



COUNTY ASSEMBLY OF MOMBASA

PREQUALIFICATION DOCUMENT

PROVISIONS OF LEGAL SERVICES.

CAM/PQ/S/B8

COUNTY ASSEMBLY OF MOMBASA F/Y 2016-2017

Table of Contents

	Page
INTRODUCTION	3
SECTION I - Invitation for prequalification	4
SECTION II - Instructions to Candidates..... Appendix to Instructions to Candidates.	5
SECTION III - Letter of application	
SECTION IV - Standard Forms	
General information - (Form1)	
General experience Record - (Form 2)	
Joint Venture Summary - (Form 2A)	
Particular experience Record - (Form 3)	
Details of Contract of similar nature and complexity - (Form 3A)	
Summary sheet – Current	
Contract Commitments/Works in progress - (Form 4)	
Personnel capabilities - (Form 5)	
Candidate Summary - (Form 5A)	
Equipment capabilities - (Form 6)	
Financial Capability - (Form 7)	
Litigation History - (Form 8)	
Request for Review - (Form RB 1)	

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.
- 1.4 The following directions should be observed when using the standard procurement prequalification document.
 - (a) The forms will require adaptation to suit the requirement of each proposed procurement
 - (b) Specific details, such as the names of the procuring entity should be furnished in the spaces indicated in the text.
 - (c) Where alternative clauses or texts are shown, the user should select those that best suit the particular contract and should discard the alternative text that will not apply.
 - (d) The instructions to candidates should basically remain unchanged. Any necessary amendments to any clause or additions should be made through Appendix to instructions to candidates.
- 1.5 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.

- 1.6 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

Tender Name **PROVISIONS OF LEGAL SERVICES.**

1. The County assembly of Mombasa hereinafter referred as “Procuring entity” intended to prequalify candidates for the Provision of Legal Services
 2. Prequalification is open to all
 3. Eligible candidates may obtain the prequalification document from the county assembly of Mombasa procurement offices during normal working hours or download the document from the **Mombasa County’s website [http://www.mombasa .go.ke](http://www.mombasa.go.ke) or ifmis portal** free of charge.
 4. A minimum requirement for qualification is to have successfully carried out (*minimum essential experience requirements in accordance with the instructions to candidates*)
- 2.1.1 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 outside County assembly of premises or to be addressed to (*County assembly of Mombasa P.o.Box 90440-80100 Mombasa*) so as to be received on or before (*Monday, 11th July 2016 at 10.00 am*) .
5. 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.

For The Clerk County assembly of Mombasa.

SECTION II - INSTRUCTIONS TO CANDIDATES

Notes on Instructions to Candidates

1. The instructions to candidates should provide the candidates with adequate information to facilitate preparation and submission of a good prequalification application.
2. All the blank spaces should be properly completed by the procuring entity before the prequalification document is given to the candidates.
3. The note accompanying the clauses in this part is not part of the text. They are meant to assist the procuring entity when preparing the prequalification document. The notes should not be incorporated in the actual prequalification documents.
4. Where in the text alternative clauses are shown, the procuring entity should select those suitable for the particular contract and discard the alternative text that will not apply. This should also be clarified in the appendix to instructions to candidates.
5. The instructions to candidates may be amended or supplemented by clauses in the appendix to instructions to candidates.

SECTION II - INSTRUCTIONS TO CANDIDATES

Table of Contents

	Page
2.1 Scope of tender	7
2.2 Submission of Applications	7
2.3 Eligible candidates	8
2.4 Qualification criteria	8
2.5 Joint venture	10
2.6 Public sector companies	11
2.7 Conflict of interest	11
2.8 Updating prequalification information	11
2.9 Preferences	
2.10 General	

SECTION II - INSTRUCTIONS TO CANDIDATES

2.1 Scope of Tender

- 2.1.2 The County assembly of Mombasa hereinafter referred to as the procuring entity intends to prequalify suppliers for the following supply and Delivery of office stationery. It is expected that prequalification applications will be submitted to be received by the procuring entity not later than (*Monday, 11th July 2016 at 10.00 am*) .
- 2.1.3 Prequalification is open to eligible firms and voluntarily formed joint ventures as indicated in appendix to instructions to candidates.
- 2.1.4 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 date) 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 outside the county assembly premises or be addressed to County assembly of Mombasa P.o.Box 90440-80100 Mombasa so as to be received on or before(*Monday, 11th July 2016 at 10.00 am*). The procuring entity reserves the right to accept or reject late applications.
- 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 When highly specialized inputs (especially for execution of the contact) 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 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)
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*

2.4.4 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

2.4.5 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.

2.5.1 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 Updating Pre-qualification Information

2.7.1 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

For one to qualify for pre-qualification the following must be meet.

Attach copies of the following documents.

- Valid single business permit
- Valid tax compliance
- P.I.N from K.R.A
- Certificate of incorporation for companies or
- Business registration certificate for individual
- Relevant experience for the open category
- List of key personal for the open category
- List of Equipments either owned or hired for the open category
- Bidder must fill all the required places eg. The letter of Application.
- Provide names of directors, ID, Telephone numbers and their physical addresses.

SECTION III- LETTER OF APPLICATION

Date

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

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. 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*).
- (d) Specify any other documents

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 your selves 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 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

6. 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.
7. 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.
8. 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 the company	For and on behalf of the company

Signed	Signed
Name	Name
For and on behalf of the company	For and on behalf of the company

Signed	Signed
Name	Name
For and on behalf of the company	For and on behalf of the company

SECTION IV - STANDARD FORMS

Table of Contents

Form No.	Name	Page
1.	General information	
2.	General experience record	
2 A	Joint Venture summary	
3.	Particular experience record	
3A	Details of contracts of similar nature and complexity	
4.	Summary sheet current contract commitments/works in progress	
5.	Personnel capabilities	
5A	Candidate summary	
6.	Equipment capability	
7.	Financial capability	
8.	Litigation History	
9.	Request for Review	

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 partner 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. .
- Application Form 4 - Summary sheet. Contract commitments/work in progress
This form is to be completed by all applicants including each member of a joint venture. It shall contain the current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.
- 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 separate form shall be used for each personnel
- Application Form 6 - Equipment Capability
This form is to be completed by all applicants. It should provide adequate information to demonstrate clearly that the applicant has the capability to meet the requirements for each and all items of equipment listed in the instructions to candidates. A separate form shall be prepared for each item of equipment or for alternative equipment proposed by the applicant.
- 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
- Form RB1 - Request for Review
This form is only to be filled by the tenderer when aggrieved by the Procuring Entity and submitted to the Review Board at anytime during the tender process but not later than 14 days after date of notification of award

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/Directors		
	Name	Nationality
1.		
2.		
3.		
4.		
5.		

APPLICATION FORM (4)

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

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

APPLICATION FORM (6)

EQUIPMENT

Provide a list or Evidence of equipments owned or hired by the company

APPLICATION FORM (7)

FINANCIAL CAPABILITY

Name of Applicant

Banker	Name of bank.....
	Brach.....
	Account name.....
	Account number.....
	<hr/>
Address of banker	
.....	
Telephone	Contact name and title
<hr/>	
Fax	E mail

Financial information in Kshs.	Actual :		Projected:	
	previous five years		next two years	
	1.	2.	3.	4.
1. Total assets				
2. Current assets				
3. Total liabilities				
4. Current liabilities				

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

REQUEST FOR REVIEW FORM

FORM RB 1

**REPUBLIC OF KENYA
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

APPLICATION NO.....OF.....20.....

BETWEEN

.....APPLICANT

AND

.....RESPONDENT (*Procuring Entity*)

Request for review of the decision of the..... (*Name of the Procuring Entity*) of
.....dated the...day of20.....in the matter of Tender No.....of
.....20...

REQUEST FOR REVIEW

I/We.....,the above named Applicant(s), of address: Physical
address.....Fax No.....Tel. No.....Email, hereby request the Public
Procurement Administrative Review Board to review the whole/part of the above mentioned
decision on the following grounds , namely:-

- 1.
- 2.
- etc.

By this memorandum, the Applicant requests the Board for order/orders that: -

- 1.
- 2.
- etc

SIGNED(Applicant)

Dated on.....day of/...20...

FOR OFFICIAL USE ONLY

Lodged with the Secretary Public Procurement Administrative Review Board on day of
.....20.....

SIGNED
Board Secretary