

REPUBLIC OF KENYA



National Government Constituencies Development Fund

Tetu Constituency

P.O Box 12132-10100

Tetu

Cell: 0716047883

Email: tetucdf@ngcdf.go.ke

PRE-QUALIFICATION OF SUPPLIERS FOR GOODS, WORKS AND SERVICES
FOR THE FINANCIAL YEAR 2022-2024

Tender No.: TETU/NG -CDF/TETU/B7/2022-2024

Tender Description: Pre-QUALIFICATION FOR SUPPLY/DELIVERY OF EXOTIC AND INDIGENOUS
TREE SEEDLINGS AND FRUITS

If Special Group, Please Indicate Below: (√)

Women

Youth

Persons with Disabilities

INVITATION FOR PREQUALIFICATION (IFQ)
BIDDERS SHOULD READ THESE INSTRUCTIONS CAREFULLY

- 1) The National Government Constituency Development Fund herein after referred as “Procuring entity” intended to prequalify candidates for the following (supply and delivery of goods, works services. Prequalification is open to interested candidates
- 2) Eligible candidates are free to make enquiries about the prequalification documents from(NG-CDF Tetu), P.O. BOX12132-10100,NYERI from the supply chain Management office during normal working hours or via email from tetucdf@ngcdf.go.ke.or call 0716047883.

GENERAL INSTRUCTIONS

- 1) You are requested to provide particulars as indicated in part II, III, IV, V and VI of this form as accurately as possible and where space provided is not sufficient, please use a separate sheet of paper and attach to this form.
- 2) The Procuring entity attaches great importance to correct information given. If the information given is found to be incorrect in any respect, the applicant shall be rendered ineligible for registration/deregistered.
- 3) All the information provided would be treated as confidential.
- 4) This Prequalification Document is eligible for one Item Code which should be clearly written at the top of the form.
- 5) Please note that by responding to this document you accept that all the answers provided are legally binding and should the need arise, may be used as evidence in a court of law. Further the Procuring entity reserves the right to visit and inspect business premises of all the applicants to verify information provided
- 6) Applicants to kindly note that this does not amount to any contractual obligation on the part of the procuring entity, and that the procuring entity is not obliged to invite tenders/quotations from any or all who express interest by responding to this pre-qualification process.
- 7) The document shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the applicant. Any such corrections must be initialed by the person(s) who sign(s) the document.
- 8) Your prequalification documents should be submitted properly bound, filled and page numbered. The Procuring entity shall not be responsible for Loss of documents not bound (loose).
- 9) Applications received after the closing date and time shall be rejected and returned to the applicant unopened

1. PRE-QUALIFICATION INSTRUCTIONS

1.1 Introduction

Prequalification is open to interested candidates

1.2 Pre-qualification Objective

The main objective is to supply and deliver assorted items and also provide services under relevant tenders/quotations to the Sub County on as and when required during the stated period.

1.3 Invitation of Pre-qualification

Suppliers registered with Registrar of Companies under the Laws of Kenya in respective merchandise or services are invited to submit their Pre-Qualification documents to the NGCDF Tetu so that they may be pre-qualified for submission of quotations. Bids will be submitted in complete lots singly or in combination.

The prospective suppliers are required to supply mandatory information for prequalification.

1.4 Experience

Prospective suppliers and contractors must have carried out successful supply and delivery of similar items/services to Government/Corporation/ institutions of similar size. Potential Suppliers/contractors must demonstrate the willingness and commitment to meet the prequalification criteria.

Note:

1. The Procuring entity may waive some of the conditions in this document in line with the Public Procurement and Disposal rules and Regulations.
2. Special Group firms (registered with AGPO) will be treated in accordance with the Public Procurement and Disposal (Preference and Reservation) Regulations, 2013

1.5 Pre-qualification Document

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

- a. In order to be considered for pre-qualification, prospective suppliers must submit all the information herein requested.

1.7 Distribution of Pre-Qualification Documents copy of the completed pre-qualification data and other requested information shall be submitted to reach:

A copy of the completed pre-qualification data and other requested information shall be submitted to reach:

A copy of the completed pre-qualification data and other requested information shall be submitted to reach:

Complete tender documents in plain sealed envelope clearly marked tender "No.

_____ " should be deposited into the tender box situated at the entrance to the NG-CDF-Tetu office. The envelope should be addressed to;

FUND ACCOUNT MANAGER

TETU NG CDF

P.O BOX 12132-10100

NYERI

So as to reach the office on or before **29th March 2023** at 11.00am.

1.8 Questions Arising from Documents

Questions that may arise from the pre-qualification documents should be directed to the above address.

1.9 Additional Information

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

1.10 Request for quotations will be made available only to those bidders whose qualifications are accepted by the Procuring entity.

2. BRIEF CONTRACT REGULATIONS/GUIDELINES

2.1 Taxes on Imported Materials

The Supplier shall pay custom duty, VAT and all other taxes as required by the law.

2.2 Customs Clearance

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

2.3 Contract Price

The contract shall be of unit price type or cumulative of computed unit price and quantities required. Quantities may increase or decrease as determined by demand on the authority of the County Commissioner or Tender Committee. Prices quoted should be inclusive of all delivery charges.

2.4 Payments

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

3. PRE-QUALIFICATION DATA INSTRUCTIONS

3.1 Pre-qualification data forms

The attached questionnaire forms described as part II, III, IV, V and VI are to be completed by prospective suppliers/contractors who wish to be pre-qualified for submission of tender for the specific tender.

3.1.1 The pre-qualified application forms which are not filled out completely and submitted in the prescribed manner will not be considered. All the documents that form part of the proposal must be written in English and indelible ink.

3.2 Qualification

3.2.1 It is understood and agreed that the pre-qualification data on prospective bidders is to be used by the Procuring entity in determining, according to its sole judgment and discretion, the qualifications of prospective bidders to perform in respect to each tender item/category as described by the client.

3.2.2 Prospective bidders will not be considered qualified unless in the judgment of the County they possess capability, experience, qualified personnel available and suitability of equipment and net current assets or working capital sufficient to satisfactorily execute the contract for goods/services.

3.3 Essential Criteria for Pre-qualification (exempted for AGPO registered firms) 3.3.1 (a) Experience:

Prospective bidders shall have at least one-year experience in the supply of goods, and 2 years in the case of Consultancy services and allied items in case of potential supplier/contractor should show competence, willingness and capacity to service the contract. Professional consultants shall be required to have indemnity cover with reputable insurance Company.

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

(c) The Procuring entity reserves to request for additional qualification information as the tender/quotation stage to suit particular procurement.

3.3.2 Personnel

The Suppliers/Contractors/Consultants shall provide pertinent information to demonstrate that they have qualified staff to carry out the assignment.

3.3.3 Financial Condition (Exempted for AGPO registered firms)

The Supplier's financial condition will be determined by latest financial statement submitted with the prequalification documents. Potential suppliers/contractors will be prequalified on the satisfactory information given.

3.4 Special consideration will be given to the financial resources available as working capital, taking into account the amount of uncompleted orders on contract and now in progress. Data to be filled/ provided on Part II. However, potential bidders should provide evidence of financial capability to execute the contract.

3.3.5 Past Performance (exempted for AGPO registered firms)

Past performance will be given due consideration in pre-qualifying bidders. Letter of reference from past customers should be included.

3.4 Statement

Application must include a sworn statement on part VI by the Tenderer ensuring the accuracy of the information given.

3.5 Withdrawal of Prequalification.

Should a condition arise between the time the firm is pre-qualified to bid and the bid opening date which could substantially change the performance and qualification of the bidder or the ability to perform such as but not limited to bankruptcy, change in ownership or new commitments, the County reserves the right to reject the tender from such a bidder even though they have been initially pre-qualified.

3.6 The firm must have a fixed Business Premise and must be registered in Kenya, with certificate of Registration, Incorporation/Memorandum and Articles of Association.

3.6.1 The firm must show proof that it has paid all its statutory obligations and have Valid Tax Compliance Certificate from the Kenya Revenue Authority.

4. PRE-QUALIFICATION EVALUATION CRITERIA MANDATORY REQUIREMENTS

Pre-qualification will be based on meeting the minimum requirements to pass on criteria set as shown below

| | ITEM UNDER CONSIDERATION | Copy attached (TICK APPROPRIETLY) | Copy not attached (TICK APPROPRIETL Y) |
|-----|--|---|--|
| 1. | copy of Certificate of Registration/Incorporation | | |
| 2. | copy of Valid Tax Compliance Certificate | | |
| 3. | Single Business Permit from the county Government or certificate/letter of exemption for professional services from the county Government (AGPO registered firms are exempted). | | |
| 4. | Copy of PIN Certificate of Firm/company or individual. | | |
| 5. | Evidence of registration from Ministry of Finance/ County Governments (for AGPO firms only) | | |
| 6. | Part II: Supplier qualification data (must be filled accordingly) | | |
| 7. | Part III: Financial Position. (Provide and attach certified audited financial statements for the previous (latest) two years and/or bank statements for the last one year certified by the bank. | | |
| 8. | Part IV: Business probity and litigation history (must be filled accordingly) | | |
| 9. | PART V: Anti-Corruption Pledge Form | | |
| 10. | Part VI: Sworn statement (must be filled accordingly) | | |
| 11. | Copy Of Relevant NCA 8 And Above For Pre-Qualification No B2 And B12 and any other requirement that may deem fit. | | |

AGPO (Access to Government Procurement Opportunities) is for Youth, Women and Persons with disabilities

PART II:

1. SUPPLIER PREQUALIFICATION DATA

| | | |
|---|--|--|
| 1 | Name of Organization/Business /Company | |
| 2 | Postal Address | P.O Box.....Code..... Town..... |
| 3 | Principal Contact Person | Name..... Position..... |
| 4 | Contacts | Mobile Phone No..... Email..... |
| 5 | Physical Location of Business Premises | Town..... Street..... Building Name..... Floor..... |
| 6 | Nature of Organization (e.g. Sole Proprietorship, Public or Private Limited Company, Partnership etc.) | |
| 7 | Name of the Proprietor, Directors or Partners (Attach copies of identity cards/passports) Where applicable indicate shares | 1. 2. 3. 4. 5. |
| 8 | Nature of Business | |
| 9 | State Credit Period (Minimum is 30 days) | |

YOU ARE ADVISED IT IS A SERIOUS OFFENCE TO GIVE FALSE INFORMATION ON THIS FORM Form of Tender

Date: _____

Tender No. _____

To:

[Name and address of procuring entity]

Gentlemen and/or Ladies:

1. Having examined the tender documents including Addenda.

Nos. [Insert numbers]. The receipt of which is hereby duly acknowledged, we the undersigned, offer to purchase and collect all the items offered to us in conformity with the said tender documents for the sum of[total tender amount in words and figures] or such other sums as may be ascertained in accordance with the Schedule of Prices attached herewith and made part of this Tender.

2. We undertake, if our Tender is accepted, to pay for and collect the items in accordance with the requirements of the tender.

3. We agree to abide by the tender for a period of ...[number] days from the date fixed for tender opening of the Instructions to tenderers, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

4. We understand that you are not bound to accept the highest or any tender that you may receive.

Dated this _____ day of _____ 20_____

[Signature]

[In the capacity of

Duly authorized to sign tender for and on behalf of _____

III. CONFIDENTIAL BUSINESS QUESTIONNAIRE

You are required to give the particulars indicated in Part I and either Part 2 (a), 2 (b) or 2 (c) whichever applies to your type of business. You are advised that it is a serious offence to give false information on this form

| <p>Part I- General :</p> <p>Business Name</p> <p>Location of business Premises.....</p> <p>Plot No. Street/Road.....</p> <p>Postal Address.....Tel. No.....</p> <p>Nature of Business.....</p> <p>Current Trade License No.....Expiring date.....</p> <p>Maximum value of business which you can handle at any one time : Kshs.....</p> <p>Name of your bankers.....Branch</p> | | | | | | | | | | | | | | | | | |
|---|---|---------------------|-------------|---------------------|--------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| <input type="checkbox"/> | <p>Part 2 (a) – Sole Proprietor</p> <p>Your name in full.....Age.....</p> <p>Nationality.....Country of origin.....</p> <p>*Citizenship details.....</p> | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <p>Part 2 (b) Partnership</p> <p>Given details of partners as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Name</th> <th style="text-align: left;">Nationality</th> <th style="text-align: left;">Citizenship Details</th> <th style="text-align: left;">Shares</th> </tr> </thead> <tbody> <tr> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table> | Name | Nationality | Citizenship Details | Shares | | | | | | | | | | | | |
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| <input type="checkbox"/> | <p>Part 2 (c) – Registered Company:</p> <p>Private or Public.....</p> <p>State the nominal and issued capital of company-</p> <p>Nominal Kshs.....</p> <p>Issued Kshs.....</p> <p>Given details of all directors as follows:-</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Name</th> <th style="width: 20%;">Nationality</th> <th style="width: 30%;">Citizenship Details</th> <th style="width: 30%;">Shares 1.</th> </tr> </thead> <tbody> <tr> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2.</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>3.</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>4.</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>5.</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table> | Name | Nationality | Citizenship Details | Shares 1. | | | | | 2. | | | | 3. | | | | 4. | | | | 5. | | | |
|--|---|---------------------|-------------|---------------------|-----------|-------|-------|-------|-------|----|-------|-------|-------|----|-------|-------|-------|----|-------|-------|-------|----|-------|-------|-------|
| Name | Nationality | Citizenship Details | Shares 1. | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>DateSignature of Candidate.....</p> | | | | | | | | | | | | | | | | | | | | | | | | | |

*if Kenya Citizen, indicate under “Citizenship Details” whether by Birth, Naturalization or Registration.....

PART IV: BUSINESS PROBITY AND LITIGATION HISTORY

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

| YEAR | AWARD FOR OR AGAINST | NAME OF CLIENT, CAUSE OF LITIGATION AND MATTER IN DISPUTE | DISPUTED AMOUNT (CURRENT VALUE, KSHS. EQUIVALENT) |
|------|----------------------|---|---|
| | | | |
| | | | |

PART V : ANTI-CORRUPTION PLEDGE FORM.

I/We.....

..... Are aware that the Government views corruption in the procurement process a serious matter and aware that it is against Anti-Corruption and Crimes Act to engage in corrupt and fraudulent practices do hereby pledge not to engage in such practices while bidding for the supply of Goods and service to the Government.

Tenderer's Name.....

Address.....

Authorized signature.....

Date.....

PART VI . SWORN STATEMENT

I declare that to the best of my knowledge the answers submitted in this pre-qualification questionnaires (and any supporting documentation) are correct. I understand that and misrepresentation will render my organization ineligible to participate in any future business activities with the Procuring entity.

Having studied the pre-qualification information for the above provision of goods, works or services applied for I hereby state:

1. The information and answers furnished in this pre-qualification questionnaire form (and any supporting documentation) are correct to the best of our knowledge and I understand that any misrepresentation will render my organization ineligible to participate in any future business activities with the Procuring entity
2. That in case of being pre-qualified we acknowledge that this grants us the right participate in due time in the submission of a tender or quotation on the basis of provision in the tender or quotation documents to follow.
3. We enclose all the required documents and information required for the prequalification evaluation.
4. We will not engage in corrupt practices with the Members of Staff.
5. We have not been debarred from participating in Public Procurement Proceedings.

| | |
|--------------------|--|
| FORM COMPLETED BY: | |
| Date: | |
| Name: | |
| Signature: | |
| Stamp or seal | |

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

This Page is the beginning of the Standard tender Document for prequalification.



NG-CDF TETU

National Government Constituencies Development Fund

TETU Constituency

P.O Box 12132-10100

Nyeri

Email: tetucdf@ngcdf.go.ke

DATE: 15th March 2023

TENDER DESCRIPTION:

TREE SEEDLINGS

FY 2022-2024

NAME AND CONTACT

ADDRESSES OF

PROCURING ENTITY.

Name NG-CDF TETU CONSTITUENCY

Postal Address PO BOX 430 – 20318 NORTH TETU

Email Address tetucdf@ngcdf.go.ke

TENDER NO. TETU/NG- CDF/TETU/B7/2022-2024

TENDER DESCRIPTION:

TREE SEEDLINGS

FY 2022-2024

REQUEST FOR TENDER PREQUALIFICATION

To: _____

From: -----

NG-CDF/...../-----

invites you to submit tender/prequalification for

TREE SEEDLINGS

FY 2022-2024

1) Indicated in detail in “Table A. Schedule of Requirements and Specifications”. The tender shall follow the instructions and documents in this tender document and shall be in English Language. Tenderers may obtain further information during office hours 8:00 AM to 5:00 PM hours at the address given below.

1. Tenders shall be submitted in accordance with the instruction in Part1: tenders Procedures and in a sealed envelope clearly indicating name and address of tenderer, the tender name and title and must reach the Procuring Entity at the address indicated below not later than **29th March, 2023 at 11:00 AM**. Tenders can be delivered by registered mail, courier or hand delivery at the tenderer's option. Kindly indicate the preferred mode of Tender submission _____ (*insert mode of tender submission*).Late tenders shall be rejected.
2. Enquiries regarding this tender may be addressed to Fund Account Manager TETU NG-CDF
3. Any resulting contract shall be subject to the terms and conditions detailed in Part3: Contract.

Address for Submission of TENDERS.

- 1) Name of Procuring Entity NG-CDF TETU _____
- 2) Mailing Address: P.O BOX _____ (*Postal Address (include name of Officer to be attention).*)
- 3) Physical address _____ (*for hand and Courier Delivery to an office or Tender Box, specify City, Street Name, Building, Floor Number and Room*)

Yours sincerely,

[Signature, Designation and Position of Authorized Official]

PART 1: INSTRUCTIONS TO TENDERERS

- 1. **Tenderers are advised to read carefully** these instructions and the Conditions of Contract in Part3: Contract, before preparing the tenders. The standard forms in this tender document may be photocopied for completion but the Tenderer is responsible for their accurate re production. The term Tenderer shall mean the firm or person invited to submit a tender. The term tender herein shall mean the tender submitted as usually understood in public procurement.
- 2. **Validity of tenders:** The tenders will be held valid for **thirty (30) days** from the date of submission.
- 3. **The Tender shall consist of** completed Tables A, B and C and the Form of Tender all indicated in Part 2 of this Request for Tenders, and documents to evidence Eligibility and Conformity to Technical Specifications.
- 4. **Sealing and Marking of Tenders:** Tenders in one “one original “should be sealed in a single envelope, clearly marked with the **Tender Reference Numbering** the tender, the Tenderer's name and the name of the Procuring Entity. Envelopes should be sealed in such a manner that opening and resealing cannot be achieved undetected.
- 5. **Submission of Tenders:** Tenders, and any alternatives if allowed as per Item 11 below, should be submitted to the address below, on or before the date and time indicated in sub-item 4 below. Late tenders will be rejected.

Address for Submission of Tenders.

- 1) Name of Procuring Entity -----
- 2) Mailing Address :Postal Address -----
- 3) Physical address for hand or Courier Delivery to an office or Tender Box **Tender Box situated at TETU NG-CDF NORTH TETU at the office entrance**

- 4) Date of Submission(deadline):-----**29th March 2023**-----

Time of Submission (deadline):**11:00Am**

- 6. **Opening of Tenders:** Tenders will be opened immediately after the closing date and time specified in item 5(4) above, by at least three appointed officials of the Procuring Entity.
- 7. **Tenderer Eligibility:** Tenderer must submit Documentary evidence to show His/her eligibility to be awarded a contract to cover the mandatory requirements as per bid document. The Tenderer shall also complete attached forms to confirm eligibility and non-existence of a conflict of interest in relation to this procurement requirement by signing the attached Forms.
- 8. **Invitation not transferable:** This invitation is not transferable to other firms or individuals not so invited.
- 9. **Goods Eligibility :**Tenderer must submit as evidence documents to show the country of origin of any goods to be supplied or incorporated in the work or services
- 10. **Technical Specifications:** Documentary evidence to show that the goods meet the technical specifications.
- 11. **Alternative Tenders:** Tenderers **are permitted/ not permitted** (*select one*) to submit alternative tenders for goods/alternative technical solutions for specified parts of the Works or Services (*select one*). Only the alternatives, if any, of the Tenderer with the winning tender conforming to the basic technical requirements shall be considered by the Procuring Entity.
- 12. **Currency:** Tenders shall be priced in Kenya Shillings. Tenders in other currencies will be rejected if not allowed.

The Procuring Entity shall allow/not allow tenders in foreign currency (*procuring Entity to select one*).

13. **Evaluation of Tenders:** The evaluation of tenders will be conducted using the procedures set out below:
 - i) Preliminary examination to determine Tenderer eligibility: (ii) certificate of registration, and(iii) valid tax compliance certificate (iv)valid AGPO Certificate (where applicable)
 - ii) Technical examination to determine goods eligibility, compliance with technical specifications and commercial responsiveness. Tenders failing this stage will be rejected and not considered in next stage.
 - iii) Financial comparison of tenders to determine the lowest evaluated tender. Incase foreign currency is allowed, for comparison purposes only, foreign currency tenders will be converted to Kenya shillings using the exchange rates published by the Central Bank of Kenya on the day of submission of tenders.
14. **Lowest Evaluated Tender:** The lowest evaluated tender shall be recommended for award of contract.
15. **Award of contract:** Award of contract shall be by placement of a Letter of Acceptance or Local Purchase Order in accordance with Part3:Contract.The currency of award and payment shall be currency in which the tender was submitted .Unsuccessful tenderers who responded will be notified of the accepted tender, indicating the name and the amount of the accepted tender.
16. **Right to Reject:** The Procuring Entity reserves the right to accept or reject any tender or to cancel the tender process and reject all tenders at any time prior to contract award.

TENDER AND QUALIFICATION DOCUMENTS

Instructions to Tenderer. Tenderer must complete and submit as part of the Form of tender.

- (i) SCHEDULE OF REQUIREMENTS TABLE
- (ii) FORM FOR DISCLOSURE OF INTEREST
- (iii) CERTIFICATE OF INDEPENDENT TENDER DETERMINATION
- (iv) SELF-DECLARATION FORM
- (v) FOREIGN TENDERER 40% RULE *(where provided)*

FORM OF TENDER [To be completed by Tenderer]

| | |
|--|--|
| <i>Tender/ pre-qualification addressed to procuring entity</i> | |
| <i>Date of the tender</i> | |
| <i>Tender reference number:</i> | |
| <i>Subject of the tender</i> | |

1. We have examined and have no reservations to the Request for Tender document, and understand its full content and intent.
2. We confirm that we are eligible to participate in public procurement and meet the eligibility criteria specified in Part1: INSTRUCTIONSTOTENDERERS.
3. We also confirm that the _____ *(services to be provided)* conform to the **SCHEDULE OF REQUIREMENTS TABLE** below and in conformity with technical specifications listed in PART2: SCHEDULE OF REQUIREMENTS of this TENDER Document.
4. We undertake to adhere by the Code of Ethical Conduct for Suppliers, Contractors and Service Providers, copy available from _____ *(specify website)* during the procurement process and the execution of any resulting contract.
5. We confirm that the prices quoted are fixed and firm for the duration of the validity period and performance of the contract and will not be subject to revision or variation.
6. The validity period of our tender is: _____ days from the time and date of the submission deadline *(number to be same as in the instructions to Tenderers)*.
7. We confirm we are not submitting any other Tender as an individual or firm, and we are not participating in any other Tender as a Joint Venture member or as a subcontractor.

8. We, along with any of our suppliers, 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 Public Procurement Regulatory Authority or any other entity of the Government of Kenya ,or any international organization.
9. We hereby certify that we have taken steps to ensure that no person acting for us or on our behalf engages in any type of Fraud and Corruption.
10. We hereby certify and confirm that the Tender is genuine, non-collusive and made with the intention of accepting the contract if awarded. To this effect we have signed the “Certificate of Independent Tender Determination “attached below.
11. We, the Tenderer, have completed fully and signed the **FORM FOR DISCLOSURE OF INTEREST**-interest of the firm in the Procuring Entity, attached below.

The Delivery/Completion period offered is: _____ days from date of acceptance of Tender .The warranty period offered is _____ weeks.

Tender Authorized by:

Name and designation _____ Signature

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

- i) Are there any person/persons in TETU NG-CDF who has/have an interest or relationship in this firm?
Yes/No.....

If yes, provide details as follows.

| | Name of the person | Designation in the Procuring Entity | Interest or relationship with tenderer |
|---|--------------------|-------------------------------------|--|
| 1 | | | |
| 2 | | | |
| 3 | | | |

ii) **Conflict of interest disclosure**

| | | Disclosure YES OR NO | If YES Provide Details Of The Relationship With Tenderer |
|---|---|-------------------------|---|
| 1 | Tenderer is directly or indirectly controls, controlled by or is under common control with another tenderer. | | |
| 2 | Tenderers receives or has received direct or indirect subsidy from another tenderer. | | |
| 3 | tenderer has the same legal representative as another tenderer | | |
| 4 | Tenderer 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 tender 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 quotation. | | |
| 6 | Tenderer would be providing goods, works, and non-consulting services during implementation of the contract specificities in this tender document. | | |
| 7 | Tenderer has a close business or family relationship with a professional staff or 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 tender process and execution of the contract | | |

iii) 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)

iv) 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 content of this Certificate;
2. I understand that the Tenderer will be disqualified if this Certificate is found not to be true and complete in every 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:
 - a) Has been requested to submit a tender in response to this request for tenders;
 - b) 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]:
 - a) The Tenderer has arrived at the tender independently from ,and without consultation ,communication, agreement or arrangement with, any competitor;
 - b) 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:
 - a) prices;
 - b) methods, factors or formulas used to calculate prices;
 - c) the intention or decision to submit , or not to submit , a tender ;or
 - d) 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, which ever 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]

v) SELF-DECLARATION FORM

We, the Tenderer _____ (*insert name*) submitting our
Tender in respect of Tender No _____ for _____
_____ (*insert tender Title Description*) for _____
(*insert Name of Procuring Entity*)

DECLARE AS FOLLOWS:

That ,We the Tenderer including any entity or individual that directly or indirectly controls, is controlled by or is under common control with us, and any subcontractors, suppliers, project managers, consultants, manufacturers, service providers, agents, individuals ,or any other party involved or to be involved for any part of the processes of procurement and contract execution related to the above tender:

- a) have not engaged/will not engage in any corrupt or fraudulent practices in the processes of procurement and contract execution related to the above tender as defined and/or described in the following:
 - i) the TENDER for the above Tender;
 - ii) Kenya's Public Procurement and Asset Disposal Act, 2015) and its attendant Regulations;
 - iii) Kenya's Anti-Corruption and Economic Crimes Act, 2013; and
 - iv) Any such other Acts or Regulations of Government of Kenya;
- b) have not offered/will not offer any inducement to any member of the board, management, staff and/or employees and/or agents of.....(*name of the procuring entity*);
- c) have not engaged /will not engage in any collusive or corrosive practice with other tenderers participating in the subject tender;
- d) Have not been sanctioned or debarred by any entity from participation in public procurement proceedings of Kenya.

That, what is deposited to herein above is true to the best of our knowledge, information and belief.

Name of the Tenderer: [*Insert complete name of tenderer signing the tender*]

Name of the person duly authorized to sign the tender on behalf of the Tenderer:
..... [*Insert complete name of person duly authorized to sign the tender*]

Title of the person signing the Tender: [*Insert complete title of the person signing the tender*]

Signature of the person named above: [*Insert signature of person whose name and capacity are shown above*]

vi) **FOREIGN TENDERER 40%RULE**

(not to be included in the TENDER for supply of goods ,supply and installation of plant and equipment ,insurance ,purchase of property ,and other TENDER where this rule may not be practical).

Pursuant to the provisions in the Public Procurement and Disposal Act, 2015, a Foreign Tenderer must complete this form to demonstrate that the tender fulfils this condition.

| ITEM | Description Of Work Item | Describe location of Source | COST in K. shillings | Comments, if any |
|------|------------------------------|-----------------------------|----------------------|------------------|
| A | LOCAL LABOR | | | |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| B | | | | |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| C | LOCAL MATERIALS | | | |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| D | | | | |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| E | | | | |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| | | | | |
| | PERCENTAGE OF CONTRACT PRICE | | | |
| | TOTAL COST LOCAL CONTENT | | XXXXX | |

T 2: SCHEDULE OF REQUIREMENTS

TABLE A. SCHEDULE OF REQUIREMENTS, TECHNICAL SPECIFICATIONS

Table A. SCHEDULE OF REQUIREMENTS AND TECHNICAL SPECIFICATIONS

[Procuring Entity to complete Columns a-d and Tenderer to complete Column Indicating YES or No and if NO indicate the specification of the offered item]

| ItemNo | Description of Goods/works/s <i>(Procuring Entity to select one For Works attach drawings</i> | Quantity | TECHNICAL SPECIFICATIONS (comp <i>Procuring Entity)</i> | CONFORMITY WITH TECHNICAL SPECIFICA <i>(to be completed by Tendere</i> |
|--------|--|----------|--|--|
| 1 | Tender description..... | | | E |

1.

- a) A preliminary description of the proposed works/services and work method and schedule, including drawings and charts, as necessary, containing all required information by which the proposed works may be evaluated (e.g. technical characteristics, operational capacities, maintenance, environmental effect, etc.) together with manuals or instructions for use or any other relevant information and documentation, delivery/ installation schedules, etc.;
- b) A detailed statement of how the tenderer will carry out the works/services that will form an integral part of the Contract.
- c) **DRAWINGS**
(Procuring Entity to attach Drawings (if any))

NOT APPLICABLE

PART 3: CONTRACT

CONTRACT AGREEMENT

- (1) THIS CONTRACT AGREEMENT is made _____ (*specify date*).
Between _____ [*Insert complete name of Procuring Entity*], and having its principal
place of Business at _____ [*Insert address of Procuring Entity*] and
[*Insert name of Supplier, or contractor or service provider*], and having its principal Place of
business at _____ [*insert address of
Supplier, contractor or service provider*].
- (2) WHEREAS the Procuring Entity invited tenders for the Supply of Goods/works/services (*select one*) described
in Table B, i.e. _____ [*insert brief description of Goods,
works and Services*] and has accepted a Tender by the Tenderer in the sum of
_____ [*insert Contract Price in words and figures*] (herein after called “the Contract Price”).
- (3) NOW THIS AGREEMENT WITNESSED AS FOLLOWS:
1. This Contract Agreement includes the following documents:
 - a) Table A. SCHEDULE OF REQUIREMENTS AND TECHNICAL SPECIFICATIONS.
 - b) Table B. TENDER SUBMISSION TABLE.
 - c) FORM OF TENDER.
 - d) Conditions of Contract.
 2. In consideration of the payments to be made by the Procuring Entity to the *Supplier/contractor/service provider* as hereinafter mentioned, the *Supplier/contractor/service provider* hereby covenants with the Procuring Entity to provide the Goods/works/services and to remedy defects therein in conformity in all respects with the provisions of the Contract.
 3. The Procuring Entity hereby covenants to pay the Supplier/Contractor/service provider (*select one*) in consideration of the provision of the Goods/works/services (*select one*) and the remedying of defects therein, the Contract Price or such other sum as may become payable under the provisions of the Contract at the times and in the manner prescribed by the Contract.
- (4) In WITNESS where of the parties here to have caused this Agreement to be executed in accordance with the laws of Kenya.

For and on behalf of the Procuring Entity

Signed: [*Insert signature*]

In the capacity of..... [*Insert title or other appropriate designation*]

In the presence of..... [*Insert identification of official witness*]

For and on behalf of the Supplier/Contractor/Service Provider (*select one*)

Signed: [*Insert signature of authorized representative(s) of the
Supplier*]

In the capacity of..... [*Insert title or other appropriate designation*]

In the presence of..... [*Insert identification of official witness*]

PART 3:CONTRACT

1. Language

The Contract as well as all correspondence and documents relating to the Contract exchanged by the Supplier/Contractor/Service Provider (*select one*) Provider and the Procuring Entity, shall be written in the English Language.

2. Eligibility

The goods shall have the nationality of a negligible country .All Goods and Related Services to be supplied under the Contract shall have their origin in Eligible Countries.

3. Notices

Any notice given by one party to the other pursuant to the Contract shall be in writing.

4. Governing Law

The Contract shall be governed by and interpreted in accordance with the Laws of Kenya, unless otherwise specified hereunder.

5. Settlement of Disputes

The Procuring Entity and the Supplier/Contractor/Service (*select one*) shall make every effort to resolve amicably by direct informal negotiation any disagreement or dispute arising between them under or in connection with the Contract. If the parties have failed to resolve their dispute or difference by such mutual consultation, either the Procuring Entity or the Supplier/Contractor/Service (*select one*) may give notice to the other party of its intention to commence arbitration .The dispute shall be referred to adjudication or arbitration in accordance with the laws of Kenya.

6. Supplier/Contractor/Service Provider Responsibilities

The Supplier/Contractor/Service Provider (*select one*) shall supply all the Goods included in the Schedule of Requirements.

7. Contract Price

Prices charged by the Supplier/Contractor/ Service Provider (*select one*) under the Contract shall not vary from the prices quoted by the Supplier/Contractor/Service Provider (*select one*)in its tender.

8. Terms of Payment

The Contract Price shall be paid One hundred (100) percent of the Contract Price as follows (*select one*):

- i) For Goods, price of goods received upon submission of claim/invoice supported by the Inspection acceptance certificate issued by the Procuring Entity.
- ii) For Works, upon valuation by the Contractor of the portion of the works completed, such valuation to be accepted by the Procuring Entity, payments up to final completion certificate.
- iii) For Services, upon valuation by the Service Provider of the services completed, such valuation to be acceptedbytheProcuringEntity,paymentsuptofinalcompletioncertificate

PART 3:CONTRACT

9. Inspections and Tests

The Supplier/Contractor/Service Provider (*select one*) shall at its own expense and at no cost to the Procuring Entity carry out all such tests and/or inspections of the Goods ,works or Services to confirm their conformity to technical specifications.

10. Warranty

The Supplier warrants that all the Goods are new, unused, and of the most recent or current models, and that they incorporate all recent improvements in design and materials, unless provided otherwise in the contract.

PART 3:CONTRACT**PREQUALIFICATION FOR SUPPLIERS AND CONTRACTORS FOR SUPPLY OF GOODS,
WORKS AND SERVICEFOR FINANCIAL YEARS 2022-2024 TETU CONSTITUENCY**

| | CATEGORY A | SUPPLY AND DELIVERY OF GOODS | TARGET GROUP |
|-----|-------------------|---|---------------------|
| A1 | | SUPPLY/DELIVERY OF GENERAL STATIONERY, TONNERS & CATRIDGES AND PRINTING SERVICES | RESERVED GROUP |
| A2 | | SUPPLY/DELIVERY OF REFINED FUELS AND LUBRICANTS. | OPEN |
| | CATEGORY B | QUALIFICATION FOR SUPPLY AND DELIVERY OF VARIOUS ITEMS | |
| B1 | | PRE-QUALIFICATION FOR REPAIRS OF MOTOR VEHICLES, SUPPLY/DELIVERY OF TYRES, TUBES AND MOTOR VEHICLE BATTERIES | OPEN |
| B2 | | PRE-QUALIFICATION OF CONTRACTORS FOR BUILDINGS WORKS, ELECTRICAL WORKS, MECHANICAL WORKS AND RENOVATIONS | OPEN |
| B3 | | PRE-QUALIFICATION FOR SUPPLY/DELIVERY OF HARDWARE MATERIALS: EG WATER TANKS SUPPLIES, TILES, PAINTS, CEMENT, STEEL AND ROOFING MATERIALS. | OPEN |
| B4 | | PRE-QUALIFICATION FOR SUPPLY/DELIVERY OF SPORTS EQUIPMENT, ACCESSORIES AND FIELD RELATED ACTIVITIES. | RESERVED GROUP |
| B5 | | PRE-QUALIFICATION OF SUPPLY AND DELIVERY OF COMPUTERS, COMPUTER HARDWARES AND SOFTWARES, LAPTOPS, PRINTERS, UPS, CAMERAS, TV'S, TELEPHONE HEADSETS AND OTHER ICT CONSUMABLES AND ACCESSORIES. | RESERVED GROUP |
| B6 | | PRE-QUALIFICATION OF SUPPLY AND DELIVERY OF SCHOOL AND OFFICE FURNITURES, CARPETS, CURTAINS, CURTAIN RAILS AND OTHER RELATED ACCESSORIES | OPEN |
| B7 | | PRE-QUALIFICATION FOR SUPPLY/DELIVERY OF EXOTIC, INDIGENOUS TREE SEEDLINGS AND FRUITS. | RESERVED GROUP |
| B8 | | PRE- QUALIFICATIONS FOR REPAIRS OF OFFICE EQUIPMENT, COMPUTERS AND OTHER ICT RELATED EQUIPMENTS. | RESERVED GROUP |
| B9 | | PRE-QUALIFICATION FOR WATER DRILLING SERVICES AND ANY OTHER WATER RELATED ACTIVITIES. | OPEN |
| B10 | | PRE-QUALIFICATION FOR SUPPLY/DELIVERY OF EXOTIC, INDIGENOUS TREE SEEDLINGS AND FRUITS. | RESERVED GROUP |
| | CATEGORY C | PREQUALIFICATION FOR PROVISION OF SERVICES | |
| C1 | | PROVISION OF CONSULTANCY SERVICES IN PREPARING THE STRATEGIC PLAN | OPEN |