

COUNTY ASSEMBLY OF MURANG'A
P.O. Box 731-10200 Murang'a

www.assembly.muranga.go.ke



PRE-QUALIFICATION DOCUMENT
FOR
PROCUREMENT OF GOODS

MCA-Re35-2018-2019
TENDER FOR SUPPLY AND DELIVERY OF CUTLERY.

FINANCIAL YEARS 2018-2019.

INTRODUCTION

- 1.1 This standard procurement prequalification document has been prepared for use by the procuring entities in Kenya and is intended for use in prequalifying candidates wishing to tender for buildings, civil Engineering works, Large Plant, heavy Equipment and certain types of supply and installation contracts where the procuring entity determines it is necessary for procurement to be made through a prequalification process. It may also be used by a procuring entity for the purpose of registration of candidates.
- 1.2 The standard document includes a form for invitation for prequalification, instructions to candidates and a letter of application with attached forms for candidates to complete.
- 1.3 For purposes of simplifying presentation, the document has been written for construction contracts (commonly used). Care should therefore be taken when preparing prequalification document for specific cases to ensure that the prequalification criteria are clear and explicit, and that they refer to the needs and characteristics of the specific procurement. For this purpose where appropriate, "Works" should be substituted by "Equipment" or "Plant" as the case may be and "Contractor" should be replaced with "Supplier" or "Manufacturer" as the case may be.
- 1.1 The following general directions should be observed when using the document.
 - a) Specific details should be finished in the invitation to tender and in the special conditions of contract. The final document to be provided to the tenderers should not have blank spaces or give options.
 - b) The instructions to tenderers and the general conditions of contract should remain unchanged. Any necessary amendments to these parts should be made through the appendix to the instructions to the tenderers or the general conditions of contract respectively.
- 1.4 The notes in the text of the prequalification documents are meant to assist the procuring entity in the preparation of the document. They are not part of the prequalification document and should therefore be deleted as the document is prepared.
- 1.5 The cover of the tender document should be modified to include:
 - i. Tender number.
 - ii. Tender name.
 - iii. Name of procuring entity.
 - iv. Delete name and address of PPOA.

SECTION I - INVITATION FOR PREQUALIFICATION (IFQ)

Tender No. (MCA-Re35-2018-2019)

Tender Name (SUPPLY AND DELIVERY OF CUTLERY)

1. The Murang'a County Assembly hereinafter referred as "Procuring entity" intended to prequalify candidates for the following **SUPPLY AND DELIVERY OF CUTLERY**
2. Prequalification is open to (*particulars of eligibility*)
3. Eligible candidates may obtain the prequalification document from Murang'a County Assembly P.o Box 731-10200 Murang'a during normal working hours upon payment of a non-refundable fee of 1000/= in cash or Bankers cheque payable to Murang'a County Assembly. You may also download document free of charge from the website. www.assembly.muranga.go.ke
4. Completed tender documents are to be enclosed in plain sealed envelopes marked with tender reference number, be deposited in the Tender Box placed at the reception, Murang'a County Assembly or be addressed to,

**The Clerk,
County Assembly Murang'a
P.O Box 731-10200 Murang'a**

so as to be received on or before **September 21, 2018 at 10.00 am**

5. Tenders will be opened immediately thereafter in the presence of the Candidates or their representatives who choose to attend at Committee Room.
6. 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 prequalified under this prequalification process will be invited to tender or RFQ**

SECTION II - INSTRUCTIONS TO CANDIDATES

Table of Contents

2.1	Scope of tender
2.2	Submission of Applications
2.3	Eligible candidates
2.4	Qualification criteria
2.5	Joint venture
2.6	Public sector companies
2.7	Conflict of interest
2.8	Updating prequalification information

ORIGINAL TENDER

SECTION II - INSTRUCTIONS TO CANDIDATES

2.1 Scope of Tender

The Murang'a county Assembly hereinafter referred to as the procuring entity intends to prequalify contractors for the following (*particulars of the procurement*). It is expected that prequalification applications will be submitted to be received by the procuring entity not later than
(AS PER ADVERT)

Note "Describe the work in sufficient detail to identify the location, nature and complexity of the works, the information should be prepared for each procurement/contract. Approximate quantities of major items of work should be indicated, but the estimated cost should not be disclosed in this instruction or in invitation for prequalifications."

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

2.1.2 General information on the climate, hydrology, topography, access to site, transportation and communications facilities, medical facilities, project layout, expected construction period, facilities, services provided by the procuring entity and (other relevant data) are as specified in the appendix to instructions to candidates. The contract will be a unit price/lump sum/turnkey contract. The tender documents will be (*the tender document to be used after prequalification*).

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 (address and location) or be addressed to (*procuring entity's name and address*) so as to be received on or before (*day, date and time*). The procuring entity reserves the right to accept or reject late applications.

Note "The time allowed for preparation of prequalification applications should be sufficient for applicants to gather all the information required but in any case not less than 28 days for national tenders and 42 days for international tenders from the date of first advertisement. This period may be long for very large projects, where time should be allowed for the formation of joint ventures."

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.

2.2.5 A consultations and clarifications meeting will be held at (*place, date and time*) at which applicants may request clarifications of the prequalification document. Attendance of this meeting will be voluntary

Note *"The information in 2.2.5 should only be used if a consultations and clarifications meeting is necessary and planned. Such meetings are normally called only for very large and/or complex procurements.*

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.

Note *"The eligibility criteria must comply with the law. It should not deliberately discriminate or inhibit competition*

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 When highly specialized inputs (especially for execution of the contract) are required by the applicant from specialist sub contractors, such subcontractors and their inputs shall be described in the Standard Form 1 (General Information)

2.4.3 General Experience. The applicant shall meet the following minimum criteria
(a) average annual turnover as main contractor (defined as billing for works in progress and completed) over the last _____ (15) years of Kshs. _____
_____ (16) and

(b) successful experience as prime contractor in execution of at least three projects (17) of a nature and complexity comparable to the proposed contract within the last _____ (15) years. This experience should include _____ (18)

Note (15) *This time is normally five years but may be less if circumstances warrant I it*

(16) *Usually not less than 2 ½ times the estimated annual cash flow in the proposed contract or works (based on a straight line projection) the coefficient may be smaller for very large or very small contract, but not less than 1.5, and should take into consideration special contract/work circumstances*

(17) *May be reduced or increased*

(18) *Indicate in this part the critical experience for the proposed works/contract*

2.4.4 Personnel capabilities. The applicant must have suitably qualified personnel to fill the following positions(19)

Position	Total experience (years)	In similar works (years)	As manager of similar works (years)
Project Manager			
Other Position			
Other position			

Note (19) *List only Key management specialist positions. Do not include principals, head office personnel who are not key to the project/works and other non-specialist personnel. The experience requirements should be specified*

2.4.5 Equipment capabilities. The applicant should own, or have assured access (through hire, lease, purchase agreement, availability of manufacturing equipment, or other means) the following key items of equipment in full good working order, and must demonstrate that, based on known commitments they will be available for use in the proposed contract. The applicant may also list alternative equipment that it would propose for the contract together with an explanation of the proposal

Equipment type and characteristics	Minimum number required
1)	
2)	
3)	

Note *Paragraph 2.4.5 applies mainly to construction works. However, it may be adapted for some heavy engineering contract, supply and installation and other contracts requiring production capacity. Insert a list of the key equipment need based on specific items or on performance criteria appropriate. The items listed shall be limited to major items of equipment that are crucial to the proper and timely execution of the contract, and items that applicants may not readily be able to purchase, hire or lease in the required time frame.*

2.4.6 Financial position. The applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit and other financial means sufficient to meet the construction cash flow for a period of _____ months, estimated at Kshs. _____ (21), net of the applicants commitments for other contracts.

Note *(21) This figure should be accurate to adequately reflect the financial cash flow commitment for the contract*

2.4.7 The audited Accounts (22) for the last _____ (23) years shall be submitted and must demonstrate the soundness of the applicant's financial position, showing long-term profitability. Where necessary the procuring entity will make inquiries with the applicant's bankers.

Note *(22) Audited Accounts requirement may be relaxed by the procuring entity especially for firms owned by individuals and partnerships where the law does not require them to be prepared.*

(23) This period is usually five years but may be reduced in special contract/works circumstances.

2.4.8 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 of a joint venture may result in failure of the application.

2.5 Joint Venture

2.5.1 Joint ventures must comply with the following:-

(a) Following are the minimum qualification requirements.

(i) The lead partner shall meet not less than (not less than (%)) of all the qualifying criteria in paras's 2.4.3 and 2.4.6 above (24)

Note *(24) Care should be exercised in drafting this clause. In certain types of projects, joint ventures are formed by assembling the specialist skills of various contractors (e.g. civil, electrical, mechanical, and industries). In such cases, the provisions referring to the lead partner and "other partners" must be tailored to particular circumstances o the project*

(ii) The other partners shall meet individually not less than _____ (%) of all the qualifying criteria given in para. 2.4.3 and 2.4.6 above

(iii) The joint venture must satisfy collectively the criteria of section 4, for which propose the relevant figures for each of the partners shall be added together to arrive at the joint ventures total capacity. Individual members must each satisfy the requirements of para 2.4.7 and 2.4.8 above.

(b) The formation of a joint venture after pre-qualification and any change in a prequalified joint venture will be subject to the written approval of the procuring entity prior to the deadline for submission of bids. Such approval may be denied if (i) partners withdraw from a joint venture and the remaining partners do not meet the qualifying requirements (ii) the new partners to a joint venture are not qualified, individually or as an another joint venture; or (iii) in the opinion of the procuring entity a substantial reduction in competition may result.

(c) Any future bid shall be signed so as to legally bind all partners, jointly and severally, and any bid shall be submitted with a copy of the joint venture agreement providing the joint and several liability with respect to the contract.

2.5.2 The pre-qualification of a joint venture does not necessarily pre qualify any of its members individually as a member in any other joint venture or association. In case of dissolution of a joint venture, each one of the constituent firms may prequalify if it meets all the prequalification requirements, subject to a written approval of the procuring entity

2.6 Public Sector companies

2.6.1 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.

2.7. Conflict of Interest

2.7.1 The applicant (including all members of a joint venture) shall not be associated, nor have been associated in the past, with the consultant or any other entity that has prepared the design, specifications, and other prequalification and bidding documents for the project, or with an entity that was proposed as engineer for the contract. Any such association must be disclosed and may result in the dis-qualification of the applicant.

2.8. Updating Pre-qualification Information

2.8.1 Pre qualified candidates shall be required to update the financial information used for pre qualification at the time of submitting their bids and to confirm their continued compliance with the qualification criteria. A bid shall be rejected if the applicant's qualification thresholds are no longer met at the time of bidding.

APPENDIX TO INSTRUCTIONS TO CANDIDATES

Notes on the appendix to instructions to Candidates

1. The appendix to candidates to tenderers 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.
2. The appendix may amend any information in the instructions to candidates.
3. The procuring entity should use the appendix to ensure that all relevant information to the candidates relating to a particular pre qualification is included.
4. To be completed appropriately by the procuring entity. Reference will be made to the relevant clause of the Instructions to Candidates. Candidates are requested to provide the following documents;

MANDATORY REQUIREMENTS			
	REQUIRED ITEMS		REMARKS
1	Incorporation / Business registration Certificate	Attach	
2	Valid Tax compliance Certificate	Attach	
3	Current single business permit	Attach	
4	Certificate of Confirmation of Directors and Shareholding (CR 12) for limited companies or Identity card (ID) for Sole Proprietorship & Partnership.	Attach	
5	Fill Confidential Business Questionnaire as provided. Indicating contact person, telephone no, email adress of the firm.	As provided	
6	Valid Registration Certificates for Youths, Women and People living with Disability (AGPO)	Attach	

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

<p>Part 1 – General:</p> <p>Business Name</p> <p>Location of business premises.</p> <p>Plot No..... Street/Road</p> <p>Postal Address Tel No. Fax E mail</p> <p>Nature of Business</p> <p>Registration Certificate No.</p> <p>Maximum value of business which you can handle at any one time – Kshs.</p> <p>Name of your bankers Branch</p>
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	<p align="center">Part 2 (a) – Sole Proprietor</p> <p>Your name in full Age</p> <p>Nationality Country of origin</p> <p align="center">• Citizenship details</p>																					
	<p align="center">Part 2 (b) Partnership</p> <p>Given details of partners as follows:</p> <table border="1"> <thead> <tr> <th>Name</th><th>Nationality</th><th>Citizenship Details</th></tr> </thead> <tbody> <tr> <td>Shares</td><td></td><td></td></tr> <tr> <td>1.</td><td></td><td></td></tr> <tr> <td>2.</td><td></td><td></td></tr> <tr> <td>3.</td><td></td><td></td></tr> <tr> <td>4.</td><td></td><td></td></tr> </tbody> </table>	Name	Nationality	Citizenship Details	Shares			1.			2.			3.			4.					
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1.																						
2.																						
3.																						
4.																						
	<p align="center">Part 2 (c) – Registered Company</p> <p>Private or Public</p> <p>State the nominal and issued capital of company-</p> <p>Nominal Kshs.</p> <p>Issued Kshs.</p> <p>Given details of all directors as follows</p> <table border="1"> <thead> <tr> <th>Name</th><th>Nationality</th><th>Citizenship Details</th></tr> </thead> <tbody> <tr> <td>Shares</td><td></td><td></td></tr> <tr> <td>1.....</td><td></td><td></td></tr> <tr> <td>2.</td><td></td><td></td></tr> <tr> <td>3.</td><td></td><td></td></tr> <tr> <td>4.</td><td></td><td></td></tr> <tr> <td>5</td><td></td><td></td></tr> </tbody> </table>	Name	Nationality	Citizenship Details	Shares			1.....			2.			3.			4.			5		
Name	Nationality	Citizenship Details																				
Shares																						
1.....																						
2.																						
3.																						
4.																						
5																						
<p>Date Signature of Candidate</p>																						

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

DECLARATION FORM (mandatory)

Bidders are required to sign the declaration below:

“The Company is not insolvent, in receivership, bankrupt or in the process of being wound up and is not the subject of legal proceedings relating to the foregoing. The company or its directors have not been debarred from participating in public procurements or ineligible on account of corruption or fraudulent practices. The items offered are not in breach of any patent rights or copyright laws whatsoever. Finally, the company has the necessary qualifications, capabilities, experience, resources, equipment and facilities to provide what is being pre-qualified”

Name:.....

SignaturePosition.....

Date

Official company stamp.....

ORIGINAL TENDER

CONTRACT FORM

THIS AGREEMENT made the _____ day of _____ 20 _____ between
..... [name of Procurement entity] of [country of Procurement entity]
(hereinafter called "the Procuring entity") of the one part and [name of
tenderer] of [city and country of tenderer] (hereinafter called "the tenderer") of the
other part;

WHEREAS the Procuring entity invited tenders for certain goods] and has accepted a
tender by the tenderer for the supply of those goods in the sum of
[contract price in words and figures] (hereinafter called "the Contract Price).

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement words and expressions shall have the same meanings as are
respectively assigned to them in the Conditions of Contract referred to:
2. The following documents shall be deemed to form and be read and construed as
part of this Agreement viz:
 - (a) the Tender Form and the Price Schedule submitted by the tenderer
 - (b) the Schedule of Requirements
 - (c) the Technical Specifications
 - (d) the General Conditions of Contract
 - (e) the Special Conditions of contract; and
 - (f) the Procuring entity's Notification of Award
3. In consideration of the payments to be made by the Procuring entity to the tenderer
as hereinafter mentioned, the tender hereby covenants with the Procuring entity to
provide the goods and to remedy defects therein in conformity in all respects with the
provisions of the Contract
4. The Procuring entity hereby covenants to pay the tenderer in consideration of the
provisions of the goods and the remedying of defects therein, the Contract Price or such
other sum as may become payable under the provisions of the Contract at the times and in
the manner prescribed by the contract.

IN WITNESS whereof the parties hereto have caused this Agreement to be executed in
accordance with their respective laws the day and year first above written.

Signed, sealed, delivered by _____ the _____ (for the Procuring entity

Signed, sealed, delivered by _____ the _____ (for the tenderer in the presence
of _____

(Amend accordingly if provided by Insurance Company)

LETTER OF NOTIFICATION OF AWARD

Address of Procuring Entity

To:_____

RE: Tender No._____

Tender Name_____

This is to notify that the contract/s stated below under the above mentioned tender have been awarded to you.

1. Please acknowledge receipt of this letter of notification signifying your acceptance.
2. The contract/contracts shall be signed by the parties within 30 days of the date of this letter but not earlier than 14 days from the date of the letter.
3. You may contact the officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

(FULL PARTICULARS)_____

SIGNED FOR ACCOUNTING OFFICER