



AGRICULTURE AND FOOD AUTHORITY

PRE-QUALIFICATION DOCUMENT

PRE-QUALIFICATION NAME: PROVISION OF LEGAL SERVICES

PRE-QUALIFICATION NO. AFA/PRQ/01/2018 -2019

CLOSING DATE: Wednesday, 26th September, 2018 at 10.00 a.m

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INVITATION FOR PREQUALIFICATION

11th September 2018

This is to invite competent and interested Legal firms to apply for pre-qualification for purposes of identifying and registering qualified legal firms in the Authority Suppliers' list for provision of Legal services on as and when required basis.

Interested eligible firms may obtain further information from the **Procurement Office, 2nd Floor, TEA House, Naivasha Road off Ngong Road, Nairobi** Tel: **3872421/3872497/3874445/6** | **Mobile: 0722-200556/0734-600994**
Wireless: 020-2536869/2536886
Email: tender@afa.go.ke Website: www.afa.go.ke on normal working days from **9.00 am to 12.30pm** and **2.00pm to 4.30pm**.

A complete set of the document for prequalification of legal services to be downloaded free of charge from the AFA Website, www.afa.go.ke. The Authority is Not providing Hard copies.

Duly completed tender documents sealed in an envelope clearly marked with the **Pre-qualification name and number** should be deposited in the tender Box on the Ground floor TEA House on or before Wednesday, 26th/9/2018 at 10.00am late bids shall be rejected. The results of the evaluation shall be communicated to all the applicants who submitted their pre-qualification document by the closing time.

INTERIM DIRECTOR GENERAL

INSTRUCTIONS TO CANDIDATES

The Authority will select candidates among those that submit documents in accordance with the method of selection as stated in the Evaluation criteria.

The candidates are invited to submit documents required for the pre-qualification. In the selection procedure, the firm that is responsive to the requirements shall be considered successful and will be prequalified.

Prequalified candidates will be asked to give quotations for services required during a period of two years on “**as and when need arises**” basis.

Clarifications

Clarifications on this prequalification document may be requested up to seven (7) days before the submission date of Wednesday, 26th September, 2018.

The address for requesting clarification is:

Interim Director General, Agriculture and Food Authority, TEA House, Naivasha Road off Ngong road, P.O. Box 37962 - 00100 Nairobi. Email: info@afa.go.ke
Website: www.afa.go.ke

Prequalification documents should be submitted in the following language; **English**
The prequalification submission address is:

**The Interim Director General
Agriculture and Food Authority,
P.O Box 37962 - 00100,
NAIROBI.**

Information on the outer envelope should also include:

“Prequalification of suppliers for the Provision of Legal services –Tender No: AFA-PRQ-01-2018 – 2019.

The Prequalification submission must be done no later than **10:00 am** on Wednesday, **26th /9/2018**

1.0 INFORMATION TO APPLICANTS

1.1. The Law firms must be ranked highly by their peers as well as have proven experience in diverse and wide fields of law including but not limited to; -

1. Examinations Related matters
 2. Constitutional Law
 3. Administrative Law
 4. Commercial & Tax law
 5. Civil & Criminal Law
 6. Employment & Labour law
 7. Public Procurement and Disposal Law
 8. Arbitration and Alternative Dispute Resolution Law and Practice
- The law firms should attach their firm profiles stating their specialties, type of matters/cases handled in the last 3 years and their success rate in litigation.

1.2 Professional Qualifications

Law firms must provide proof of registration and good standing with the Law Society of Kenya. Law firms must have been in active provision of legal service for a period of not less than ten (10) years since inception

All partners should have at least 10 years post admission experience and all the Advocates in the firm must be active members holding current practicing certificates from the Law Society of Kenya. While it is important for the lead partners to be experienced the qualification of the other associates who will be performing the majority of the legal services will also be evaluated.

1.3 Firm's History

The following information should be included: -

- (a) Period for which the law firm has been in operation.
- (b) Number of partners and their standing in the bar.
- (c) Number of Associates and their standing in the bar.
- (d) Number of other employees in the firm and their designation.
- (e) Whether the firm or its partners and associates are members of local and international professional bodies.
- (f) Types of cases handled by the firm, success rate and copies of rulings/ judgments obtained in the various areas of legal specialization.

1.4 Payment of Fees/Costs

The selection will consider law firm's that offer the right balance of value for money as measured by the quality of legal service offered. Law firms will be required to identify ways in which legal cost for any significant or complex cases can be mitigated.

1.5 Monitoring and Evaluation

The law firms must agree to be monitored and evaluated through regular client satisfaction surveys in order to ensure that they maintain high standards of service and give regular status reports of the cases to the Interim Director General.

1.6 AFA will pre-qualify prospective bidders for provision of legal services from among those who submit their pre-qualification applications, in accordance with the pre-qualification requirements, to undertake the assignments described herein for a maximum of two (2) years subject to renewal.

1.7 The Pre-qualification document and the bidders' applications shall be the basis for pre-qualification. Bidders must familiarize themselves with the requirements described in this document including all attachments and take them into account while preparing their response. Material deficiencies in providing the information requested may result in rejection of a pre-qualification applications.

1.8 Bidders may request clarification on the Pre-qualification document up to seven (7) days before the pre-qualification application submission date. Any request for clarification must be sent in writing by mail, facsimile or electronic mail to AFAs' address. AFA will respond in writing by normal mail, facsimile or electronic mail to such requests and will send copies of the response to all Bidders who intend to submit pre-qualification applications.

1.9 Bidders are requested to prepare their pre-qualification applications in English language.

1.7 Bidders shall bear all costs associated with the preparation and submission of their pre-qualification applications.

1.10 Bidders are required to meet the pre-qualification criteria stipulated in Section 3. Those who do not meet the requirements need not submit applications. Only applications which fulfil these requirements shall be considered for detailed evaluation.

1.11 The pre-qualification documents shall not include any financial proposal information other than audited accounts for the last 2 years.

1.12 Applicants shall be informed in writing of the results of the application, and AFA may assign reasons for its decision.

1.13 It is the Authority's policy to require that bidders observe the highest standard of ethics during the procurement and execution of such contracts. In pursuance of this policy, the Authority:

- a) Defines, for the purpose of this provision, the terms set forth below as follows: (i) "Corrupt practice" means the offering, giving, receiving or soliciting of anything of value to influence the action of an officer of AFA in the pre-qualification process; and
- (ii) "Fraudulent practice" means a misrepresentation of facts in order to influence the pre-qualification process to the detriment of the Authority, and includes collusive practices among Bidders (prior to or after submission of pre-qualification applications) designed to establish prices at artificial, non-competitive levels and to deprive AFA of the benefits of free and open competition.
- (b) Will reject a pre-qualification application if it determines that a bidder has engaged in corrupt or fraudulent activities in competing for the contract in question; and
- (C) Will declare a bidder ineligible for pre-qualification if at any time it determines that the bidder has engaged in corrupt or fraudulent practices in competing for, or in executing, a similar contract.

1.14 AFA reserves the right to:

- a) Follow up and/or clarify any references or information submitted by the bidder;
- b) Visit the bidder's business premises to confirm the capability to deliver the said services;
- c) Disqualify any bidder if it finds at any time that the information submitted by the bidder is materially inaccurate or incomplete;
- d) Reject or accept any pre-qualification application; and
- e) Cancel the pre-qualification process at any stage.

1.15 Bidders who are pre-qualified shall be retained on the Authority's panel of advocates for a period of two (2) years subject to renewal and shall be required to work closely with the Authority's in-house lawyers and to give regular reports on the briefs they handle.

2.0 PRE-QUALIFICATION EVALUATION REQUIREMENTS

2.1 Mandatory Requirements for pre-qualification

S/N	
MR 1	Duly completed pre-qualification submission form
MR 2	Duly completed confidential business questionnaire.
MR 3	A copy of Certificate of Business Registration
MR 4	Sworn Anti-Corruption Affidavit
MR 5	Copies of current practicing certificates issued by LSK
MR 6	Submit copies of Contracts/LSO of at least five (5) major clients that the firm is currently representing, and details of contact persons (between 2017 -2018) of at least not less than 5 Million each case
MR 7	Copy of Valid Tax Compliance Certificate and Copies of previous tax compliance certificates for the last 2 years.
MR 8	Audited accounts for the last 2 years (2016 & 2017) with an average turnover of 10 Million
MR 9	Evidence of valid professional indemnity insurance cover taken out with a reputable insurance firm of least Kshs. 50, 000,000.00, (attach evidence)
MR 10	Bidders should disclose if they were engaged in past or have ongoing litigation with third parties against AFA and the nature of the litigation in order to avoid conflict of interest.
MR 11	Attach CV's in the format given below, showing evidence of professional qualifications and experience of Partners and Associates
MR 12	Copy of Business permit
MR 13	Submit CR 12 or equivalent

The mandatory requirement must be met in order to qualify for pre-qualifications

3.0 STANDARD FORMS

3.1 FORMAT OF CURRICULUM VITAE (CV) FOR PROFESSIONAL STAFF

Position: _____

Name of Firm: _____

Name of Staff: _____

Profession: _____

Date of Birth: _____

Years with Firm: _____

Nationality: _____

Membership in Professional Societies: _____

Detailed Tasks Assigned: _____

Key Qualifications:

Give an outline of staff member's experience and training most pertinent to tasks on assignment. Describe degree of responsibility held by staff member on relevant previous assignments and give dates and locations].

Education:

Summarize college/university and other specialized education of staff member, giving names of schools, dates attended and degree[s] obtained.]

Employment Record:

Starting with present position, list in reverse order every employment held. List all positions held by staff member since graduation, giving dates, names of employing organizations, titles of positions held, and locations of assignments.

Certification:

I, the undersigned, certify that these data correctly describe me, my qualifications, and my experience.

Date: _____ -

[Signature of staff member] _____ *Date;*

[Signature of authorised representative of the firm]

Full name of staff member:

Full name of authorized representative:

CONFIDENTIAL BUSINESS QUESTIONNAIRE

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

Part I- General :

Business Name.....

Location of business premises.....

Plot No.Street/Road.....

Postal Address.....Tel. No.....

Nature of business.....

Current Business License No.....Expiring date.....

Maximum value of business which you can handle at any one time:
K£.....

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:

<i>Name</i>	<i>Nationality</i>	<i>Citizenship Details</i>	<i>Shares</i>
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Part 2 (c) – Registered Company:

Private or Public.....

State the nominal and issued capital of company-

Nominal K£.....

Issued K£.....

Given details of all directors as follows: -

	<i>Name</i>	<i>Nationality</i>	<i>Citizenship Details</i>	<i>Shares</i>
1.			
2.			
3.			
4.			

Date

Signature of Candidate.....

*if Kenya Citizen, indicate under "Citizenship Details" whether by Birth, Naturalization or Registration.