements].*
2. It is expected that the Invitation to Tender will be made in *[insert month and year].* Tendering will be conducted through (*OPEN TENDER e.g. national or international competitive tendering*) procedures using a standardized tender document and will be open to all applicants who prequalify.
3. Qualiﬁed and interested applicants may obtain further information and inspect the Prequaliﬁcation Document during ofﬁce hours *PROCUREMENT DEPARTMENT FROM 9.00AM TO 5.00PM* at the address given below.

**Chief Executive Officer**

**Golf Hotel Limited**

**P. O. Box 118-50100**

**Kakamega.**

1. A complete set of Prequaliﬁcation Document in English may be purchased or obtained by interested applicants upon payment of a non-refundable fees of Kenya shillings in cash or Banker's Cheque and payable to the address given below. Tender documents obtained electronically will be free of charge.
2. Prequaliﬁcation Document may be viewed and downloaded for free from the website ([*www.golfhotelkakamega.com*](http://www.golfhotelkakamega.com)) . Applicants who download the Prequaliﬁcation Document must forward their particulars immediately to ([procurement@golfhotelkakamega.com](mailto:procurement@golfhotelkakamega.com))

(*insert email address*) to facilitate any further clariﬁcation or addendum.

1. Applications for prequaliﬁcation should be submitted by postal service, or hand/courier delivery, clearly marked envelopes and delivered to the address given below by

**Chief Executive Officer**

**Golf Hotel Limited**

**P. O. Box 118-50100**

**Kakamega.**

11.00AM [*insert time* and *date*]. Alternatively, documents may be sent electronically to the email address

[procurement@golfhotelkakamega.com](mailto:procurement@golfhotelkakamega.com) *[insert the email where application documents can be submitted].*

1. Late applications a reliable to be rejected.
2. Address where to submit Applications

GOLF HOTEL LIMITED

PROCUREMENT OFFICE

P.O BOX 118-50100

KAKAMEGA, KENYA.

KHASAKHALA ROAD

0709 105 700/08/18

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#### PART 1 – APPLICATION PROCEDURES

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

* 1. General
     1. Scope of Application
  2. The name of the Procuring Entity inviting for applications is deﬁned in the **PDS.** The particular type of contract (works, goods or Non-Consulting Services required) and its name and description of the contract(s) and its reference number are deﬁned in the **PDS.** If the scope of contract so deﬁned is in multiple contracts, it will be speciﬁed in the **PDS** if prequaliﬁcation will be based on individual contracts or multiple contracts. The Full scope of Works or Goods or Non-Consulting Services are described in Section V (Scope of Works or goods contract).
     1. **Source of Funds** to be speciﬁed in the PDS, if deemed necessary.
     2. Fraud and Corruption
  3. The Government of Kenya requires compliance with its Anti-Corruption laws and its prevailing sanctions policies and procedures.
  4. In further pursuance of this policy, Applicants shall permit and shall cause their agents (where declared or not), subcontractors, sub consultants, service providers, suppliers, and their personnel, to permit the Public Procurement Regulatory Authority (PPRA) to inspect all accounts, records and other documents relating to any initial selection process, prequaliﬁcation process, tender submission(incase prequaliﬁed),proposal submission, and contract performance (in the case of award), and to have them audited by auditors appointed by the PPRA.

1. Collusive practices
   1. The Procuring Entity requires compliance with the provisions of the Competition Act 2010, regarding collusive practices in contracting. Any applicant found to have engaged in collusive conduct shall be disqualiﬁed and criminal and/or civil sanctions may be imposed. To this effect, applicants shall be required to complete and sign a Certiﬁcate of Independent Tender Determination” annexed to the Form of applicant.
2. Eligible Applicants
   1. Applicants shall meet the eligibility criteria as per this ITA and ITA 5.1and 5.2. An Applicant may be a ﬁrm that is a private entity, a state-owned enterprise or institution subject to ITA 5.9 or any combination of such entities in the form of a joint venture (“JV”) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequaliﬁcation process, tendering (in the event the JV submits a Tender) and during contract execution (in the event the JV is awarded the Contract). Members of a joint venture may not also make an individual tender, be a subcontractor in a separate tender or be part of another joint venture for the purposes of the same Tender. The maximum number of JV members shall be speciﬁed in the PDS.
   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.
   3. A ﬁrm may apply for prequaliﬁcation both individually, and as part of a joint venture, or participate as a subcontractor. If prequaliﬁed, it will not be permitted to tender for the same contract both as an individual ﬁrm and as a part of the joint venture or as a subcontractor. However, a ﬁrm may participate as a subcontractor in more than one Tender, but only in that capacity. Tenders submitted in violation of this procedure will be rejected.
   4. A ﬁrm and any of its afﬁliates (that directly or indirectly control, are controlled by or are under common control with that ﬁrm) may submit its application for prequaliﬁcation either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequaliﬁed, only one prequaliﬁed Applicant will be allowed to tender for the. All Tenders submitted in violation of this procedure will be rejected.
   5. An Applicant may have the nationality of any country, subject to the restrictions pursuant to ITA 5.1 and 5.2. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. Sub-contractors or suppliers for any part of the Contract including related Non-Consulting Services.
   6. Applicants shall not have a conﬂict of interest. Applicants shall be considered to have a conﬂict of interest, if they, or any of their afﬁliates, participated as a consultant in the preparation of the design or technical speciﬁcations or have been hired or proposed to be hired by the Procuring Entity as Engineer for contract implementation of the contract(s) that are the subject of this prequaliﬁcation. In addition, Applicants may be considered to have a conﬂict of interest if they have a close business or family relationship with a professional staff of the Procuring Entity who:
3. 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
4. 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.
   1. An Applicant that has been debarred shall be ineligible to be initially selected for, prequaliﬁed for, tender for, propose for, or be awarded a contract during such period of time as the PPRA shall have determined. The list of debarred ﬁrms and individuals is available at [www.ppra.go.ke](http://www.ppra.go.ke/)
   2. Applicants that are state-owned enterprise or institutions in Kenya may be eligible to prequalify, compete and be awarded a Contract(s) only if they can establish, in a manner accept able to the Procuring Entity, that they (i) are legally and ﬁnancially autonomous (ii) operate under commercial law, and (iii) are not under supervision of any public entity.
   3. An Applicant shall not be under sanction of debarment from Tendering by the PPRA as the result of the execution of a Tender/Proposal–Securing Declaration.
   4. An Applicant that is a Kenyan ﬁrm or citizen shall provide evidence of having fulﬁlled his/her tax obligations by producing a current tax clearance certiﬁcate or tax exemption certiﬁcate issued by the Kenya Revenue Authority.
   5. An Applicant shall provide any other such documentary evidence of eligibility satisfactory to the Procuring Entity, as the Procuring Entity shall reasonably request.
5. Eligibility
   1. Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated herein. The countries, persons or entities are in eligible if:
   2. As a matter of law or ofﬁcial regulations, Kenya prohibits commercial relations with that country, or
   3. 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.
   4. 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.
   5. 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

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

PART 1 - Prequaliﬁcation Procedures

1. Section I- Instructions to Applicants (ITA)
2. Section II - Prequaliﬁcation Data Sheet (PDS)
3. Section III - Qualiﬁcation Criteria and Requirements
4. Section IV- Application Forms

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

i) Section VII- Scope of Works, Goods, or Non-Consulting Services

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

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

C. Preparation of Applications

1. Cost of Applications
   1. The Applicant shall bear all costs associated with the preparation and submission of its Application. The Procuring Entity will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequaliﬁcation process.
2. Language of Application
   1. The Application as well as all correspondence and documents relating to the prequaliﬁcation exchanged by the Applicant and the Procuring Entity, shall be written in English Language. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the English language, in which case, for purposes of interpretation of the Application, the translation shall govern.
3. Documents Comprising the Application
   1. The Application shall comprise the following:
   2. Application Submission Letter, in accordance with ITA 13.1;
   3. Eligibility: documentary evidence establishing the Applicant's eligibility, in accordance with ITA 14.1;
   4. Qualiﬁcations: documentary evidence establishing the Applicant's qualiﬁcations, in accordance with ITA 15; and
   5. Any other document required as speciﬁed in the PDS.
   6. The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.
4. Application Submission Letter
   1. The Applicant shall complete an Application Submission Letter as provided in Section IV (Application Forms). This Letter must be completed without any alteration to its format.
5. Documents Establishing the Eligibility of the Applicant
   1. To establish its eligibility in accordance with ITA 4, the Applicant shall complete the eligibility declarations in the Application Submission Letter and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV (Application Forms).
6. Documents Establishing the Qualiﬁcations of the Applicant
   1. To establish its qualiﬁcations to perform the contract(s) in accordance with Section III, Qualiﬁcation Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV (Application Forms).
   2. Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the Kenya Shilling equivalent using the rate of exchange determined as follows:
7. 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).
8. Value of single Contract-Exchange rate prevailing on the date of the contract.
   1. Exchange rates shall be taken from the publicly available source identiﬁed in the PDS. Any error in determining the exchange rates in the Application may be corrected by the Procuring Entity.
   2. Applicants shall be asked to provide, as part of the data for qualiﬁcation, such information, including details of ownership, as shall be required to determine whether, according to the classiﬁcation established by the Procuring Entity, a particular contractor or group of contractor’s qualiﬁes for a margin of preference. Further the information will enable the Procuring Entity identify any actual or potential conﬂict of interest in relation to the procurement and/or contract management processes, or a possibility of collusion between Applicants, and thereby help to prevent any corrupt inﬂuence in relation to the procurement processor contract management.
   3. The purpose of the information described in ITT 6.2 above overrides any claims to conﬁdentiality which an Applicant may have. There can be no circumstances in which it would be justiﬁed for an Applicant to keep information relating to its ownership and control conﬁdential where it is tendering to undertake public sector work and receive public sector funds. Thus, conﬁdentiality will not be accepted by the Procuring Entity as a justiﬁcation for an Applicant's failure to disclose, or failure to provide required in formation on its ownership and control.
   4. The Applicant shall provide further documentary proof, information or authorizations that the Procuring Entity may request in relation to ownership and control which information on any changes to the information which was provided by the Applicant under ITT 6.3. The obligations to require this information shall continue for the duration of the procurement process and contract performance and after completion of the contract, if any change to the information previously provided may reveal a conﬂict of interest in relation to the award or management of the contract.
   5. All information provided by the Applicant pursuant to these requirements must be complete, current and accurate as at the date of provision to the Procuring Entity. In submitting the information required pursuant to these requirements, the Applicant shall warrant that the information submitted is complete, current and accurate as at the date of submission to the Procuring Entity.
   6. If an Applicant fails to submit the information required by these requirements, its application will be rejected. Similarly, if the Procuring Entity is unable, after taking reasonable steps, to verify to a reasonable degree the information submitted by an Applicant pursuant to these requirements, then the application will be rejected.
   7. If information submitted by an Applicant pursuant to these requirements, or obtained by the Procuring Entity (whether through its own enquiries, through notiﬁcation by the public or otherwise), shows any conﬂict of interest which could materially and improperly beneﬁt the Applicant in relation to the procurement or contract management process, then:
   8. If the procurement process is still ongoing, the Applicant will be disqualiﬁed from the procurement process,
   9. If the contract has been awarded to that Applicant, the contract award will be set aside,
   10. The Applicant will be referred to the relevant law enforcement authorities for investigation of whether the Applicant or any other persons have committed any criminal offence.
   11. If an Applicant submits information pursuant to these requirements that is incomplete, in accurate or out-of-date, or attempts to obstruct the veriﬁcation process, then the consequences ITT 6.7 will ensue unless the Applicant can show to the reasonable satisfaction of the Procuring Entity that any such act was not material, or was due to genuine error which was not attributable to the intentional act, negligence or recklessness of the Applicant.
9. Signing of the Application and Number of Copies
   1. The Applicant shall prepare one original of the documents comprising the Application as describedinITA11 and clearly mark it “ORIGINAL”. The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.
   2. The Applicant shall submit copies of the signed original Application, in the number speciﬁed in the PDS, and clearly mark them “COPY”. In the event of any discrepancy between the original and the copies, the original shall prevail.

D. Submission of Applications

1. Sealing and Marking of Applications
   1. The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:
2. Bear the name and address of the Applicant;
3. Be addressed to the Procuring Entity, in accordance with ITA 17.1; and
4. Bear thespeciﬁcidentiﬁcationofthisprequaliﬁcationprocessindicatedinthePDS1.1.
   1. The Procuring Entity will accept no responsibility for not processing any envelope that was not identiﬁed as required in ITA 16.1 above.
5. Deadline for Submission of Applications
   1. Applicants may either submit their applications by mail or by hand. Applications shall be received by the Procuring Entity at the address and no later than the deadline indicated in the PDS. When so speciﬁed in the PDS, Applicants have the option of submitting their applications electronically, in accordance with electronic Application submission procedures speciﬁed in the **PDS.**
   2. The Procuring Entity may, at its discretion, extend the deadline for the submission of Applications by amending the Prequaliﬁcation Document in accordance with ITA 8, in which case all rights and obligations of the Procuring Entity and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.
6. Late Applications
   1. The Procuring Entity reserves the right to accept applications received after the deadline for submission of applications, unless otherwise speciﬁed in the **PDS.** If late applications will be accepted, they must be received not later than the date speciﬁed in the **TDS** after the deadline for submission of applications.
      * 1. Opening of Applications

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

20.2 Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures speciﬁed in the **PDS**.

20.2 The Procuring Entity shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.

E. Procedures for Evaluation of Applications

Conﬁdentiality

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

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

Clariﬁcation of Applications

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

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

1. Responsiveness of Applications
   1. The Procuring Entity may reject any Application which is not responsive to the requirements of the Prequaliﬁcation Document. In case the information furnished by the Applicant is incomplete or otherwise requires clariﬁcation as per ITA 21.1, and the Applicant fails to provide satisfactory clariﬁcation and/or missing information, it may result in disqualiﬁcation of the Applicant.
2. Margin of Preference
   1. Unless otherwise speciﬁed in the **PDS**, a margin of preference shall not apply in the Tendering process resulting from this prequaliﬁcation.
3. Nominated Subcontractors
   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”).
   2. The Applicant shall not propose to subcontract the whole of the Works or Goods. The maximum limit of subcontracting permitted under the contract may be speciﬁed by the Procuring Entity in the Tendering Document. The Procuring Entity, in ITA 25.2, may permit the Applicant to propose subcontractors for certain specialized parts of the contract as indicated there in as (“Specialized Subcontractors”). Applicants planning to use such Specialized Subcontractors shall specify, in the Application Submission Letter, the activity (ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualiﬁcation and experience.

F. Evaluation of Applications and Prequaliﬁcation of Applicants

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

Unless the Applicant has been determined prequaliﬁed on its own without taking into account the qualiﬁcation and experience of the proposed specialized sub-contractor, the tender submitted by the Applicant shall include the same specialized sub-contractor failing which, such tender may be rejected unless a change in the specialized sub-contractor was requested by the Applicant and approved by the Procuring Entity subsequent to prequaliﬁcation but before the tender submission deadline in accordance with ITA 30.

* 1. In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Procuring Entity shall prequalify each Applicant for each lot and for a combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements the Eligibility and Qualiﬁcation Criteria.
  2. Further, in the case of multiple contracts, the Procuring Entity will prepare the Eligibility and Qualiﬁcation Criteria Form for items 3.1, 3.2, 4.2(a) and 4.2(b) for each Lot, to be completed by applicants.
  3. Only the qualiﬁcations of the Applicant shall be considered. The qualiﬁcations of other ﬁrms, including the Applicant's subsidiaries, parent entities, afﬁliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 25.2 above) or any other ﬁrm(s) different from the Applicant shall not be considered.

1. Procuring Entity's Right to Accept or Reject Applications

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

1. Prequaliﬁcation of Applicants

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

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

1. Invitation to Tender

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

* 1. Applicants may be required to provide a Tender Security or a Tender-Securing Declaration acceptable to the Procuring Entity in the form and an amount to be speciﬁed in the tendering document.
  2. The successful Applicant shall be required to provide a Performance Security as speciﬁed in the tendering document.

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

Procurement Related Complaints and Administrative Review

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

#### SECTION II - PREQUALIFICATION DATA SHEET (PDS)

| **Reference to ITC Clause** | **PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS** |
| --- | --- |
| **A. General** | |
| ITA 1.1 | The Procuring Entity is:  GOLF HOTEL LIMITED  P.O BOX 118-50100  KAKAMEGA  The identification of the Invitation for Prequalification is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*insert number and title*]  The particular type of contract is on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*insert works, goods or Non-Consulting Services]*  The application is for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*brief description of subject contract(s) as listed in* *Section V, in lots if applicable]*  Prequalification will be based on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[specify if on individual contracts or on multiple Contracts].* |
| ITA 2 | The Source of funds shall be \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| ITA 5.2 | Maximum number of members in the JV shall be: \_\_\_\_\_\_\_\_\_\_\_\_ *[insert a number]* |
| **B. Contents of the Prequalification Document** | |
| ITA 8.1 | For clarification purposes, the Procuring Entity's address is:    GOLF HOTEL LIMITED  P.O BOX 118-50100  KAKAMEGA  KHASAKHALA ROAD  [procurement@golfhotelkakamega.com/info@golfhotelkakamega...com](mailto:procurement@golfhotelkakamega.com/info@golfhotelkakamega...com)  *[www.golfhotelkakamega.com used website or electronic portal of free access where prequalification information is published]* |
| ITA 8.2 | A pre-application meeting will be held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  A pre-arranged Site visit will be held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  At \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| ITA 8.3 | Questions and requests for clarification made in writing or by email shall reach the Procuring Entity not later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. |
| ITA 8.5 | Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(*Web page of the Procuring Entity).* |
| ITT 9.2 | Addendum issued shall be published at the website \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| ITA 8.2 | Pre-Application Meeting will be held: [*Yes/No]*  *[If Yes, please add the address, date and time of the meeting]* |
| **C. Preparation of Applications** | |
| ITA 12.1 (d) | The Applicant shall submit with its Application, the following additional documents: *[insert list of additional documents]* |
| ITA 15.2(b) | The source for determining exchange rates is *[insert a publicly available source]* |
| ITA 16.2 | In addition to the original, the number of copies to be submitted with the Application is: *[insert number of copies]* |
| **D. Submission of Applications** | |
| ITA 17.1 | The deadline for Application submission is:  Date:25 *th April,2024*  Time: *11.00am*  For Application submission purposes only, the Procuring Entity's address is:  GOLF HOTEL LIMITED  P.O BOX 118-50100  KAKAMEGA  KHASAKHALA ROAD  *[insert information requested below or insert “Procuring Entity’s address is the same as that indicated in 1.1]*  Attention: PROCUREMENT OFFICER  Address: GOLF HOTEL LIMITED  P.O BOX 118-50100  KAKAMEGA  KHASAKHALA ROAD  *[insert City, Street Name, Building Name, Floor and Room]*  Country: KENYA *[insert name of country]*  Telephone:0728 833 974/0731338705*[insert telephone number including country and city codes]*  Email address: [procurement@golfhotelkakamega.com](mailto:procurement@golfhotelkakamega.com)  Applicants *[insert “shall” or “shall not”]* have the option of submitting their Applications electronically. N/A |
| ITA 18.1 | Late Applications will be returned unopened to the Applicants. |
| ITA 19.1 | The Procuring Entity will/will not accept late applications.  If late applications will be accepted, they must be received not later than \_\_\_\_\_\_\_\_\_\_\_\_ after the deadline for submission of applications |
| ITA 20.1 | The opening of the Applications shall be at    GOLF HOTEL LIMITED  P.O BOX 118-50100  KAKAMEGA  KHASAKHALA ROAD  TNDER BOX AT THE RECEPTION |
| ITA 20.2 | *[The following provision should be included and the required corresponding information inserted only if Applicants have the option of submitting their applications electronically. Otherwise omit.]*  The electronic Application opening procedures shall be: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *[Insert a description of the electronic Application opening procedures.]* |
| **E. Procedures for Evaluation of Applications** | |
| ITA 24.1 | A margin of preference *[insert* *either “shall” or “shall not”*] *\_\_\_\_\_\_\_\_\_\_\_*apply. |
| ITA 25.1 | At this time the Procuring Entity *[insert “intends” or “does not intend”]* to execute certain specific parts of the Works by sub-contractors selected in advance.  *[If the above states “intends” list the specific parts of the works and the respective sub-contractors]* |
| ITA 25.2 | The parts of the Works for which the Procuring Entity permits Applicants to propose Specialized Subcontractors are designated as follows:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  For the above-designated parts of the Works that may require Specialized Subcontractors, the relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Applicant for the purpose of evaluation. |
| ITA 31.1 | An Applicant wishes to make a Procurement-related Complaint, the Applicant should submit its complaint in writing (by the quickest means available, that is either by hand delivery or email), to:  For the attention: *[insert full name of person receiving complaints]*  Title/position: *[insert title/position]*  Procuring Entity: GOLF HOTEL LIMITED  Email address*:* [*procurement@golfhotelkakamega.com*](mailto:procurement@golfhotelkakamega.com)  In summary, at this stage, a Procurement-related Complaint may challenge any of the following:  the terms of the Prequalification Documents; and  the Procuring Entity’s decision not to prequalify an Applicant. |

#### 

#### SECTION III - QUALIFICATION CRITERIA AND REQUIREMENTS

1. This section contains all the methods, criteria, and requirements that the Procuring Entity shall use to evaluate Applications, all in one Form “Eligibility and Qualiﬁcation Criteria”. The information to be provided in relation to each requirement and the deﬁnitions of the corresponding terms are included in the Form.
2. The Procuring Entity shall insert one Form for 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.

**EVALUATION CRITERIA**

**STAGE 1: PRELIMINARY EVALUATION**

|  |  |  |  |
| --- | --- | --- | --- |
| **C** | **CRITERIA** | **YES** | **NO** |
|  | Copy of Certificate of Registration/Business incorporation (attach copy) |  |  |
|  | Personal Identification Number (KRA PIN) (attach copy) |  |  |
|  | Current / Valid Tax Compliance certificate (attach copy) |  |  |
|  | Current Business Permit /Trading license (attach copy) |  |  |
|  | Provide a copy of CR-12 from Registrar of Companies |  |  |
|  | Certificate of AGPO for the reserved groups (youth, women and persons with Disability) |  |  |
|  | Duly filled signed and stamped Tenderer's Eligibility -Confidential Business Questionnaire |  |  |
| 7. | Certificate of health for food handling issued by county Government |  |  |
| 8. | Duly filled Certificate of Independent Tender Determination |  |  |
| 9. | Certificate of bureau of standards for Registration to supply of mineral water |  |  |
|  | Duly filled **Form SD1 Self declaration** confirming that the person/tenderer is not debarred in the matter of the Public Procurement |  |  |
|  | Duly filled **Form SD2 Self Declaration** confirming that the person/tenderer  will not engage in any corrupt or fraudulent practice |  |  |

Preliminary Evaluation per Bidder

Notes:

* Refers to bidder having provided the required item as per the criteria

X Refers to the bidder having not provided the required item as per the criteria

Bidders must meet all mandatory requirements to proceed to Technical Evaluation

**STAGE 2:** **TECHNICAL EVALUATION**

|  |  |  |
| --- | --- | --- |
| **S/No** | **CRITERIA** | **MAX SCORE** |
|  | **Supplier Availability**  **-** Physical Address  -Postal Address  -contact person  -mobile Number  -Email Address | **10** |
|  | **Business Ownership**  Disclosure of Directors/ Partnership | **20** |
|  | **Experience**  Indicate having undertaking similar business for at least 6 months (Attach at least 5 LPOs/letters of award/contacts etc.) | **20** |
|  | **Supply Capacity**  Maximum volume of Business handle in the last 6 months | **25** |
|  | **Financial stability**  Evidence of profit making in the last 6 months | **25** |
|  | **Total** | **100** |

The minimum score to qualify for award shall be 60%. Applicants who will not meet this minimum score shall be disqualified at this stage.

1. **TENDERER'S ELIGIBILITY-CONFIDENTIAL BUSINESS QUESTIONNAIRE**

**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**

|  |  |  |
| --- | --- | --- |
|  | **ITEM** | **DESCRIPTION** |
| 1 | Name of the Procuring Entity |  |
| 2 | Reference Number of the Tender |  |
| 3 | Date and Time of Tender Opening |  |
| 4 | Name of the Tenderer |  |
| 5 | 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. |
| 6 | Current Trade License Registration Number and Expiring date |  |
| 7 | Name, country and full address (*postal and physical addresses, email, and telephone number*) of Registering Body/Agency |  |
| 8 | Description of Nature of Business |  |
| 9 | Maximum value of business which the Tenderer handles. |  |
| 10 | If a Kenyan tenderer, he/she has provided a current tax clearance certificate or tax exemption certificate issued by the the Kenya Revenue Authority. |  |
| 11 | State if Tenders Company is listed in stock exchange, give name and full address (*postal and physical addresses, email, and telephone number*) of  state which stock exchange |  |

**General and Speciﬁc Details**

(b) **Sole Proprietor, provide** the following details.

Name in full Age Nationality Country of Origin Citizenship

1. **Partnership,** provide the following details.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Names of Partners** | **Nationality** | **Citizenship** | **% Shares owned** |
| 1 |  |  |  |  |
| 2 |  |  |  |  |
| 3 |  |  |  |  |

1. **Registered Company,** provide the following details.

i) Private or publicCompany..................................................................................................

ii) State the nominal and issued capital of theCompany.........................................................

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

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

1. Give details of Directors as follows.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Names of Director** | **Nationality** | **Citizenship** | **% Shares owned** |
| 1 |  |  |  |  |
| 2 |  |  |  |  |
| 3 |  |  |  |  |

1. **DISCLOSURE OF INTEREST-Interest of the Firm in the Procuring Entity.**
   1. Are there any person/persons in…………………… (*Name of Procuring Entity) who* has/ have an interest or relationship in this ﬁrm? Yes/No………………………

If yes, provide details as follows.

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

* 1. **Conﬂict of interest disclosure**

|  | **Type of Conflict** | **Disclosure**  **YES OR NO** | **If YES provide details of the relationship with Tenderer** |
| --- | --- | --- | --- |
| 1 | Tenderer is directly or indirectly controls, is 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 specifiedin this Tender Document. |  |  |
| 7 | Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who are directly or indirectly involved in the preparation of the Tender document or specifications of the Contract, and/or the Tender evaluation process of such contract. |  |  |
| 8 | Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who would be involved in the implementation or supervision of the Contract. |  |  |
| 9 | Has the conflict stemming from such relationship stated in item 7 and 8 above been resolved in a manner acceptable to the Procuring Entity throughout the tendering process and execution of the Contract? |  |  |

1. **Certiﬁcation**

On behalf of the Tenderer, I certify that the information given above is complete, current and accurate as at the date of submission.

Full Name Title or Designation

*(Signature) (Date)*

1. **CERTIFICATE OF INDEPENDENT TENDER DETERMINATION**

I, the undersigned, in submitting the accompanying Letter of Tender to the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Name of Procuring Entity] for: [Name and number of tender] in response to the request for tenders made by: [Name of Tenderer] do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of [Name of Tenderer] that:

1. I have read and I understand the contents of this Certiﬁcate;
2. IunderstandthattheTenderwillbedisqualiﬁedifthisCertiﬁcateisfoundnottobetrueandcompleteinevery respect;
3. I am the authorized representative of the Tenderer with authority to sign this Certiﬁcate, and to submit the Tender on behalf of the Tenderer;
4. For the purposes of this Certiﬁcate and the Tender, I understand that the word “competitor” shall include any individual or organization, other than the Tenderer, whether or not afﬁliated with the Tenderer, who:
   1. Has been requested to submit a Tender in response to this request for tenders;
   2. could potentially submit a tender in response to this request for tenders, based on their qualiﬁcations, abilities or experience;
5. The Tenderer discloses that [check one of the following, as applicable]:
   1. The Tenderer has arrived at the Tender independently from, and without consultation, communication, agreement or arrangement with, any competitor;
   2. The Tenderer has entered into consultations, communications, agreements or arrangements with one or more competitors regarding this request for tenders, and the Tenderer discloses, in the attached document (s), complete details thereof, including the names of the competitors and the nature of, and reasons for, such consultations, communications, agreements or arrangements;
6. In particular, without limiting the generality of paragraphs (5)(a) or (5)(b) above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   1. prices;
   2. methods, factors or formulas used to calculate prices;
   3. the intention or decision to submit, or not to submit, a tender; or
   4. the submission of a tender which does not meet the speciﬁcations of the request for Tenders; except as speciﬁcally disclosed pursuant to paragraph (5)(b) above;
7. In addition, there has been no consultation, communication, agreement or arrangement with any competitor regarding the quality, quantity, speciﬁcations or delivery particulars of the works or services to which this request for tenders relates, except as speciﬁcally authorized by the procuring authority or as speciﬁcally disclosed pursuant to paragraph (5)(b) above;
8. The terms of the Tender have not been, and will not be, knowingly disclosed by the Tenderer, directly or indirectly, to any competitor, prior to the date and time of the ofﬁcial tender opening, or of the awarding of the Contract, whichever comes ﬁrst, unless otherwise required by law or as speciﬁcally disclosed pursuant to paragraph (5)(b) above.

Name Title Date *[Name, title and signature of authorized agent of Tenderer and Date]*

**SELF-DECLARATION FORMS**

**FORM SD1**

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

I, ……………………………………., of 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.
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 herein above is true to the best of my knowledge, information and belief.

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

Bidder Ofﬁcial Stamp

**FORM SD2**

**SELF DECLARATION THAT THE 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.

1. 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.
2. 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)*.
3. THAT the aforesaid Bidder will not engage /has not engaged in any corrosive practice with other bidders participating in the subject tender
4. THAT what is deponed to herein above is true to the best of my knowledge, information and belief.

…………………………………. ………………………………. ………………

(Title) (Signature) (Date)

Bidder Ofﬁcial Stamp

**DECLARATION AND COMMITMENT TO THE CODE OF ETHICS**

I, ......................................................................................................(person) on behalf of ***(Name of the Business/***

***Company/ Firm***) ……………………………………………………. declare that I have read and fully understood the contents of the Public Procurement & Asset Disposal Act, 2015, Regulations and the Code of Ethics for persons participating in Public Procurement and Asset Disposal and my responsibilities under the Code.

I do hereby commit to abide by the provisions of the Code of Ethics for persons participating in Public Procurement and Asset Disposal.

Name of Authorized Signatory ..........................................……………………………… Sign……………....................................................................................................................

Position……………........................................................................................................................................

Ofﬁce address………………………………………………. Telephone…………….......…………………. E-mail ................................................……

Name of the Firm/Company………................................................................................…………

Date ……………………………………..............................................................................…………

**(Company Seal/ Rubber Stamp where applicable)**

Witness Name ....................................................................…...………………….

Sign ……………………….........................................................................................…………

Date ……………………………………………..........................................

**Request for Review**

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

**PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

**APPLICATION NO……………. OF……….….20……...**

**BETWEEN**

**…………………………...………………………………. APPLICANT**

**AND**

**…………………………………RESPONDENT (Procuring Entity)**

Request for review of the decision of the…………… (Name of the Procuring Entity of ……………dated the…day of ………….20……….in the matter of Tender No………..…of …………..20….. for ......... (Tender description).

**REQUEST FOR REVIEW**

I/We……………………………,the above named Applicant(s), of address: Physical address…………….P. O. Box No…………. Tel. No……..Email ……………, hereby request the Public Procurement Administrative Review Board to review the whole/part of the above mentioned decision on the following grounds , namely:

1.

2.

By this memorandum, the Applicant requests the Board for an order/orders that:

1.

2.

SIGNED ………………. (Applicant) Dated on…………….day of ……………/…20……

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

FOR OFFICIAL USE ONLY Lodged with the Secretary Public Procurement Administrative Review Board on…………day of ………....20….………

**SIGNED**

**Board Secretary**