



UNIVERSITY OF EMBU

REGISTRATION OF CONTRACTORS

UoEm/01/2017-2019

CLOSING DATE: APRIL 28TH 2017 AT 11.00 AM

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INTRODUCTION

- 1.1 This document has been prepared for registration of candidates wishing to apply where University of Embu determines it is necessary for procurement to be made through a registration process. **It may also be used by the University for the purpose of short listing of candidates to be invited to quote/tender as and when required.**
- 1.2 The document includes a form for invitation for tender, instructions to candidates and a letter of application with attached forms for candidates to complete.

NOTE: In order for a candidate to be registered, the bid must be responsive ie Confidential Business Questionnaire duly completed and Qualification Criteria in Appendix 1 is fully met.

SECTION I - INVITATION FOR PREQUALIFICATION

Tender No. UoEm/01/2017-2019

Tender Name: **REGISTRATION OF CONTRACTORS**

The University of Embu hereinafter referred as “Procuring entity” intends to invite candidates for **Registration of Contractors**

1. Eligible candidates may obtain the tender document **FREE** from the website www.embuni.ac.ke.
2. For any clarification email to procurement@embuni.ac.ke or call 0714 243682.
3. Completed tender documents are to be enclosed in plain sealed envelopes, marked with the tender number and name and be deposited in the Tender Box **at University of Embu, P. O. Box 6-60100 Embu, or to be addressed to the Vice-Chancellor, University of Embu** so as to be received on or before **28th April, 2017 at 11.00 am**
4. The tender will be opened immediately thereafter in the presence of the candidates or their representatives who choose to attend.

**The Vice-Chancellor,
University of Embu.**

NOTE: UNIVERSITY OF EMBU DOES NOT LEVY ANY FEES IN ORDER TO AWARD TENDERS. THEREFORE, BEWARE OF CONMEN WHO CALL TO SOLICIT FOR MONEY IN ORDER TO BE AWARDED TENDERS.

SECTION II - INSTRUCTIONS TO CANDIDATES

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SECTION II - INSTRUCTIONS TO CANDIDATES

2.1 Scope of Tender

The University of Embu hereinafter referred to as the procuring entity intends to register candidates for **Registration of Contractors**.

2.1.1 It is expected that tender applications will be submitted to be received by the procuring entity not later than **28th April, 2017 at 11.00am**

2.2 Submission of Application

2.2.1 Applications for tender shall be submitted in sealed envelopes marked with the tender name and reference number and deposited in the tender box at **University of Embu, P.O. Box 6-60100, Embu, Embu-Meru Road or be addressed to the Vice-Chancellor, University of Embu** so as to be received on or before **28th April, 2017 at 11.00am**.

2.2.2 Late tender documents will not be accepted.

2.2.3 The name and mailing address of the applicant **SHALL NOT** be marked on the envelope.

2.2.4 All the information requested shall be provided in the English language.

2.2.5 Failure to provide information that is essential for effective evaluation of the applicant's qualifications or to provide timely clarification or substantiation of the information supplied may result in the applicant's disqualification.

2.3 Eligible Candidates

2.3.1 This invitation for tender is open to all candidates who are eligible as defined in Kenya's Public Procurement Law and regulations and as indicated in the appendix to instructions to candidates.

2.3.2 The procuring entity's employees, committee members, board members and their relatives (spouse and children) are not eligible to participate in the tender.

2.3.3 All terms found capable of performing the contract satisfactorily in accordance to the set tender criteria shall be considered.

2.4 Qualification Criteria

2.4.1 Tender will be based on meeting the minimum requirements to pass in the criteria set as shown below. The declaration will be either pass or fail regarding the applicant's general and particular experience and financial position as demonstrated by the applicant's response in the forms provided in Section IV and submitted with the letter of application. The procuring entity reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the contract.

2.4.2 Qualification Criteria. (See appendix 1)

2.4.3 Litigation History

The applicant should provide accurate information on any litigation or arbitration resulting from contracts completed or under its execution over the last five years. A consistent history of awards against the applicant or any partner may result in failure of the application.

2.5 Public Sector companies

2.5.1 Any public owned enterprise may be eligible to qualify if, in addition to meeting all the above requirements, it is also legally and financially autonomous, it operates under commercial law, and it is not a dependent agency of another public entity.

2.6 Conflict of Interest

2.6.1 The applicant shall not be associated, nor have been associated in the past, with the consultant or any other entity that has prepared these documents. Any such association must be disclosed and may result in the dis-qualification of the applicant.

2.7 Corrupt or Fraudulent Practices

2.7.1 The Procuring entity requires that tenderers observe the highest standard of ethics during the procurement process and execution of contracts when used in the present regulations, the following terms are defined as follows;

- (i) "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value to influence the action of a public official in the procurement process or in contract execution; and
- (ii) "fraudulent practice" means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the Procuring entity, and includes collusive practice among tenderer (prior to or after tender submission) designed to establish tender prices at artificial non-competitive

levels and to deprive the Procuring entity of the benefits of free and open competition;

- 2.7.2 The procuring entity will reject a proposal for award if it determines that the tenderer recommended for award has engaged in corrupt or fraudulent practices in competing for the contract in question.
- 2.7.3 Further a tenderer who is found to have indulged in corrupt or fraudulent practices risks being debarred from participating in public procurement in Kenya.

APPENDIX TO INSTRUCTIONS TO CANDIDATES

Notes on the appendix to instructions to Candidates

1. The appendix to candidates is intended to assist the procuring entity in providing specific information which may not be adequately covered by the clauses in the instructions to candidates.

SECTION III- LETTER OF APPLICATION

Date

To The Vice-Chancellor
P.O BOX 6-60100
Embu

Ladies and/or Gentlemen

1. Being duly authorized to represent and act on behalf of _____ (*name of firm*) (hereinafter referred to as “the Applicant”), and having reviewed and fully understood all of the pre qualification information provided, the undersigned hereby apply to be prequalified by yourselves as a bidder for the following contract(s) under (Tender No. and Tender name)

Tender number	Tender name
1.	
2.	
3.	
4.	
5.	

2. **Attached to this letter are copies of original documents defining**
 - (a) the Applicant’s legal status
 - (b) the principal place of business and

- (c) the place of incorporation (*for applicants who are corporations*), or the place of registration and the nationality of the owners (*for applicants who are partnerships or individually-owned firms*).

3. Your Agency and its authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this application, and to seek clarification from our bankers and clients regarding any financial and technical aspects. This letter of Application will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and as requested by yourselves to verify statements and information provided in this application, such as the resources, experience, and competence of the Applicant.

4. Your Agency and its authorized representatives may contact the following persons for further information.

General and managerial inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

Personnel inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

Technical inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

Financial inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

5. This application is made with the full understanding that:

- (a) Bids by tender applicants will be subject to verification of all information submitted for tender at the time of bidding.
 - (b) Your Agency reserves the right to:
 - amend the scope and value of any contracts bid under this project; in such event, bids will only be called from bidders who meet the revised requirements; and
 - reject or accept any application, cancel the tender process, and reject all applications
 - (c) your Agency shall not be liable for any such actions and shall be under no obligation to inform the Applicant of the grounds for them
1. We confirm that if we bid, that bid, as well as any resulting contract, will be:
 - (a) signed so as to legally bind all partners, jointly and severally.
 2. The undersigned declare that the statement made and the information provided in the duly completed application are complete, true, and correct in every detail.

Signed	Signed
Name	Name
For and on behalf of (name of Applicant)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

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SECTION IV - STANDARD FORMS

Notes on completion of Standard Forms

- Application Form 1 - General information
This form is to be completed by all applicants. Where the applicant proposes to use sub-contractors the information should be supplied in this format.
- Application Form 2- Particular Experience Record
This form is to be completed by all applicants meeting the requirement set out in the instructions to candidates.
- Application Form 3 - Personnel Capabilities
This form is to be completed by all applicants. It shall include specific positions essential to contract implementation. The applicants shall provide the names of at least two candidates qualified to meet the specified requirements stated for each position.
- Application Form 4- Financial Capability
This form shall be completed by every applicant. It should contained financial information to demonstrate that they meet the requirements stated in the instructions to candidates. If necessary separate sheets should be used to provide complete banker information. A copy of the audited balance sheet if available should be attached. The information should include the summary of actual assets and liabilities for the last five years.
- Application Form 5 - Litigation History
This form is to be completed by all applicants including each member . It should provide information on any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution.
- The form of tender must be completed by the tenderer and submitted with the tender documents. It must also be duly signed by duly authorized representatives of the tenderer.
- Confidential Business Questionnaire Form - This form must be completed by the tenderer and submitted with the tender documents.

APPLICATION FORM (1)

GENERAL INFORMATION

1.	Name of firm	
2.	Head office address	
3.	Telephone	Contact
4.	Fax	E-mail
5.	Place of incorporation/registration	Year of incorporation/registration

Nationality of owners		
	Name	Nationality
1.		
2.		
3.		
4.		
5.		

APPLICATION FORM (2)

PARTICULAR EXPERIENCE RECORD

Name of Applicant :

(You may Attach details of your Experience record relevant to this tender)

APPLICATION FORM (3)

PERSONNEL CAPABILITIES

Name of Applicant

1.	Title of position Name of prime candidate Name of alternate candidate
2.	Title of position Name of prime candidate Name of alternate candidate
3.	Title of position Name of prime candidate Name of alternate candidate
4.	Title of position Name of prime candidate Name of alternate candidate

APPLICATION FORM (4)

FINANCIAL CAPABILITY

Name of Applicant:

Banker	Name of banker
	Address of banker
 Telephone Contact name and title
	Fax E mail

Financial information in Kshs.	Actual : previous two years		Projected: next two years	
	1.	2.	3.	4.
1. Total assets				
2. Current assets				
3. Total liabilities				
4. Current liabilities				
5. Profits before taxes				
6. Profits after taxes				

Source of finance	Amount Kshs.
1.	
2.	
3.	
4.	

APPLICATION FORM (5)

LITIGATION HISTORY

Name of Applicant:

Applicants should provide information of any history of litigation or arbitration resulting from contracts executed in the last two years or currently under execution.

Year	Award FOR or AGAINST Applicant	Name of client, cause of litigation, and matter in dispute	Disputed amount (current value Kshs.)

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 supply deliver, install and commission (..... *(insert equipment description)* in conformity with the said tender documents .

2. We undertake, if our Tender is accepted, to deliver install and commission the equipment in accordance with the delivery schedule specified in the Schedule of Requirements.

3. We agree to abide by this 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.

5. This Tender, together with your written acceptance thereof and your notification of award, shall constitute a Contract, between us. Subject to signing of the Contract by the parties.

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

Dated this _____ day of _____ 20 _____

[signature]

[in the capacity of]

Duly authorized to sign tender for an on behalf of _____

CONFIDENTIAL BUSINESS QUESTIONNAIRE FORM

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

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

Part 1 – General:

Business Name

Location of business premises.

Plot No..... Street/Road

Postal Address Tel No. Fax E mail

Nature of Business ,.....

Registration Certificate No.

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

Name of your bankers Branch

Part 2 (a) – Sole Proprietor

Your name in full Age

Nationality Country of origin

- Citizenship details
-

Part 2 (b) Partnership

Given details of partners as follows:

Name	Nationality	Citizenship Details	Shares
1.
2.
3.
4.

Part 2 (c) – Registered Company

Private or Public

State the nominal and issued capital of company-

Nominal Kshs.

Issued Kshs.

Given details of all directors as follows

Name	Nationality	Citizenship Details	Shares
1.
2.
3.
4.
5.

Date Signature of Candidate

- If a Kenya Citizen, indicate under “Citizenship Details” whether by Birth, Naturalization or registration.

DECLARATION NOT TO ENGAGE IN CORRUPTION

I hereby declare that I will not engage in corrupt or fraudulent practices and I have not been debarred from participating in procurement proceedings.

SIGNED..... DATE.....

STAMP.....

APPENDIX 1

QUALIFICATION CRITERIA.

The applicant shall meet the following criteria

EVALUATION STAGES

Stage 1: Mandatory Requirements

	Bidders must attach the below requirements	Attach/ Fill
1.	Certificate of Incorporation/ Registration	Attach
2.	Valid tax compliance certificate	Attach
3.	Confidential Business Questionnaire Form –Duly completed and signed	Fill Attached form on page 21
4.	Declaration not to engage in corruption	Sign and stamp attached form on page 22
5.	CR 12 Form	Attach

NB: A bid which does not meet all the mandatory requirements will not proceed to Technical Evaluation:

Stage 2: Technical Stage

	Particulars	Attach	Score
1.	Evidence or recommendations from at least three clients that your firm has served in the recent 2 years.	Attach	30
2.	Education and professional qualifications of key staff with their curriculum vitae	Attach	10
3.	Valid Certificate of Registration with the National Construction Authority	Attach	20
4.	Audited financial statements for 2014 and 2015 or bank statement	Attach	20
5.	Access to key plant and equipment (own or hire)	Attach necessary documents	10
6.	Confirmation of access to credit from a financial institution	Attach letter from financial institution	10
	TOTAL		100

NOTE: Maximum Score 100, Qualifying Score 60