

REPUBLIC OF KENYA



**THE NATIONAL TREASURY AND ECONOMIC PLANNING
STATE DEPARTMENT FOR ECONOMIC PLANNING**

P.O. BOX 30005-00100 NAIROBI

Email address: procurement@planning.go.ke

Tender No: TNTEP/SDEP/001/2023-2024

**Tender Name: REGISTRATION OF SUPPLIERS FOR
PROVISION OF GOODS/SERVICES FOR FINANCIAL YEAR
2023/2024 AND 2024/2025**

CLOSING DATE: 3RD OCTOBER, 2023 AT 11:00AM

CATEGORY APPLIED FOR.....

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INVITATION TO APPLY FOR REGISTRATION OF SUPPLIERS

PROCURING ENTITY: *THE NATIONAL TREASURY AND ECONOMIC PLANNING, STATE DEPARTMENT FOR ECONOMIC PLANNING OF P.O. BOX 30005-00100 NAIROBI*

CONTRACT NAME AND DESCRIPTION: OPEN TENDER FOR REGISTRATION OF SUPPLIERS AT THE STATE DEPARTMENT FOR ECONOMIC PLANNING

The Ministry therefore invites sealed tenders for the Registration of Suppliers for supply of goods and services for a period of two years. Tendering will be conducted under open method using a standardized tender document. Tendering is open to AGPO firms and General category.

In case tender is subject to multiple contracts/lots, insert

“Tenderers will be allowed to tender for a maximum of three lots”.

The Tender is open to all Small and Medium Enterprises registered appropriately with the Registrar of Companies.

1. Qualified and interested tenderers may obtain further information and inspect the Tender Documents during office hours **0900 to 1500 hours** at the address given below. More details on the Services are provided in **PART 1 – Services’ Requirements – Description of Scope of Works, Goods, Non- Consulting & Consultancy Services of the Tender Document.**
2. Tender documents may be viewed and downloaded for free from the website www.planning.go.ke or www.tenders.go.ke. Tenderers who download the tender document must forward their particulars immediately to (procurement) to facilitate any further clarification or addendum.
3. All Tenders must be accompanied by a [*insert “tender Security” or “Tender-Securing Declaration,” as appropriate*] of [*NO TENDER SECURITY REQUIRED.*]
4. The Tenderer shall chronologically serialize all pages of the tender documents submitted.
5. Completed tenders must be delivered to the address below on or before [*insert time and date*]. **3RD OCTOBER, 2023 AT 11.00AM**
6. Electronic Tenders will be permitted.....N/A
7. Tenders will be opened immediately after the deadline date and time specified above or any deadline date and time specified later. Tenders will be publicly opened in the presence of the Tenderers’ designated

representatives who choose to attend at the address below.

8. Late tenders will be rejected.
9. The addresses referred to above are:

A. **Address for obtaining further information and for purchasing tender documents**

State Department for Economic Planning

Procurement Office, Room 716

P.O. Box 30005-00100

Harambee Avenue

Nairobi.

Head Supply Chain Management. Telephone Number: +254-20-2252299

**PART 1 – WORKS, GOODS, NON-
CONSULTING & CONSULTANCY
SERVICES REQUIREMENTS**

**SCOPE OF WORKS, GOODS, NON-CONSULTING AND CONSULTANCY SERVICES
REQUIRED**

**TENDER NAME: REGISTRATION OF SUPPLIERS FOR PROVISION OF GOODS
/SERVICES FOR FINANCIAL YEAR 2023/2024 AND 2024/2025**

TENDER NO. TNTEP/SDEP/001/2023-2024

NO.	ITEM DESCRIPTION	ELIGIBILITY
CATEGORY A: REGISTRATION FOR SUPPLY AND DELIVERY OF GOODS		
TNTEP/SDEP/001/A1/2023-2024	Supply of Computers, Laptops, UPS, Printers, Scanners, Software, Accessories and other consumables.	Open
TNTEP/SDEP/001/A2/2023-2024	Supply of Office Furniture, Fittings and Office Equipment's.	Open
TNTEP/SDEP/001/A3/2023-2024	Supply of Motor Vehicle Spare Parts, Tyres Tubes and Batteries.	Open
TNTEP/SDEP/001/A4/2023-2024	Supply of Hardware and Electrical Items.	PWD
TNTEP/SDEP/001/A5/2023-2024	Supply of Staff Uniforms, Foot Wear and CMT Charges.	Open
TNTEP/SDEP/001/A6/2023-2024	Supply of Text books and other Publications.	Open
TNTEP/SDEP/001/A7/2023-2024	Supply and delivery of General office stationery and common user items	Women
TNTEP/SDEP/001/A8/2023-2024	Provision of Airtime and Calling Cards	Women
CATEGORY B: REGISTRATION FOR PROVISION OF SERVICES		
TNTEP/SDEP/001/B9/2023-2024	Provision of Fumigation and Pest Control Services	Women
TNTEP/SDEP/001/B10/2023-2024	Provision of Editing/Design, Layout and Printing and Binding services of Ministry's Policy documents e.g., EPRS, Newsletters.	Youth
TNTEP/SDEP/001/B11/2023-2024	Provision of Repair Services for Motor Vehicles, Motor Circles, Plant & Equipment (Public Works Registered Firms)	Open
TNTEP/SDEP/001/B12/2023-2024	Provision of Repair Services and Maintenance of Office Equipment, Furniture and Machines.	Youth
TNTEP/SDEP/001/B13/2023-2024	Provision of Design and Branding of Promotional Materials such as T/Shirts, Caps, Banners and Posters	Women
TNTEP/SDEP/001/B14/2023-2024	Provision of minor office repair and partitioning works (NCA Registered Firms)	Women
TNTEP/SDEP/001/B15/2023-2024	Provision of Preventive Maintenance services for ICT Hardware Components.	Open
CATEGORY C: REGISTRATION FOR PROVISION OF CONSULTANCY SERVICES		
TNTEP/SDEP/001/C16/2023-2024	Consultancy on Customer Satisfaction Surveys, Employee Satisfaction, ISO, Work Environment, Training Needs assessment and Training Services, Baseline Surveys.	Open

TNTEP/SDEP/001/C17/2023-2024	Consultancy on Monitoring and Evaluation/Financial Management Services and Procurement Services.	Open
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PART 2 - APPLICATION PROCEDURES

SECTION I - INSTRUCTIONS TO APPLICANTS (ITA)

A. General

1 Scope of Application

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

2 **Source of Funds** to be specified in the PDS, if deemed necessary.

3 Fraud and Corruption

3.1 The Government of Kenya requires compliance with its Anti-Corruption laws and its prevailing sanctions policies and procedures.

3.2 In further pursuance of this policy, Applicants shall permit and shall cause their agents (where declared or not), subcontractors, sub consultants, service providers, suppliers, and their personnel, to permit the Public Procurement Regulatory Authority (PPRA) to inspect all accounts, records and other documents relating to any initial selection process, prequalification process, tender submission (in case prequalified), proposal submission, and contract performance (in the case of award), and to have them audited by auditors appointed by the PPRA.

4 Collusive practices

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

5 Eligible Applicants

5.1 Applicants shall meet the eligibility criteria as per this ITA and ITA 5.1 and 5.2. An Applicant may be a firm that is a private entity, a state-owned enterprise or institution subject to ITA 5.9 or any combination of such entities in the form of a joint venture ("JV") under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, tendering (in the event the JV submits a Tender) and during contract execution (in the event the JV is awarded the Contract).

Members of a joint venture may not also make an individual tender, be a subcontractor in a separate tender or be part of another joint venture for the purposes of the same Tender. The maximum number of JV members shall be specified in the PDS.

- 5.2 Public Officers of the Procuring Entity, their Spouses, Child, Parent, Brothers or Sister. Child, Parent, Brother or Sister of a Spouse, their business associates or agents and firms/organizations in which they have a substantial or controlling interest shall not be eligible to be prequalified. Public Officers with such relatives are also not allowed to participate in any procurement proceedings.
- 5.3 A firm may apply for prequalification both individually, and as part of a joint venture, or participate as a subcontractor. If prequalified, it will not be permitted to tender for the same contract both as an individual firm and as a part of the joint venture or as a subcontractor. However, a firm may participate as a subcontractor in more than one Tender, but only in that capacity. Tenders submitted in violation of this procedure will be rejected.
- 5.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, only one prequalified Applicant will be allowed to tender for the. All Tenders submitted in violation of this procedure will be rejected.
- 5.5 An Applicant may have the nationality of any country, subject to the restrictions pursuant to ITA 5.1 and 5.2. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. sub-contractors or suppliers for any part of the Contract including related Non-Consulting Services.
- 5.6 Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Procuring Entity as Engineer for contract implementation of the contract(s) that are the subject of this prequalification. In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff of the Procuring Entity who:
 - a are directly or indirectly involved in the preparation of the prequalification Document or Invitation to Tender (ITT), Document or specifications of the Contract, and/or the Tender evaluation process of such Contract; or
 - b would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to the Procuring Entity throughout the prequalification, ITT process and execution of the Contract.
- 5.7 An Applicant that has been debarred shall be ineligible to be initially selected for, prequalified for, tender for, propose for, or be awarded a contract during such period of time as the PPRA shall have determined. The list of debarred firms and individuals is available at www.ppra.go.ke

- 5.8 Applicants that are state-owned enterprise or institutions in Kenya may be eligible to prequalify, compete and be awarded a Contract(s) only if they can establish, in a manner acceptable to the Procuring Entity, that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not under supervision of any public entity.
- 5.9 An Applicant shall not be under sanction of debarment from Tendering by the PPRA as the result of the execution of a Tender/Proposal–Securing Declaration.
- 5.10 An Applicant that is a Kenyan firm or citizen shall provide evidence of having fulfilled his/her tax obligations by producing a current tax clearance certificate or tax exemption certificate issued by the Kenya Revenue Authority.
- 5.11 An Applicant shall provide any other such documentary evidence of eligibility satisfactory to the Procuring Entity, as the Procuring Entity shall reasonably request.

6 Eligibility

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

B. Contents of the Prequalification Documents

7 Sections of Prequalification Document

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

PART 1- Works, Goods, Non-Consulting & Consultancy Services Requirements

Scope of Works, Goods, Non-Consulting & Consultancy Services

PART 2 - Prequalification Procedures

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

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

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

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

- 8.5 The Procuring Entity shall also promptly publish anonymized (*no names*) Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page identified **in the PDS**. Any modification to the Prequalification Documents that may become necessary as a result of the pre-arranged site visit and those of the pre-application meeting shall be made by the Procuring Entity exclusively through the issue of an Addendum pursuant to PDS 8 and not through the minutes of the pre-application meeting. Non-attendance at the pre-arranged site visit and the pre-tender meeting will not be a cause for disqualification of a Tenderer.

9 Amendment of Prequalification Document

- 9.1 At any time prior to the deadline for submission of Applications, the Procuring Entity may amend the Prequalification Document by issuing an Addendum.
- 9.2 Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all Applicants who have obtained the Prequalification Document from the Procuring Entity. The Procuring Entity shall promptly publish the Addendum at the Procuring Entity's webpage identified in the PDS.
- 9.3 To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the Procuring Entity may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

C. Preparation of Applications

10 Cost of Applications

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

11 Language of Application

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

12 Documents Comprising the Application

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

paid or to be paid to agents or any other party relating to this Application.

13 Application Submission Letter

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

14 Documents Establishing the Eligibility of the Applicant

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

15 Documents Establishing the Qualifications of the Applicant

- 15.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV (Application Forms).
- 15.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the Kenya Shilling equivalent using the rate of exchange determined as follows:
- a For construction turnover or financial data required for each Year-Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted).
 - b Value of single Contract-Exchange rate prevailing on the date of the contract.
- 15.3 Exchange rates shall be taken from the publicly available source identified in the PDS. Any error in determining the exchange rates in the Application may be corrected by the Procuring Entity.
- 15.4 Applicants shall be asked to provide, as part of the data for qualification, such information, including details of ownership, as shall be required to determine whether, according to the classification established by the Procuring Entity, a particular contractor or group of contractors qualifies for a margin of preference. Further the information will enable the Procuring Entity identify any actual or potential conflict of interest in relation to the procurement and/or contract management processes, or a possibility of collusion between Applicants, and thereby help to prevent any corrupt influence in relation to the procurement processor contract management.
- 15.5 The purpose of the information described in ITT 6.2 above overrides any claims to confidentiality which an Applicant may have. There can be no circumstances in which it would be justified for an Applicant to keep information relating to its ownership and control confidential where it is tendering to undertake public sector work and receive public sector funds. Thus, confidentiality will not be accepted by the Procuring Entity as a justification for an Applicant's failure to disclose, or failure to provide required information on its ownership and control.
- 15.6 The Applicant shall provide further documentary proof, information or authorizations that the Procuring Entity may request in relation to ownership and control which information on any changes to the information which was provided by the Applicant under ITT 6.3. The obligations to require this information shall continue for the duration of the procurement process and

contract performance and after completion of the contract, if any change to the information previously provided may reveal a conflict of interest in relation to the award or management of the contract.

- 15.7 All information provided by the Applicant pursuant to these requirements must be complete, current and accurate as at the date of provision to the Procuring Entity. In submitting the information required pursuant to these requirements, the Applicant shall warrant that the information submitted is complete, current and accurate as at the date of submission to the Procuring Entity.
- 15.8 If an Applicant fails to submit the information required by these requirements, its application will be rejected. Similarly, if the Procuring Entity is unable, after taking reasonable steps, to verify to a reasonable degree the information submitted by an Applicant pursuant to these requirements, then the application will be rejected.
- 15.9 If information submitted by an Applicant pursuant to these requirements, or obtained by the Procuring Entity (whether through its own enquiries, through notification by the public or otherwise), shows any conflict of interest which could materially and improperly benefit the Applicant in relation to the procurement or contract management process, then:
 - a. If the procurement process is still ongoing, the Applicant will be disqualified from the procurement process,
 - b. If the contract has been awarded to that Applicant, the contract award will be set aside,
- 15.10 the Applicant will be referred to the relevant law enforcement authorities for investigation of whether the Applicant or any other persons have committed any criminal offence.
- 15.11 If an Applicant submits information pursuant to these requirements that is incomplete, inaccurate or out-of-date, or attempts to obstruct the verification process, then the consequences ITT 6.7 will ensue unless the Applicant can show to the reasonable satisfaction of the Procuring Entity that any such act was not material, or was due to genuine error which was not attributable to the intentional act, negligence or recklessness of the Applicant.

16 Signing of the Application and Number of Copies

- 16.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.
- 16.2 The Applicant shall submit copies of the signed original Application, in the number specified in the PDS, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

D. Submission of Applications

17 Sealing and Marking of Applications

- 17.1 The Applicant shall enclose the original and the copies of the Application in a sealed

envelope that shall:

- a Bear the name and address of the Applicant;
- b Be addressed to the Procuring Entity, in accordance with ITA 17.1; and
- c Bear the specific identification of this prequalification process indicated in the PDS 1.1.

17.2 The Procuring Entity will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.

18 Deadline for Submission of Applications

18.1 Applicants may either submit their applications by mail or by hand. Applications shall be received by the Procuring Entity at the address and no later than the deadline indicated in the PDS. When so specified in the PDS, Applicants have the option of submitting their applications electronically, in accordance with electronic Application submission procedures specified in the **PDS**.

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

19 Late Applications

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

20. Opening of Applications

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

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

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

E. Procedures for Evaluation of Applications

21 Confidentiality

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.

22 Clarification of Applications

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

23 Responsiveness of Applications

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

24 Margin of Preference

- 24.1 Unless otherwise specified in the **PDS**, a margin of preference shall not apply in the Tendering process resulting from this prequalification.

25 Nominated Subcontractors

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

F. Evaluation of Applications and Prequalification of Applicants

26 Evaluation of Applications

- 26.1 The Procuring Entity shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The Procuring Entity reserves the right to waive min or deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.
- 26.2 Subcontractors proposed by the Applicant shall be fully qualified and meet the minimum specific experience criteria as specified for their parts of the

proposed contract for Works or Goods or non-consulting services. The subcontractor's qualifications shall not be used by the Applicant to qualify for the Works or Goods or non-consulting services unless their parts of the Works or Goods or non-consulting services were previously designated by the Procuring Entity in the PDS as can be met by Specialized Subcontractors, in which case:

- i) The Specialized Subcontractors shall meet the minimum qualification requirements specified in Section III, and
- ii) the qualifications with respect to specific experience of the Specialized Subcontractor proposed by the Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation.

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

26.3 In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Procuring Entity shall prequalify each Applicant for each lot and for a combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements the Eligibility and Qualification Criteria.

26.4 Further, in the case of multiple contracts, the Procuring Entity will prepare the Eligibility and Qualification Criteria Form for items 3.1, 3.2, 4.2(a) and 4.2(b) for each Lot, to be completed by applicants.

26.5 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant's subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Applicant shall not be considered.

27 Procuring Entity's Right to Accept or Reject Applications

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

28 Prequalification of Applicants

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

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

28 Invitation to Tender

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

29 Changes in Qualifications of Applicants

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

31 Procurement Related Complaints and Administrative Review

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

SECTION II - PREQUALIFICATION DATA SHEET (PDS)

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITA 1.1	<p>The reference number of the Request for Tenders (ITA) is: TNTEP/SDEP/001/2023-2024</p> <p>The Procuring Entity is: State Department for Economic Planning</p> <p>The name of the ITT is: Registration for the Supply and delivery of goods, Services and consultancy for the State Department for Economic Planning for a period of two years.</p> <p>The number and identification of lots (contracts) comprising this ITT is: N/A</p>
ITA 2	The Source of funds shall be the Government of Kenya _____
ITA 5.2	Maximum number of members in the JV shall be: _____ N/A _____ [insert a number]
B. Contents of the Prequalification Document	
ITA 8.1	<p>For clarification purposes, the Procuring Entity's address is:</p> <p>Principal Secretary, State Department for Economic Planning Treasury Building P.o. Box 30005-00100 Nairobi</p> <p>Attention: Head Supply Chain Management</p> <p>Physical Address: Treasury Building, along Harambee Avenue, 7th floor Room No, 716</p> <p>Telephone: +254-020-2252299</p> <p>Electronic mail address: Procurement@planning.go.ke</p> <p>Web page : www.planning.go.ke</p>
ITA 8.2	<p>A pre-application meeting will be held on NOT APPLICABLE at _____</p> <p>A pre-arranged Site visit will be held on _____ N/A _____</p> <p>At _____</p>
ITA 8.3	Questions and requests for clarification made in writing or by email shall reach the Procuring Entity not later than 5 days before closure.
ITA 8.5	Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page www.planning.go.ke
ITT 9.2	Addendum issued shall be published at the website www.planning.go.ke and PPI Portal
ITA 8.2	Pre-Application Meeting will be held: NOT APPLICABLE
C. Preparation of Applications	
ITA 12.1 (d)	<p>The Tenderer shall submit the following additional documents in its Tender:</p> <p>1) Must attach a copy of Certificate of Incorporation/Business</p>

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
	<p>Registration</p> <ol style="list-style-type: none"> 2) Must attach a copy of Valid Tax Compliance Certificate 3) Must attach a copy of KRA Pin Certificate 4) Must attach a copy of CR12 for Incorporated Companies or copies of National Identity Cards for Business Registration. 5) Must attach a copy of Valid AGPO Certificate 6) Duly Completed, Signed and stamped Pre-qualification Data form 7) Dully Completed, signed and stamped Confidential Business Questionnaire 8) Past Experience Form (For Open Category Group Only) 9) Duly Completed, Signed and stamped Self-Declarations of the tenderer Form (SD 1) 10) Duly Completed, Signed and stamped Self-declaration indicating that the person/tenderer will not engage in any corrupt or fraudulent practice Form (SD 2) 11) Duly Completed, Signed and stamped Declaration and commitment to the code of ethics form 12) Duly Completed, Signed and Stamped Application Submission Letter 13) Duly Completed, Signed and stamped Certificate of independent tender determination 14) Tender document must be properly bound and all pages sequentially serialized or paginated <p>N/B: No substitution, modification, alteration to the issued standard document is allowed. The bidders are required to fill the required forms in the standard documents and attach to the standard document all other documents, letters, catalogues, brochures, reports among others required in bidding.</p> <p><i>(Pursuant to PPRA Circular No. 02/2023, AGPO firms are only required to indicate the category they are interested and attach a valid AGPO certificate which will be authenticated using the AGPO Portal)</i></p>
ITA 15.2(b)	The source for determining exchange rates is CENTRAL BANK OF KENYA
ITA 16.2	In addition to the original, the number of copies to be submitted with the Application is: ONE
D. Submission of Applications	
ITA 17.1	<p>The deadline for Application submission is: Date: 3rd October, 2023 Time: 11:00am</p> <p>For Application submission purposes only, the Procuring Entity's address is: Principal Secretary State Department for Economic Planning Treasury Building P.o. Box 30005-00100 Nairobi</p> <p>Attention: HEAD SUPPLY CHAIN MANAGEMENT SERVICES Address: Treasury Building, along Harambee Avenue, 7th floor Room 716 Country: <i>Republic of Kenya</i> Telephone: +254-020-2252299 Email address: Procurement@planning.go.ke</p>

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
	Applicants SHALL NOT have the option of submitting their Applications electronically. The electronic Application submission procedures shall be: NOT APPLICABLE
ITA 18.1	Late Applications will be returned unopened to the Applicants.
ITA 19.1	The Procuring Entity will not accept late applications.
ITA 20.1	The opening of the Applications shall be at: Treasury Building along Harambee Avenue, 10 th floor boardroom Room
ITA 20.2	<p><i>[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.] NOT APPLICABLE</i></p> <p>The electronic Application opening procedures shall be:</p> <p>_____</p> <p><i>[insert a description of the electronic Application opening procedures.]</i></p>
E. Procedures for Evaluation of Applications	
ITA 24.1	A margin of preference “ <i>shall not</i> ” _____ apply.
ITA 25.1	At this time the Procuring Entity “ <i>does not intend</i> ” to execute certain specific parts of the Works by sub-contractors selected in advance.
ITA 25.2	<p>The parts of the Works for which the Procuring Entity permits Applicants to propose Specialized Subcontractors are designated as follows:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>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.</p>
ITA 31.1	<p>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:</p> <p>For the attention: <i>HEAD SUPPLY CHAIN MANAGEMENT SERVICES</i></p> <p>Title/position: <i>Head Supply Chain Management</i></p> <p>Procuring Entity: <i>State Department for Economic Planning</i></p> <p>Email address: Procurement@planning.go.ke</p> <p>In summary, at this stage, a Procurement-related Complaint may challenge any of the following:</p> <p>the terms of the Prequalification Documents; and</p> <p>the Procuring Entity’s decision not to prequalify an Applicant.</p>

SECTION III - QUALIFICATION CRITERIA AND REQUIREMENTS

S/NO	REQUIRED INFORMATION	FORM REQUIRED
1	Statutory Documentations	PQ - 1
2	Pre-qualification Data	PQ - 2
3	Confidential Business Questionnaire	PQ - 3
4	Past Experience	PQ - 4
5	Self-Declaration Forms (SD 1, SD 2 & Ethics Form)	PQ – 5, 6, 7
6	Application Forms	PQ – 8, 9
7	Tender Document Properly Bound and Serialized	

Evaluation Criteria

The received bids will be evaluated as detailed below:

Mandatory Evaluation Requirements

S/No.	Mandatory Requirements	Complied
1	Must attach a Copy of Certificate of Incorporation / Registration	Must Comply
2	Must Attach a Copy of a Valid KRA Tax compliance Certificate	Must Comply
3	Must attach a Copy of KRA PIN certificate	Must Comply
4	Must attach a Certified copy of certificate of Confirmation of Directors and Shareholding (CR 12) or equivalent (Issued within the last 12 Months to Tender Opening Date) or a copy of National Identity Card for Company Business Names	Must Comply
5	Copy of valid AGPO certificate issued by the National Treasury for special groups category	Must Comply
6	Must submit duly Completed, Signed and stamped Pre-qualification Data form – PQ - 2	Must Comply
7	Must submit a duly filled, signed and stamped Confidential Business Questionnaire in format provided by authorized signatory/person. Form PQ - 3	Must Comply
8	Past Experience. Form PQ - 4	Must Comply for Open Category Group only
9	Duly filled, signed and stamped Self- Declaration Form that the Tenderer is Not Debarred by PPRA in the format provided. Form PQ - 5	Must Comply
10	Duly filled, signed and Stamped Self Declaration form that the Tenderer will not engage in any Corrupt or Fraudulent Practice in the format provided. Form PQ - 6	Must Comply
11	Must fill, sign and stamp the commitment to the Code of Ethics form in the format provided. Form PQ - 7	Must Comply
12	Duly Completed, Signed and Stamped Application Submission Letter. Form PQ - 8	Must Comply
13	Duly Completed, Signed and stamped Certificate of independent tender determination. Form PQ - 9	Must Comply
14	Tender document must be properly bound and all pages sequentially serialized or paginated	Must Comply

The mandatory requirements will be scored on a yes/no basis. Tenders that do not meet the above Evaluation requirements will be considered non- responsive and declared unsuccessful.

FORM PQ-1: STATUTORY/PRE-QUALIFICATION DOCUMENTS

All Applicants must provide: -

1. Copies of Certificate of Registration/Incorporation.
2. Valid Tax Compliance Certificate from Kenya Revenue Authority
3. Copies of Pin Certificate of firm/company/individual.
4. CR12 for registered companies and copy of National Identity Card for the Registered business names
5. Participants registered for AGPO Reservation Scheme **MUST** attach a Copy of valid AGPO certificates (AGPO reserved categories)

FORM PQ-2 - PRE-QUALIFICATION DATA

REGISTRATION OF SUPPLIERS APPLICATION FORM

1. General Company Information

I/We.....hereby apply for registration as supplier(s)
(Name of Company/Firm)

forCategory No.....
(Category of Goods or service Description)

Post Office Address Town
Street Name of building.....
Floor No. Room/Office No.
Telephone Nos.

Full Name of applicant

Other branches location (if any)

2. Organization & Ownership Information

Number of Management Personnel

President/Chief Executive – (full name)

Secretary

General Manager.....

Treasurer

Other

Partnership (if applicable)

Names of Partners

i)

ii)

iii)

3. Business founded or incorporated (Year)

4. Under present management since

5. Net worth equivalent Kshs.....

6. Bank reference and address

7. **Enclose a copy of company profile** indicating the main fields of activities

8. State any technological innovations or specific attributes which distinguish your company from your competitors.

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

9. Indicate terms of trade/sale

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

FORM PQ-3 CONFIDENTIAL BUSINESS QUESTIONNAIRE

NB: Failure to fill this Confidential Business Questionnaire will lead to automatic disqualification.

You are requested 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..... Plot</p> <p>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 :</p> <p>K£.....</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..... *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="width:10%;"></th> <th style="width:20%;">Name</th> <th style="width:20%;">Nationality</th> <th style="width:20%;">Citizenship Details</th> <th style="width:10%;">Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>3.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>4.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>		Name	Nationality	Citizenship Details	Shares	1.	2.	3.	4.
	Name	Nationality	Citizenship Details	Shares																						
1.																						
2.																						
3.																						
4.																						
<input type="checkbox"/>	<p>Part 2 (c) – Registered Company:</p> <p>Private or Public.....</p> <p>State the nominal and issued capital of company- Nominal</p> <p>K£.....</p> <p>Issued K£.....</p> <p>Given details of all directors as follows:-</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:10%;"></th> <th style="width:20%;">Name</th> <th style="width:20%;">Nationality</th> <th style="width:20%;">Citizenship Details</th> <th style="width:10%;">Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>3.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>4.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>		Name	Nationality	Citizenship Details	Shares	1.	2.	3.	4.
	Name	Nationality	Citizenship Details	Shares																						
1.																						
2.																						
3.																						
4.																						

5.
DateSignature of Candidate.....	

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

FORM PQ-4 - PAST EXPERIENCE NAMES OF THE APPLICANT’S CLIENTS IN THE LAST TWO YEARS

(Attach copies of LPOs and contracts as evidence relevant to the category applied for)

1. Name of 1st Client (organization)

- i) Name of Client (organization)
- ii) Address of Client (organization)
- iii) Name of Contact Person at the client (organization).....
- iv) Telephone No. of Client
- v) Value of Contract
- vi) Duration of Contract (date)

(Attach documental evidence of existence of contract)

2. Name of 2nd Client (organization)

- i) Name of Client (organization)
- ii) Address of Client (organization)
- iii) Name of Contact Person at the client (organization).....
- iv) Telephone No. of Client
- v) Value of Contract
- vi) Duration of Contract (date)

(Attach documental evidence of existence of contract)

3. Name of 3rd Client (organization)

- i) Name of Client (organization)
- ii) Address of Client (organization)
- iii) Name of Contact Person at the client (organization).....
- iv) Telephone No. of Client

- v) Value of Contract
- vi) Duration of Contract (date)
(Attach documental evidence of existence of contract)

4. Others

AGPO Group (Please indicate the category whether Women, Youth, PWD and certificate No.)

- a) Category.....
- b) AGPO Certificate Number

(PAST EXPERIENCE FORM NOT APPLICABLE FOR AGPO GROUP)

SELF-DECLARATION FORMS

FORM PQ- 5: 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 here in above is true to the best of my knowledge, information and belief.

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

FORM PQ- 6: SD 2

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

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

1. THAT I am the Chief Executive/Managing Director/Principal Officer/Director of..... (insert name of the Company) who is a Bidder in respect of TenderNo..... 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 servants and/or agents /subcontractors will not engage in any corrupt or fraudulent practice and has not been requested to pay any inducement to any member of the Board, Management, Staff and/or employees and/ or agents of..... (insert name of the Procuring entity) which is the procuring entity.
3. THAT the aforesaid Bidder, its servants and/or agents /subcontractors have not offered any inducement to any member of the Board, Management, Staff and/or employees and/or agents of..... (name of the procuring entity).

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

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

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

Bidder Official Stamp

FORM PQ- 7: ETHICS FORM

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 Activities in Kenya and my responsibilities under the Code. I do here by 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.....

SECTION IV- APPLICATION FORMS

FORM PQ- 8: APPLICATION SUBMISSION LETTER

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

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

To:*[insert full name of Procuring Entity]* We, the undersigned, apply to be prequalified for the referenced ITT and declare that:

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

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

State-owned enterprise or institution: *[select the appropriate option and delete the other]* *[We are not a state- owned enterprise or institution]* / *[We are a state-owned enterprise or institution but meet the requirements of ITA5.9];*

- f) Subcontractors and Specialized Subcontractors: We, in accordance with ITA 24.2 and 25.2, plan to subcontract the following key activities and/or parts of the works or supply contracts: *[Insert any of the key activities identified in Section III-4.2]*

(a) or (b) or 4.3(a) or (b) which the Procuring Entity has permitted under the Prequalification Document and which the Applicant intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]

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

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
<i>[insert full name for each occurrence]</i>	<i>[insert street/ number/city/country]</i>	<i>[indicate reason]</i>	<i>[specify amount currency, value, exchange rate and KENYA SHILLING equivalent]</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

- (h) Not bound to accept: We understand that you may cancel the prequalification process at _____ any _____ time and that you are neither bound to accept any Application that you may receive nor to invite the prequalified Applicants to Tender for the contract subject of this Prequalification process, without incurring any liability to the Applicants, in accordance with ITA 26.1.
- (i) True and correct: All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

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

Name*[insert full name of person signing the Application]*

In the capacity of *[insert capacity of person signing the Application]*

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

Address *[insert street number/town or city/country address]*

Dated on[insert day number] day of [insert month],
[insert year]

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

FORM PQ – 9: 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. I understand that the Tender 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, 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]

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 ofdated the...day of20.....in the matter of Tender No.....of20..... 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 of20.....

SIGNED

Board Secretary

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