



THE UNIVERSITY OF EMBU

UoEm/REG.SP/19

REGISTRATION OF CONTRACTORS

**UNIVERSITY OF EMBU
P.O. BOX 6 - 60100,
EMBU**

0714243682

EMAIL: procurement@embuni.ac.ke

WEBSITE: www.embuni.ac.ke

INVITATION OF REGISTRATION OF CONTACTORS

University of Embu intends to invite candidates for **Registration of Contractors**.

1. Pursuant to Public Procurement and Asset Disposal Act Sec 71, registration of suppliers is continuous and therefore interested bidders may apply for registration anytime.
2. Eligible candidates may obtain the tender document **FREE** from the website www.embuni.ac.ke,
3. All contractors including those already in our database will have to register afresh.
4. Registered contractors will be invited to tender/ quote competitively as and when need arises.
5. Bidders must provide reliable email addresses and mobile phones in the Confidential Business Questionnaire form attached for communication purposes.
6. Bidders should meet the criteria attached and complete the attached documents.
7. Registration documents may be submitted to Procurement Office during working hours or sent by **courier** to:

**University of Embu
Procurement Office
P.o.Box 6-60100
Embu
Along Embu-Meru Road
Tel:0714243682**

NOTE 1:

THIS IS A CALL FOR FRESH REGISTRATION OF ALL CONTRACTORS.THUS THOSE CONTRACTORS WHO HAD PREVIOUSLY APPLIED AND REGISTERED NEED TO RE-APPLY.

NOTE 2:

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.

EVALUATION CRITERIA FOR REGISTRATION OF CONTRACTORS

EVALUATION STAGES

STAGE 1: MANDATORY REQUIREMENTS

	Bidders must attach the below requirements	Attach/ Fill
1.	A copy of a Certificate of Incorporation/ Registration	Attach
2.	A copy of a Valid tax compliance certificate	Attach
3.	Duly completed and signed Confidential Business Questionnaire Form	Fill Attached form on pg. 4
4.	A signed and stamped declaration and commitment to the code of ethics	Sign and stamp attached form on page 5-9
5.	CR 12 Form	Attach
6.	NCA Certificate	Attach
7.	AGPO Certificate (where applicable)	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 the last two years 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

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.

THE CODE OF ETHICS FOR PERSONS PARTICIPATING IN PUBLIC PROCUREMENT AND ASSET DISPOSAL ACTIVITIES IN KENYA

PART I STATEMENT OF INTENT

This Code of Ethics is made pursuant to the provisions of section 181 of the Public Procurement and Asset Disposal Act, 2015 and is intended to set minimum standards of ethical behavior for persons participating in public procurement and asset disposal activities in Kenya and to ensure compliance with the Act and the Regulations and the adoption of good business practices.

1. SCOPE OF APPLICATION.

The Code of Ethics shall apply to persons participating in public procurement or disposal of public assets

2. OBJECTIVE OF THE CODE.

The objective of the Code is to set minimum standards of ethical behavior for persons to ensure compliance with the Act and the Regulations and the adoption of good business practices.

3. COMMITMENT TO THE CODE

A person shall sign and commit to this Code in the form set out in the First Schedule to this Code and submit to the procuring entity as part of the bid documents.

PART II—REQUIREMENTS OR OBLIGATIONS

4. COMPLIANCE WITH THE CONSTITUTION, LAWS AND REGULATIONS

A person participating in public procurement and asset disposal activities shall, among others, comply with the Constitution, the Act and its attendant regulations, this Code of Ethics, rules and practices relating to ethics and integrity, and other laws related to taxation, labour, health and safety standards as well as environmental protection.

5. PROFESSIONALISM

- a) A person participating in public procurement and asset disposal activities shall comply with professional standards of their industry or of any professional body of which they are members.
- b) Where that person is a member of a professional body, the person shall uphold the code of ethics of the respective profession and be of good professional standing.
- c) A person who has been de-registered from a professional body shall not qualify for a tender or be engaged in public procurement.

6. ETHICS AND INTEGRITY

A person shall at all times maintain unquestionable standards of ethics and integrity in the public procurement and disposal process.

7. COURTESY AND RESPECT

A person participating in public procurement and disposal process shall accord respect and courtesy to the public officer(s) and other persons in all their dealings.

8. IMPARTIALITY

A person shall not engage in any act that may promote or encourage patronage, tribalism, cronyism and nepotism or any other form of preferential treatment in the public procurement or disposal proceeding.

9. GIFTS, FAVORS AND OTHER BENEFITS

A person shall not offer or give gifts of any kind to public entities or the employees except as may be authorized by law, regulations, policies and codes of conduct from time to time issued by the Authority or any other relevant agencies.

10. PROHIBITION AGAINST CORRUPT, FRAUDULENT, COERCIVE, COLLUSIVE AND UNETHICAL PRACTICES

A person shall not —

- (a) contact, unduly influence or exert pressure on any member of a committee or any other employee, agent of a procuring entity to take a particular action which favors or tends to favor them;
- (b) engage in any form of corruption, collusive, coercive and or unethical practices;
- (c) engage in, nor be a party to, agreements, business practices or conduct that, as a matter of law, are anti-competition; or
- (d) directly or indirectly engage in any act that may interfere or have adverse effects on the procurement or disposal proceeding.

11. Conflict of interest and limitation to enter into contract

(i) A person shall not enter into a contract with a procuring entity if the person —

- (a) is an employee of the procuring entity or a member of a board or committee of the procuring entity;
 - (b) is a State officer or public officer or a member of a committee or board of that state organ or public entity, or an officer of that public entity or state organ; or
 - (c) has not satisfied eligibility requirements outlined in section 55 of the Act.
- (ii) A person shall not accept a contract whose performance would constitute a conflict of interest arising from any other previous or the subject contract.
- (iii) A person shall disclose any potential or actual conflict of interest to a procuring entity using a format provided in the bid document.

12. PERFORMANCE OF DUTIES

(i) A person shall—

- (a) sign and commit to Code of Ethics in a tender, proposal or quotation submitted and failure to commit to the Code of Ethics shall lead to automatic disqualification;
- (b) obtain and submit bid documents in the manner prescribed in the tender or disposal notice and tender documents;
- (c) ensure that certified copies of all mandatory documents required in procurement or disposal proceeding such as certificates are availed; and
- (d) supply the right quantity and quality of the contracted item, deliver at the stipulated time(s) and perform the obligations of the contract.

(ii) A person shall —

- (a) ensure that competent persons carry out the contractual obligations of the person; and
- (b) accept full responsibility for all goods, works, services which have been provided.

13. COMMUNICATION OF INFORMATION

A person shall —

- (a) observe communication requirements during the bidding process as provided for in the Act, Regulations, tender documents and practices;
- (b) respond promptly and courteously to all lawful requests for information, clarifications, and complaints in relation to the procurement or a contract;
- (c) ensure that all information provided to procuring entities is given in writing by authorized officers of the person; and
- (d) ensure that information given while participating in public procurement or disposal is true, accurate and fair, and not designed to mislead the procurement entity or the public.

14. DUTY TO DISCLOSE BUSINESS INFORMATION

A person shall at the times of bidding, provide a list of directors, beneficial owners and any other relevant information regarding the business entity through which the person seeks to trade with a procuring entity as may from time be provided in the bid document.

15. DUTY NOT TO GIVE FALSE, MALICIOUS OR MISLEADING INFORMATION

A person shall not give false, malicious or misleading information to a procuring entity, Authority or any other entity regarding any matter involving the procurement or disposal process or a person involved in the procurement or disposal process.

16. CONFIDENTIALITY OF INFORMATION

- (i) A person shall not disclose any information obtained in the course of participation or performance of a procurement or disposal contract to any unauthorized person or use such information to further private interests.
- (ii) The obligation under paragraph (i) shall continue even after the business or contractual relationship with the procuring entity has come to an end.

17. DUTY TO REPORT IMPROPRIETY OR CORRUPTION

- (i) A person shall reject and report to the Authority or the relevant agency any procurement or disposal practice which might be deemed to contrive the Constitution, laws, regulations and this Code.
- (ii) The report referred to under paragraph (1) shall be in the format prescribed under the Second Schedule.

PART III—COMPLIANCE AND MONITORING OF THE CODE

18. COMPLIANCE WITH THE CODE

A person shall at all times ensure compliance with all the requirements of this Code.

19. STRUCTURES FOR EMPLOYEES AND AGENTS

A person shall put in place proper structures for its employees and agents that are in line with the Act, Regulations and this Code.

20. CO-OPERATION IN CONDUCTING OF DUE DILIGENCE

A person shall cooperate and assist in conducting of due diligence, where a procuring entity conducts on-site evaluations and inspections of the person's facilities or project site, including those of their subcontracts and Joint Venture partners to review their compliance to this Code during execution of the Contract.

21. THE ROLE OF THE AUTHORITY IN ENFORCEMENT OF THE CODE

- a) exercise oversight in the enforcement of this Code. Including taking remedial measures in case of breach of the Code;
- b) on its own motion or upon receipt of a complaint, inquire into the allegation of the violation of the Code of Ethics and take appropriate action including instituting debarment proceedings as provided under the Act and Regulations;
- c) establish a complaints management system for reporting and receiving of complaints on alleged violations of the Constitution, relevant laws, Regulations and the Code of Ethics.

22. PROHIBITION AGAINST OBSTRUCTION, HINDERANCE, ETC, TO AN OFFICER OF THE AUTHORITY

A person shall not —

- (a) obstruct or hinder an officer of the Authority or any other authorized person from carrying out a duty or function or exercising a power relating to procurement and disposal laws; or
- (b) knowingly or in collusion with others lie to or mislead a person carrying out a duty or function or exercising a power relating to procurement and disposal laws.

DECLARATION AND COMMITMENT TO THE CODE OF ETHICS *(to be submitted as part of any quotation or tender or proposal)*

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 and Asset Disposal Act. 2015, Regulations and the Code of Ethics for persons participating in Public Procurement and Asset Disposal and my responsibilities under the Code.

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

Name of Authorized signatory

Sign

Position

Office address

Telephone

E-mail

Name of the Firm/Company

Date

(Company Seal/ Rubber Stamp where applicable)

Witness Name

Sign

Date