



**COUNTY GOVERNMENT OF NANDI**

**P .O. BOX 802-30300**

**KAPSABET, KENYA**

**PRE-QUALIFICATION DOCUMENT**

**FOR**

**PROVISION OF LEGAL SERVICES**

**TENDER NUMBER; NDCG/P/090/2017/2018**

**& 2018/2019**

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**SECTION I - INVITATION FOR PREQUALIFICATION (IFQ)**

**Tender No. NDCG/P/090/2017/2018 & 2018/2019**

**Tender name** (*provision of legal services*)

*The County Government of Nandi hereinafter referred as “Procuring entity” intended to pre-qualify candidates provision of legal services)*

Tender is open to *interested eligible firms*

1. Eligible candidates may download the prequalification document from [nandi.go.ke/downloads.html#](http://nandi.go.ke/downloads.html#)
2. Applications for prequalification must be submitted enclosed in plain sealed envelopes marked with the tender name and reference number and deposited in the tender box at *entrance to County Headquarters Nandi* or to be addressed to *The County Secretary County Government of Nandi , P O Box 802 – 30300 Kapsabet* so as to be received on or before *19th September 2017 at 10.am*
3. All candidates whose applications will have been received before the closing date and time will be advised in due course, of the results of their applications. Only candidates pre-qualified under this prequalification process will be invited to tender.

## **SECTION II - INSTRUCTIONS TO CANDIDATES**

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## SECTION II - INSTRUCTIONS TO CANDIDATES

### 2.1 Scope of Tender

The (*The county Government of Nandi* hereinafter referred to as the procuring entity intends to prequalify suppliers for the *provision of legal services*

It is expected that prequalification applications will be submitted to be received by the procuring entity not later than *19th September 2017 at 10.am*

2.1.1 Prequalification is open to eligible firms and voluntarily formed joint ventures as indicated in appendix to instructions to candidates.

### 2.2 Submission of Application

2.2.1 Applications for prequalification shall be submitted in sealed envelopes marked with the tender name and reference number and deposited in the tender box at (Entrance to Nandi county Headquarters) or be addressed to (***The County Secretary - County Government of Nandi P. O. Box 802-30300 Kapsabet***) so as to be received on or before  
*19th September 2017 at 10.am*

2.2.2 The name and mailing address of the applicant may be marked on the envelope.

2.2.3 All the information requested for pre qualification shall be provided in the English language. Where information is provided in any other language, it shall be accompanied by a translation of its pertinent parts into English language. The translation will govern and will be used for interpreting the information.

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

### 2.3 Eligible Candidates

2.3.1 This invitation for pre-qualification 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 relative (spouse and children) are not eligible to participate in the tender unless where specially allowed under section 131 of the Act.

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



## 2.4 Qualification Criteria

2.4.1 Pre-qualification 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, personnel and equipment capabilities 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 The bidder **must** provide copies of the following statutory documents. These documents will be used for preliminary evaluation.

- i. Current/Valid Tax Compliance Certificate
- ii. PIN Certificate
- iii. VAT Certificate
- iv. Certificate of Incorporation.
- v. Business Permit
- vi. CR12

The tenderers who do not meet the above criterion shall be declared non responsive and thus disqualified from further analysis.

2.4.2 The following Technical & Financial Evaluation Criteria shall be used in evaluating the responsive tenders.

	<b>Evaluation Criteria</b>	<b>Marks %</b>
1	Years of experience of the firm (Detailed similar previous works/List of assignments and size ) for a minimum of last two (2) years -Attach copies of LPOS, recommendation letters	30
2	Qualifications and competence of key staff	
	a) List of the key staff	20
	b) Attached C.V. for the staff	20
3	Financial status	
	a) Audited Financial Accounts for the last 2 years	10
	b) Certified Bank Statements for the last 6 months	10
4	Capacity (Equipment holding/ lease agreement)	10
	TOTAL SCORE	100
	PASS MARK	50



## **APPENDIX TO INSTRUCTIONS TO CANDIDATES**

The following instructions for the pre qualification of candidates shall supplement, complement or amend the provisions of the instructions to candidates.

Where there is a conflict between the provisions of the instructions to candidates and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the instructions to the candidates.

## **SECTION III - LETTER OF APPLICATION**

### **Notes on letter of application**

- 1.1 The letter of application will be prepared by the applicant and will follow the form presented herein.
- 1.2 The letter of application will be prepared on the letterhead paper of the applicant or partner responsible for a joint venture and will include full postal address, telephone numbers, fax number and Email address.
- 1.3 The letter of application will be signed by duly authorized representatives of the applicant.
- 1.4 Any clause which does not apply to the applicant in the letter of application herein shall be deleted by the applicant.

**SECTION III-LETTER OF APPLICATION**

Date .....

To .....  
 .....  
 (name and address of the procuring entity)

Ladies and/or Gentlemen

Being duly authorized to represent and act on \_\_\_\_\_ (name of firm)  
 1. behalf of

(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. 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 Contract 1	Telephone 1
Contract 2	Telephone 2



Personnel inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Technical inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Financial inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

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

- (a) bids by prequalified applicants will be subject to verification of all information submitted for prequalification 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 prequalified bidders who meet the revised requirements; and
    - reject or accept any application, cancel the prequalification 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. Appended to this application, we give details of the participation of each party, including capital contribution and profit/loss agreements, in the joint venture or association. We also specify the financial commitment in terms of the percentage of the value of the <each> contract, and the responsibilities for execution of the <each> contract.
  2. 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; and
    - (b) submitted with a joint venture agreement providing the joint and several liability of all partners in the event the contract is awarded to us.
  3. 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 or lead partner of a joint venture)	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. Where there is a joint venture, each partners shall complete the form

Application Form

2 - General Experience Record  
This form is to be completed by all applicants. Separate sheets should be used for each partner of a joint venture. Applicants are not required to enclose testimonials, certificates or publicity materials with their applications.

Application Form 2A

- Joint Venture Summary  
This form is to be completed by joint venture applicants only.

Application Form

3 - Particular Experience Record  
This form is to be completed by all applicants meeting the requirement set out in the instructions to candidates. Separate sheets shall be used for each member of or joint venture. Complimentary information will be given on application Form 3A.

Application Form

5 - 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. The data on their experience shall be supplied on Form 5A

Application Form 5A

- Candidate Summary  
This form is to be completed by all applicants. The information provided will complement information on Form 5. A

- Application Form 7 - separate form shall be used for each personnel
- Application Form 7 - Financial Capability  
This form shall be completed by every applicant and each member of a joint venture. 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 8 - Litigation History  
This form is to be completed by all applicants including each member of a joint venture. It should provide information on any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution. A separate sheet should be used for each member of a joint venture

## 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)

### GENERAL EXPERIENCE RECORD

Name of Applicant or partner of a joint venture

Annual turnover data (Construction only)		Kshs
Year	Turnover	.
1.		
2.		
3.		
4.		
5.		



## APPLICATION FORM (2A)

### JOINT VENTURE SUMMARY

Names of all partners of a joint venture
1. Lead partner
2. Partner
3. Partner
4. Partner
5. Partner
6. Partner

Total value of annual construction turnover, in terms of work billed to clients, in Kshs.

Annual turnover data (construction only: Kshs.)
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Partner	Form 2 Year	1 Year 2 Year	3	Page no.
1. Lead Partner				
2. Partner				
3. Partner				
4. Partner				
5. Partner				
6. Partner				
	Totals			



## APPLICATION FORM (3)

### PARTICULAR EXPERIENCE RECORD

Name of Applicant or partner of a joint venture
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## APPLICATION FORM (3A)

### DETAILS OF CONTRACTS OF SIMILAR NATURE AND COMPLEXITY

Name of Applicant or partner of a joint venture
---

Use a separate sheet for each contract.

1.	Number of contract	
	Name of Contract	
	Country	
2.	Name of employer	
3.	Employer address	
4.	Nature of works and special features relevant to the contract for which the Applicant wishes to prequalify	
5.	Contract role (check one) * Sole contract * Management contract * Subcontract * Partner in a joint venture	
6.	Value of the total contract/subcontract/partner share (in specified currencies at completion, or at date of award for current contract)	
7.	Date of award	
8.	Date of completion	
9.	Contract/subcontract duration (years and months) - years - months	
10	Specified requirements	



## APPLICATION FORM (4)

### SUMMARY SHEET: CURRENT CONTRACT COMMITMENTS/WORK IN PROGRESS

Name of Applicant or partner of a joint venture

Name of contract	Value of outstanding work Kshs.	Estimated completion date
1.		
2.		
3.		
4.		
5.		
6.		



## APPLICATION FORM (5)

### 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







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**APPLICATION FORM (7)**

**FINANCIAL CAPABILITY**

Name of Applicant or partner of a joint venture
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Banker	Name of banker		
	Address of banker		
	.....		
	Telephone	Contact name and title	
	_____		
	Fax	E mail	

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



## APPLICATION FORM (8)

### LITIGATION HISTORY

Name of Applicant or partner of a joint venture

Applicants, including each of the partners of a joint venture, should provide information of any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution (Instructions to Applicants, para. 4.8). A separate sheet should be used for each partner of a joint venture.

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

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





