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# REPUBLIC OF KENYA



## COUNTY GOVERNMENT OF EMBU

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**Address:** P.O. Box 36-60100 Embu, Location: Embu Town House **Email:**  
info@embu.go.ke

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**PREQUALIFICATION / REGISTRATION OF SUPPLIERS FOR SUPPLY OF  
GOODS, WORKS AND SERVICES FOR THE FINANCIAL YEARS 2022-  
2023/2023-2024  
(INCLUDING AGPO)**

**Category/Contract Name:** SUPPLY AND DELIVERY OF GENERAL HARDWARE,  
PLUMBING, MASONRY AND WELDING MATERIALS.

**Reference No.:** CGE/PREQ/36/2022-2024

**Closing Date:** 26<sup>th</sup> August, 2022

**Closing Time:** 11:00 am

Questions and requests for clarification made in writing or by email shall reach the Procuring Entity not later than 12<sup>th</sup> August, 2022.



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## PREFACE

1. This Standard Pre-qualification Document (SPD) has been prepared by the Public Procurement Regulatory Authority (PPRA) for use by Procuring Entities (PEs) for procurement of specialized, large and complex contracts for Works, Goods, Plant, Equipment under Open Competitive Tendering Method as defined in the Public Procurement and Asset Disposal Act 2015 (the Act)
2. It may also be used by a procuring entity for the purpose of registration of contractors, suppliers. All applicants who pass the pre-qualification criteria set in this document shall be given opportunity to tender. The procedures and practices presented in this SPD reflect the requirements in the said Act and its Regulations. This SPD will be used by Procuring Entities on a mandatory basis whenever a Procuring Entity decides to go for pre-qualification. Lack of its use (whenever a Procuring Entity decides to go for pre-qualification) could be basis for challenging a decision on contract process and award. Procuring Entities and other Users should ensure that they are using the latest version of the SPD, which can be verified with PPRA.
3. The SPD is comprised of the parts indicated on the Table of Contents. Before using this SPD, the User is advised to or should be familiar with the Act and its Regulations and any manuals prepared and issued by PPRA to guide public officials in the conduct of the public procurement process. The document includes a form for invitation for pre-qualification, instructions to applicants and a letter of application with attached forms for applicants to complete.
4. Care should therefore be taken when preparing pre-qualification document for specific cases to ensure that the pre-qualification 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 “Goods” or “Non-Consulting Services” as the case may be and “Contractor” should be replaced with “Supplier” in case of pre-qualification for Supply of Goods or “Service Provider” in case of pre-qualification for provision of Non-Consulting Services as the case may be. Note the Selection of Consultants for Consulting Services is catered for in a separate document the “Standard Request for Proposals for Selection of Consulting Firms”.
5. The following guidelines should be observed when using the Standard Pre-qualification Document. Refer to Appendix to the Preface for more details on Guidelines to the Procuring Entity in preparing the document to be issued to the Applicants.
  - i) The forms will require adaptation to suit the requirement of each proposed procurement.
  - ii) Specific details, such as the names of the procuring entity should be furnished in the spaces indicated in the text.
  - iii) 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.
  - iv) The instructions to applicants should basically remain unchanged. Any necessary amendments to any clause or additions should be made through “Pre-qualification Data Sheets (PDS)”.
6. The notes in the text of the pre-qualification documents are meant to assist the procuring entity in the preparation of the document. They are not part of the pre-qualification document and should therefore be deleted as the document is prepared. The document to applicants should not contain pages on Cover and Preface of this document. Refer to Appendix to the Preface for more details on how to prepare the document to be sent to Applicants.
7. The Public Procurement Regulatory Authority welcomes any comments from the Users of this SPD which will assist in revising (if need be) and improving the structure and contents of the SPD.

**County Secretary**  
**County Government of Embu**



## APPENDIX TO THE PREFACE

### GUIDELINES FOR PREPARING TENDER DOCUMENTS

#### **PART 1- APPLICATION PROCEDURES**

##### **1. General**

- 1.1 Page 1 (The Heading of the Document), the Preface and its Appendices (if any) shall not be included in the Document to be issued to Applicants. The Document to be issued to Applicants shall start with the page titled “This Page, NAME, LOGO AND ADDRESS OF THE PROCURING ENTITY, NAME AND IDENTIFICATION OF TENDER”, including all the other material on the page completed appropriately.
- 1.2 If in the course of preparing a Prequalification Document or evaluating the applications following the criteria in the Standard Prequalification Document, a Procuring Entity finds a provision it does not understand or agree with, it shall contact PPRA for clarifications before it changes anything, otherwise it will be considered as violation of the procurement rules.
- 1.3 The Procuring Entity should confirm that the goods, works or services to be procured is in its Procurement Plan and budgeted for. It should also confirm the estimated cost of the contract, including the estimated time for executing the contract. The cost estimate helps the Procuring Entity determine the applicable procurement method to be used and the determination if the contract should be subject to prequalification. Prior to finalizing the Prequalification Document, it is advisable for the Procuring Entity to recheck these estimates.
- 1.4 The estimates must be prepared by an expert in the field of the subject contract i.e. by Engineers, IT Specialists, Procurement Specialists, and/or other experts depending on the items to be procured. The Estimates should be based on current market prices or on data collected by the Procuring Entity based on past (*but not historic*) contracts.
- 1.5 The purpose of the estimates is to enable the Procuring Entity determine amounts of money to be inserted in the Tender Document for: -
  - a The minimum amount of money required for the applicant to demonstrate that the applicant has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the contract execution cash flow requirements, net of the Tenderer's other commitments. *Usually the assets should be about 2-3 months cash flow requirements based on the estimated completion time.*
  - b The minimum amount of money required as an average annual turnover for the applicant to demonstrate that the applicant is a prime contractor, supplier, manufacturer or service provider. *Usually the minimum amount of money is about 2.50 times the estimated cost of the contract(s).*
  - c The amount of money required to determine specific experience of the applicant based on the minimum size of contract(s) substantially completed and that are similar to the proposed contract. *Normally the minimum amount of money required is about 80% of the estimated cost of the contract.*
- 1.6 During preparation of the prequalification document, the Procuring Entity should specify whether to allow the following:
  - a International Tender,
  - b Reservations

##### **2.1 Section I - Instructions to Applicants (ITA)**

This Section provides relevant information to help applicants prepare their applications. Information is also provided on the submission, opening, and evaluation of applicants and on the eligibility and qualification of applicants. This should not be modified by the Procuring Entity or by an Applicant.

##### **2.2 Section II - Prequalification Data Sheet (PDS)**

This Section includes provisions that are specific to each procurement that supplement Section I, Instructions to Applicants. The Section shall be completed appropriately by the Procuring Entity and not by an Applicant. In any case, the Procuring Entity shall not add any item in the PDS not included in the Standard Prequalification Document.



## **2.3 Section III- Qualification Criteria and Requirements**

2.3.1 This section contains the methods, criteria, and requirements that the Procuring Entity shall use to evaluate the Applications. The Form “Eligibility and Qualification Criteria” shall be prepared taking into account the guidelines provided in Section III regarding multiple contracts. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the Form. If the prequalification is for Supply of Goods or for Non-Consulting Services, this Form shall be modified by the Procuring Entity to reflect requirements for qualification for Supply of Goods or for Non-Consulting Services, instead of for Works contracts. No other criterion shall be added by the Procuring Entity.

2.3.2 The Procuring Entity shall prepare one Form for each Lot or Contract in case of multiple contracts.

## **2.4 Section IV–Application Forms**

This Section includes all the forms to be prepared by the Procuring Entity, to be completed by the Applicant and submitted to the Procuring Entity as part of the application. Each form shall be headed appropriately to indicate if the application is for **Works, Goods or Non-Consulting Services**. These forms shall not be modified by the Applicant.

## **3. PART 2 – SCOPE WORKS, GOODS OR NON-CONSULTING SERVICES REQUIREMENTS**

### **3.1 Section V – Scope Works, Goods or Non-Consulting Services Requirements**

This Section contains the details, descriptions of and supplementary information on Works, Goods or Non-Consulting Services to be tendered for. The details are provided by the Procuring Entity in sufficient detail to enable an applicant understand clearly the scope of the follow-up tender and enable him/her apply to be qualified.



# REPUBLIC OF KENYA



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### INVITATION FOR PRE-QUALIFICATION/ REGISTRATION OF SUPPLIERS DOCUMENT FOR WORKS/ GOODS/SERVICES CONTRACTS

**BIDDERS NAME:**.....

**CATEGORY CONTRACT NAME:**.....

**REFERENCE NUMBER:**.....

**JULY 2022**

## INVITATION TO APPLY FOR PREQUALIFICATION/REGISTRATION OF SUPPLIERS

**Invitation Date: 3<sup>rd</sup> August, 2022**

Name of Category/Contract: \_\_\_\_\_

Reference No: \_\_\_\_\_

1. The **COUNTY GOVERNMENT OF EMBU** intends to prequalify contractors/Suppliers/Service Providers as per the cover Page Details. \_\_\_\_\_
2. It is expected that the Invitation to Tender will be made in **FYs 2022 - 2024** Tendering will be conducted through **APPROPRIATE TENDERING METHODS** using a standardized tender document and will be open to all applicants who prequalify/registered.
3. Qualified and interested applicants may obtain further information and inspect the Prequalification Document during office hours **8.00 am – 5.00pm (Monday-Friday)** at the office of the Director - Supply Chain Management Offices within County Government of Embu HQs.
4. A complete set of Prequalification/Registration Document in English will be obtained by interested applicants electronically free of charge from the Websites; [www.embu.go.ke](http://www.embu.go.ke) or [www.tenders.go.ke](http://www.tenders.go.ke)
5. Prequalification Document may be viewed and downloaded for free from the websites; [www.embu.go.ke](http://www.embu.go.ke) or [www.tenders.go.ke](http://www.tenders.go.ke) Applicants who download the Prequalification Document **MUST** forward their particulars immediately through a link provided in the websites; [www.embu.go.ke](http://www.embu.go.ke) or [www.tenders.go.ke](http://www.tenders.go.ke)
6. Applications for prequalification should be submitted by hand/courier delivery at the Tender Box located at Embu County HQs, with clearly marked envelopes with Name of Category/Contract and Reference Number by **the closure date and time indicated on the cover Page.**
7. Late applications are liable to be rejected.
8. Address where to submit Applications:

### COUNTY GOVERNMENT OF EMBU HQs

Located along Embu – Meru Highway opposite Huduma Centre/Posta.

Mobile: +254 771 204 003/+254 703 192 924 Tel: +254 68 30686/30656

Address: P.O. Box 36-60100 Embu, Location: Embu Town House

**NOTE: Due diligence shall be carried out on all information provided.**

**All interested bidders are required to continually check the Embu County website [www.embu.go.ke](http://www.embu.go.ke) for any tender addendums or clarification that may arise before submission date**

**Director Supply Chain Management**

For **COUNTY SECRETARY**





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# **PART 1 - APPLICATION PROCEDURES**

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## SECTION I - INSTRUCTIONS TO APPLICANTS (ITA)

### A. General

#### 1. Scope of Application

1.1 The name of the Procuring Entity inviting for applications is defined in the **PDS**. The particular type of contract (works, goods or Non-Consulting Services required) and its name and description of the contract(s) and its reference number are defined in the **PDS**. If the scope of contract so defined is in multiple contracts, it will be specified in the **PDS** if prequalification will be based on individual contracts or multiple contracts. The Full scope of Works or Goods or Non-Consulting Services are described in Section V (Scope of Works or goods contract).

2 **Source of Funds** to be specified in the PDS, if deemed necessary.

#### 3. Fraud and Corruption

3.1 The Government of Kenya requires compliance with its Anti-Corruption laws and its prevailing sanctions policies and procedures.

3.2 In further pursuance of this policy, Applicants shall permit and shall cause their agents (where declared or not), subcontractors, sub consultants, service providers, suppliers, and their personnel, to permit the Public Procurement Regulatory Authority (PPRA) to inspect all accounts, records and other documents relating to any initial selection process, prequalification process, tender submission (in case prequalified), proposal submission, and contract performance (in the case of award), and to have them audited by auditors appointed by the PPRA.

#### 4. Collusive practices

4.1 The Procuring Entity requires compliance with the provisions of the Competition Act 2010, regarding collusive practices in contracting. Any applicant found to have engaged in collusive conduct shall be disqualified and criminal and/or civil sanctions may be imposed. To this effect, applicants shall be required to complete and sign a Certificate of Independent Tender Determination" annexed to the Form of applicant.

#### 5. Eligible Applicants

5.1 Applicants shall meet the eligibility criteria as per this ITA and ITA 5.1 and 5.2. An Applicant may be a firm that is a private entity, a state-owned enterprise or institution subject to ITA 5.9 or any combination of such entities in the form of a joint venture ("JV") under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, tendering (in the event the JV submits a Tender) and during contract execution (in the event the JV is awarded the Contract). Members of a joint venture may not also make an individual tender, be a subcontractor in a separate tender or be part of another joint venture for the purposes of the same Tender. The maximum number of JV members shall be specified in the PDS.

5.2 Public Officers of the Procuring Entity, their Spouses, Child, Parent, Brothers or Sister. Child, Parent, Brother or Sister of a Spouse, their business associates or agents and firms/organizations in which they have a substantial or controlling interest shall not be eligible to be prequalified. Public Officers with such relatives are also not allowed to participate in any procurement proceedings.

5.3 A firm may apply for prequalification both individually, and as part of a joint venture, or participate as a subcontractor. If prequalified, it will not be permitted to tender for the same contract both as an individual firm and as a part of the joint venture or as a subcontractor. However, a firm may participate as a subcontractor in more than one Tender, but only in that capacity. Tenders submitted in violation of this procedure will be rejected.

5.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, only one prequalified Applicant will be allowed to tender for the. All Tenders submitted in violation of this procedure will be rejected.

5.5 An Applicant may have the nationality of any country, subject to the restrictions pursuant to ITA 5.1 and 5.2. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated

or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. sub-contractors or suppliers for any part of the Contract including related Non-Consulting Services.

- 5.6 Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Procuring Entity as Engineer for contract implementation of the contract(s) that are the subject of this prequalification. In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff of the Procuring Entity who:
- a are directly or indirectly involved in the preparation of the prequalification Document or Invitation to Tender (ITT), Document or specifications of the Contract, and/or the Tender evaluation process of such Contract; or
  - b would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to the Procuring Entity throughout the prequalification, ITT process and execution of the Contract.
- 5.7 An Applicant that has been debarred shall be ineligible to be initially selected for, prequalified for, tender for, propose for, or be awarded a contract during such period of time as the PPRA shall have determined. The list of debarred firms and individuals is available at [www.ppra.go.ke](http://www.ppra.go.ke)
- 5.8 Applicants that are state-owned enterprise or institutions in Kenya may be eligible to prequalify, compete and be awarded a Contract(s) only if they can establish, in a manner accept able to the Procuring Entity, that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not under supervision of any public entity.
- 5.9 An Applicant shall not be under sanction of debarment from Tendering by the PPRA as the result of the execution of a Tender/Proposal–Securing Declaration.
- 5.10 An Applicant that is a Kenyan firm or citizen shall provide evidence of having fulfilled his/her tax obligations by producing a current tax clearance certificate or tax exemption certificate issued by the Kenya Revenue Authority.
- 5.11 An Applicant shall provide any other such documentary evidence of eligibility satisfactory to the Procuring Entity, as the Procuring Entity shall reasonably request.

## **6 Eligibility**

- 6.1 Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated herein. The countries, persons or entities are in eligible if:
- a. As a matter of law or official regulations, Kenya prohibits commercial relations with that country, or
  - b. By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, Kenya prohibits any import of goods or contracting of works or Non- Consulting Services from that country, or any payments to any country, person, or entity in that country.
- 6.2 When the Works, supply of Goods or provision of non-consulting services are implemented a cross jurisdictional boundary (and more than one country is a Procuring Entity, and is involved in the procurement), then exclusion of a firm or individual on the basis of ITA 5.1 (a) above by any country may be applied to that procurement a cross other countries involved, if the Procuring Entities involved in the procurement so agree.
- 6.3 Any goods, works and production processes with characteristics that have been declared by the relevant national environmental protection agency or by other competent authority as harmful to human beings and to the environment shall not be eligible for procurement.

## **B. Contents of the Prequalification Documents**

### **7 Sections of Prequalification Document**

- 7.1 This Prequalification Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with IT A8.



## **PART 1 - Prequalification Procedures**

- i) Section I- Instructions to Applicants (ITA)
- ii) Section II - Prequalification Data Sheet (PDS)
- iii) Section III - Qualification Criteria and Requirements
- iv) Section IV- Application Forms

## **PART 2 - Works, Goods, or Non-Consulting Services Requirements**

- i) Section VII- Scope of Works, Goods, or Non-Consulting Services

7.2 Unless obtained directly from the Procuring Entity, the Procuring Entity accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Prequalification Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Procuring Entity shall prevail.

7.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its Application all information or documentation as is required by the Prequalification Document.

## **8 Clarification of Prequalification Documents, site visit(s) and Pre-Application Meeting**

8.1 An Applicant requiring any clarification of the Prequalification Document shall contact the Procuring Entity in writing at the Procuring Entity's address indicated in the **PDS**. The Procuring Entity will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. The Procuring Entity shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Document directly from the Procuring Entity, including a description of the inquiry but without identifying its source. If so indicated in the **PDS**, the Procuring Entity shall also promptly publish its response at the webpage identified in the **PDS**. Should the Procuring Entity deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 8. And in accordance with the provisions of ITA 17.2.

8.2 The Applicant, at the Applicant's own responsibility and risk, is encouraged to visit and examine and inspect the Site of the required contracts and obtain all information that may be necessary for preparing the application. The costs of visiting the Site shall be at the Applicant's own expense. The Procuring Entity shall specify in the **PDS** if a pre-application meeting will be held, when and where. The Procuring Entity shall also specify in the **PDS** if a pre-arranged Site visit will be held and when. The Applicant's designated representative is invited to attend a pre- application meeting and a pre-arranged site visit. The purpose of the meetings will be to clarify issues and to answer questions on any matter that may be raised at that stage.

8.3 The Applicant is requested to submit any questions in writing, to reach the Procuring Entity not later than the period specified in the **PDS** before the submission date of applications.

8.4 Minutes of a pre-arranged site visit and those of the pre-application meeting, if applicable, including the text of the questions asked by Applicants and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all Applicants who have acquired the prequalification documents. Minutes shall not identify the source of the questions asked.

8.5 The Procuring Entity shall also promptly publish anonymized (*no names*) Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page identified **in the PDS**. Any modification to the Prequalification Documents that may become necessary as a result of the pre-arranged site visit and those of the pre-application meeting shall be made by the Procuring Entity exclusively through the issue of an Addendum pursuant to PDS 8 and not through the minutes of the pre-application meeting. Non-attendance at the pre-arranged site visit and the pre-tender meeting will not be a cause for disqualification of a Tenderer.

## **9 Amendment of Prequalification Document**

9.1 At any time prior to the deadline for submission of Applications, the Procuring Entity may amend the Prequalification Document by issuing an Addendum.

9.2 Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all Applicants who have obtained the Prequalification Document from the Procuring Entity. The Procuring Entity shall promptly publish the Addendum at the Procuring Entity's webpage identified in the PDS.



9.3 To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the Procuring Entity may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

## **C. Preparation of Applications**

### **10 Cost of Applications**

10.1 The Applicant shall bear all costs associated with the preparation and submission of its Application. The Procuring Entity will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.

### **11 Language of Application**

11.1 The Application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Procuring Entity, shall be written in English Language. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the English language, in which case, for purposes of interpretation of the Application, the translation shall govern.

### **12 Documents Comprising the Application**

12.1 The Application shall comprise the following:

- a. Application Submission Letter, in accordance with ITA 13.1;
- b. Eligibility: documentary evidence establishing the Applicant's eligibility, in accordance with ITA 14.1;
- c. Qualifications: documentary evidence establishing the Applicant's qualifications, in accordance with ITA 15; and
- d. Any other document required as specified in the PDS.

12.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.

### **13 Application Submission Letter**

13.1 The Applicant shall complete an Application Submission Letter as provided in Section IV (Application Forms). This Letter must be completed without any alteration to its format.

### **14 Documents Establishing the Eligibility of the Applicant**

14.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete the eligibility declarations in the Application Submission Letter and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV (Application Forms).

### **15 Documents Establishing the Qualifications of the Applicant**

15.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV (Application Forms).

15.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the Kenya Shilling equivalent using the rate of exchange determined as follows:

- a For construction turnover or financial data required for each Year-Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted).
- b Value of single Contract-Exchange rate prevailing on the date of the contract.

15.3 Exchange rates shall be taken from the publicly available source identified in the PDS. Any error in determining the exchange rates in the Application may be corrected by the Procuring Entity.

15.4 Applicants shall be asked to provide, as part of the data for qualification, such information, including details of ownership, as shall be required to determine whether, according to the classification established by the Procuring Entity, a particular contractor or group of contractors qualifies for a margin of preference. Further the information will enable the Procuring Entity identify any actual or potential conflict of interest in relation to the





procurement and/or contract management processes, or a possibility of collusion between Applicants, and thereby help to prevent any corrupt influence in relation to the procurement processor contract management.

- 15.5 The purpose of the information described in ITT 6.2 above overrides any claims to confidentiality which an Applicant may have. There can be no circumstances in which it would be justified for an Applicant to keep information relating to its ownership and control confidential where it is tendering to undertake public sector work and receive public sector funds. Thus, confidentiality will not be accepted by the Procuring Entity as a justification for an Applicant's failure to disclose, or failure to provide required information on its ownership and control.
- 15.6 The Applicant shall provide further documentary proof, information or authorizations that the Procuring Entity may request in relation to ownership and control which information on any changes to the information which was provided by the Applicant under ITT 6.3. The obligations to require this information shall continue for the duration of the procurement process and contract performance and after completion of the contract, if any change to the information previously provided may reveal a conflict of interest in relation to the award or management of the contract.
- 15.7 All information provided by the Applicant pursuant to these requirements must be complete, current and accurate as at the date of provision to the Procuring Entity. In submitting the information required pursuant to these requirements, the Applicant shall warrant that the information submitted is complete, current and accurate as at the date of submission to the Procuring Entity.
- 15.8 If an Applicant fails to submit the information required by these requirements, its application will be rejected. Similarly, if the Procuring Entity is unable, after taking reasonable steps, to verify to a reasonable degree the information submitted by an Applicant pursuant to these requirements, then the application will be rejected.
- 15.9 If information submitted by an Applicant pursuant to these requirements, or obtained by the Procuring Entity (whether through its own enquiries, through notification by the public or otherwise), shows any conflict of interest which could materially and improperly benefit the Applicant in relation to the procurement or contract management process, then:
- If the procurement process is still ongoing, the Applicant will be disqualified from the procurement process,
  - If the contract has been awarded to that Applicant, the contract award will be set aside,
- 15.10 the Applicant will be referred to the relevant law enforcement authorities for investigation of whether the Applicant or any other persons have committed any criminal offence.
- 15.11 If an Applicant submits information pursuant to these requirements that is incomplete, inaccurate or out-of-date, or attempts to obstruct the verification process, then the consequences ITT 6.7 will ensue unless the Applicant can show to the reasonable satisfaction of the Procuring Entity that any such act was not material, or was due to genuine error which was not attributable to the intentional act, negligence or recklessness of the Applicant.

## **16 Signing of the Application and Number of Copies**

- 16.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.
- 16.2 The Applicant shall submit copies of the signed original Application, in the number specified in the PDS, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

## **D. Submission of Applications**

### **17 Sealing and Marking of Applications**

- 17.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:
- Bear the name and address of the Applicant;
  - Be addressed to the Procuring Entity, in accordance with ITA 17.1; and
  - Bear the specific identification of this prequalification process indicated in the PDS 1.1.
- 17.2 The Procuring Entity will accept no responsibility for not processing any envelope that was not identified as



required in ITA 16.1 above.

## **18 Deadline for Submission of Applications**

- 18.1** Applicants may either submit their Applications by mail or by hand. Applications shall be received by the Procuring Entity at the address and no later than the deadline indicated in the PDS. When so specified in the PDS, Applicants have the option of submitting their Applications electronically, in accordance with electronic Application submission procedures specified in the **PDS**.
- 18.2** The Procuring Entity may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification Document in accordance with ITA 8, in which case all rights and obligations of the Procuring Entity and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

## **19 Late Applications**

- 19.1** The Procuring Entity reserves the right to accept applications received after the deadline for submission of applications, unless otherwise specified in the **PDS**. If late applications will be accepted, they must be received not later than the date specified in the **TDS** after the deadline for submission of applications.

## **20. Opening of Applications**

- 20.1** The Procuring Entity shall open all Applications at the date, time and place specified in the **PDS**. Late Applications shall be treated in accordance with ITA 19.1.
- 20.2** Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the **PDS**.
- 20.2** The Procuring Entity shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.

## **E. Procedures for Evaluation of Applications**

### **21 Confidentiality**

- 21.1** Information relating to the Applications, their evaluation and results of the prequalification shall not be disclosed to Applicants or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 28.
- 21.2** From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Procuring Entity on any matter related to the prequalification process may do so only in writing.

### **22 Clarification of Applications**

- 22.1** To assist in the evaluation of Applications, the Procuring Entity may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Procuring Entity and all clarifications from the Applicant shall be in writing.
- 22.1** If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Procuring Entity's request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

### **23 Responsiveness of Applications**

- 23.1** The Procuring Entity may reject any Application which is not responsive to the requirements of the Prequalification Document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 21.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant.

### **24 Margin of Preference**

- 24.1** Unless otherwise specified in the **PDS**, a margin of preference shall not apply in the Tendering process resulting



from this prequalification.

## **25 Nominated Subcontractors**

- 25.1 Unless otherwise stated in the PDS, the Procuring Entity does not intend to execute any specific elements of the works by sub-contractors selected in advance by the Procuring Entity (so-called “Nominated Subcontractors”).
- 25.2 The Applicant shall not propose to subcontract the whole of the Works or Goods. The maximum limit of subcontracting permitted under the contract may be specified by the Procuring Entity in the Tendering Document. The Procuring Entity, in ITA 25.2, may permit the Applicant to propose subcontractors for certain specialized parts of the contract as indicated there in as (“Specialized Subcontractors”). Applicants planning to use such Specialized Subcontractors shall specify, in the Application Submission Letter, the activity(ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

## **F. Evaluation of Applications and Prequalification of Applicants**

### **26 Evaluation of Applications**

- 26.1 The Procuring Entity shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The Procuring Entity reserves the right to waive min or deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.
- 26.2 Subcontractors proposed by the Applicant shall be fully qualified and meet the minimum specific experience criteria as specified for their parts of the proposed contract for Works or Goods or non-consulting services. The subcontractor's qualifications shall not be used by the Applicant to qualify for the Works or Goods or non-consulting services unless their parts of the Works or Goods or non-consulting services were previously designated by the Procuring Entity in the PDS as can be met by Specialized Subcontractors, in which case:
- i) The Specialized Subcontractors shall meet the minimum qualification requirements specified in Section III, and
  - ii) the qualifications with respect to specific experience of the Specialized Subcontractor proposed by the Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation. Unless the Applicant has been determined prequalified on its own without taking into account the qualification and experience of the proposed specialized sub-contractor, the tender submitted by the Applicant shall include the same specialized sub-contractor failing which, such tender may be rejected unless a change in the specialized sub-contractor was requested by the Applicant and approved by the Procuring Entity subsequent to prequalification but before the tender submission deadline in accordance with ITA 30.
- 26.3 In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Procuring Entity shall prequalify each Applicant for each lot and for a combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements the Eligibility and Qualification Criteria.
- 26.4 Further, in the case of multiple contracts, the Procuring Entity will prepare the Eligibility and Qualification Criteria Form for items 3.1, 3.2, 4.2(a) and 4.2(b) for each Lot, to be completed by applicants.
- 26.5 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant's subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Applicant shall not be considered.

### **27 Procuring Entity's Right to Accept or Reject Applications**

- 27.1 The Procuring Entity reserves the right to accept or reject any Application, and to annul the prequalification process and reject all Applications at any time, without thereby incurring any liability to the Applicants.

### **28 Prequalification of Applicants**

- 28.1 All Applicants whose Applications substantially meet or exceed the specified qualification requirements will





be prequalified by the Procuring Entity. The Procuring Entity shall notify all Applicants in writing of the names of those Applicants who have been prequalified or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately.

28.32 Applicants that have not been prequalified may write to the Procuring Entity to request, in writing, the grounds on which they were disqualified.

## **28 Invitation to Tender**

29.1 Promptly after the notification of the results of the prequalification, the Procuring Entity shall invite Tenders from all the Applicants that have been prequalified or conditionally prequalified.

28.2 Applicants may be required to provide a Tender Security or a Tender-Securing Declaration acceptable to the Procuring Entity in the form and an amount to be specified in the tendering document.

28.3 The successful Applicant shall be required to provide a Performance Security as specified in the tendering document.

## **29 Changes in Qualifications of Applicants**

30.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to tender (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor whose qualifications were considered to prequalify the Applicant) shall be subject to the written approval of the Procuring Entity prior to the deadline for submission of Tenders. Such approval shall be denied if (i) a prequalified applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III (Qualification Criteria and Requirements); or (iii) in the opinion of the Procuring Entity, the change may result in a substantial reduction in competition. Any such change should be submitted to the Procuring Entity not later than fourteen (14) days after the date of the Invitation to Tender.

## **31 Procurement Related Complaints and Administrative Review**

31.1 The procedures for making a Procurement-related Complaint are as specified in the PDS.

31.2 A request for administrative review shall be made in the form provided.



**SECTION II - PREQUALIFICATION DATA SHEET (PDS)**

<b>Reference to ITC Clause</b>	<b>PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS</b>
<b>A. General</b>	
ITA 1.1	<p>The Procuring Entity is <b>COUNTY GOVERNMENT OF EMBU</b></p> <p>The identification of the Invitation for Prequalification is as outlined on the cover Page.</p> <p>The particular type of contract is on <b>GOODS, SERVICES &amp; WORKS</b></p>

<b>SUPPLY OF GOODS</b>		
<b>ITEM CODE</b>	<b>DESCRIPTION</b>	<b>Eligibility/ Contract Type</b>
CGE/PREQ/1/2022-2024	Supply and delivery of office stationery	AGPO (Youth) Framework
CGE/PREQ/2/2022-2024	Supply and delivery of office furniture and machines, computers, laptops, ups, printers, photocopiers, scanners and their accessories.	Open
CGE/PREQ/3/2022-2024	Supply and delivery of newspapers magazines and periodicals	Open
CGE/PREQ/4/2022-2024	Supply and delivery of cleaning materials and detergents	Framework
CGE/PREQ/5/2022-2024	Supply and delivery of kitchenware and cutlery	Open
CGE/PREQ/6/2022-2024	Supply and delivery of linen and beddings	Open
CGE/PREQ/7/2022-2024	Supply and delivery of laboratory items and reagents	Framework
CGE/PREQ/8/2022-2024	Supply and delivery of pharmaceuticals - drugs and medical supplies	Open
CGE/PREQ/9/2022-2024	Supply and delivery of Dental & Optical Materials	Open
CGE/PREQ/10/2022-2024	Supply and delivery of Radiology items	Open
CGE/PREQ/11/2022-2024	Supply and delivery of non-pharmaceuticals	Framework
CGE/PREQ/12/2022-2024	Supply and delivery of fuel - diesel, petrol, lubricants and petroleum products including LPG	Framework
CGE/PREQ/13/2022-2024	Supply and delivery of food stuffs and related ingredients (non-perishable)	Framework
CGE/PREQ/14/2022-2024	Supply and delivery of food stuffs and related ingredients (perishable)	Framework
CGE/PREQ/15/2022-2024	Supply and delivery of ICU, Renal Consumables and mortuary chemicals	Framework
CGE/PREQ/16/2022-2024	Supply and delivery of timber, firewood and charcoal	Open
CGE/PREQ/17/2022-2024	Supply and delivery of medical, chemical and industrial gases	Open
CGE/PREQ/18/2022-2024	Provision of airtime and scratch cards	AGPO Youth
CGE/PREQ/19/2022-2024	Supply and delivery of veterinary drugs.	Open
CGE/PREQ/20/2022-2024	Supply of fishnets, fish packaging polythene rolls, pond liners hormone and fingerlings	Open
CGE/PREQ/21/2022-2024	Supply and delivery Motor Vehicle Tyres & Tubes, Batteries and accessories	Open
CGE/PREQ/22/2022-2024	Supply and delivery of staff uniforms, field wear, protective gears and promotional materials	AGPO

CGE/PREQ/23/2022-2024	Supply and delivery of printed accountable documents	Open
CGE/PREQ/24/2022-2024	Supply and delivery of household sanitary items (including kitchen appliances)	Open
CGE/PREQ/25/2022-2024	Supply and delivery of firefighting and safety equipment accessories	Open
CGE/PREQ/26/2022-2024	Supply and delivery of audio and videography equipment and other accessories	Open
CGE/PREQ/27/2022-2024	Supply and delivery of tree seedlings, dry manure, polytubes and polythene bags	AGPO (PWD)
CGE/PREQ/28/2022-2024	Supply and delivery of garments and garment making machines, hair & beauty, weight & measures tools, equipment & items.	Open
CGE/PREQ/29/2022-2024	Supply and delivery of agriculture tools and equipment, livestock, birds, fish, fertilizers, seeds, pesticides & herbicides	Open
CGE/PREQ/30/2022-2024	Supply of sports equipment and uniforms and equipment for youth polytechnics	AGPO (Youth)
CGE/PREQ/31/2022-2024	Supply And Delivery/ Installation of General Medical, Laboratory and Dental Equipment, Medical Devices, Implants.	Open
CGE/PREQ/32/2022-2024	Supply and Delivery of Land Surveying Equipment	Open
CGE/PREQ/33/2022-2024	Supply and Delivery of Electrical Equipment and Fittings	Open
CGE/PREQ/34/2022-2024	Supply And Delivery of Tents and Chairs and Assorted Goods	AGPO (PWD)
CGE/PREQ/35/2022-2024	Supply And Delivery of Water Pipes, Fittings, Water Meters and Plastic Water Tanks	Open
CGE/PREQ/36/2022-2024	Supply and Delivery of General hardware, plumbing, masonry and welding materials.	Open

### PROVISION OF SERVICES

ITEM CODE	DESCRIPTION	Eligibility/ Contract Type
CGE/PREQ/37/2022-2024	Legal Services	Open
CGE/PREQ/38/2022-2024	Cleaning and Laundry Services	AGPO (Youth)
CGE/PREQ/39/2022-2024	Security Services	Open
CGE/PREQ/40/2022-2024	Towing Services	Open
CGE/PREQ/41/2022-2024	Training Services	Open
CGE/PREQ/42/2022-2024	Research Consultancy Services including EIA	Open
CGE/PREQ/43/2022-2024	Medical Cover	Open
CGE/PREQ/44/2022-2024	Insurance Services	Open
CGE/PREQ/45/2022-2024	Catering Services and Provision of Hotel Conference Facility.	Open
CGE/PREQ/46/2022-2024	Air Travel agency services (IATA/KATA Registered firms only)	Open
CGE/PREQ/47/2022-2024	Computing Services – Networks maintenance, Cable management, Servicing and maintenance of Computers, Servers, Printers, Copiers, Telecommunications Equipment etc. and General Repair of Office Electronics.	Open
CGE/PREQ/48/2022-2024	General Events Management Services, Photography, Video and Public Address System Services.	AGPO (Youth)



CGE/PREQ/49/2022-2024	Fumigation, Pesticides and Pest Control Services	Open
CGE/PREQ/50/2022-2024	Servicing, Repair and Maintenance of General Medical, Laboratory and Dental Equipment.	Open
CGE/PREQ/51/2022-2024	Landscaping And Beautification Services	Open
CGE/PREQ/52/2022-2024	Hire of transport, heavy machinery and equipment.	Open
CGE/PREQ/53/2022-2024	Repair and Servicing Of Motor Vehicles, Graders, Tractors, Plant and Equipment	
CGE/PREQ/54/2022-2024	Printing And Publishing Services	AGPO
CGE/PREQ/55/2022-2024	Valuation Services	Open
CGE/PREQ/56/2022-2024	Auction and Debt Collection Services	Open
CGE/PREQ/57/2022-2024	Land Surveying and Other Related Services	Open
CGE/PREQ/58/2022-2024	Garbage Collection Services	
CGE/PREQ/59/2022-2024	Broadcasting, Communication and Public Relations Services, Branding and Publicity	Open
CGE/PREQ/60/2022-2024	Repair and Maintenance of Electrical Equipment and installations	Open

<b>WORKS</b>		
<b>ITEM CODE</b>	<b>DESCRIPTION</b>	<b>Eligibility/ Contract Type</b>
CGE/PREQ/61/2022-2024	Installation, commissioning and testing of Networks and other ICT Related works.	Open
CGE/PREQ/62/2022-2024	Installation, commissioning and testing of CCTV and other security equipment.	Open
CGE/PREQ/63/2022-2024	Electrical Works – Installation of Floodlights, Street lights, wiring etc	Open
CGE/PREQ/64/2022-2024	Water Works – Construction Of Earth Dams, Intakes, Pipelines, Dams, Reservoirs, Water Tanks, Repairs and Rehabilitation of Ponds, Canals, Dykes and Water Treatment Services, Drilling and Equipping Boreholes, Shallow Wells, Construction of Earth dams, Irrigation, Sewerage Works, and Plumbing Works.	Open
CGE/PREQ/65/2022-2024	Building Works – Constructions, Repairs and Renovations of GOK Buildings.	Open
CGE/PREQ/66/2022-2024	ROAD WORKS – Rehabilitation, Repair and Routine Maintenance, Road marking, Bush clearing, Construction of Culverts and Bridges.	Open
<b>**Prequalification/Registration will be based on individual Contracts**</b>		



**REGISTRATION OF SPECIAL GROUPS**

Special Groups (AGPO) are required to submit their Details (in the form Below) for Registration. They are not required to fill the entire prequalification Document unless when applying for specific categories.

Nb – Other than being prequalified for specific categories, the AGPO groups can still apply for prequalification/registration in any other category. The Special Groups will enjoy special considerations in awarding of tenders. (To be stated)

I.....[Company Name] of P.O  
Box.....Apply to be listed under SPECIAL GROUPS CATEGORY  
of.....[Youth/Women/PWD]

My details are as follows:

Company Name.....  
AGPO Certificate No.....  
Address.....  
Phone.....  
Email.....

I have attached copies of the following Documents:

- a. Company Registration/Business Name
- b. Valid AGPO certificate
- c. Tax Compliance Certificate/Exception.

Signed By.....[Director`s Name]

Date.....

Stamp.....

**\*\*This form (*Listing Of Special Groups*) can be filled and submitted any time at the COUNTY GOVERNMENT OF EMBU PROCUREMENT OFFICES during working hours\*\***

ITA 2	The Source of funds shall be either by the exchequer, Grants or own revenue
ITA 5.2	Maximum number of members in the JV shall be as per the Bidder's agreement
<b>B. Contents of the Prequalification Document</b>	
ITA 8.1	For clarification purposes, the Procuring Entity's address is: <b>Mobile:</b> +254 771 204 003/+254 703 192 924 <b>Tel:</b> +254 68 30686/30656 <b>Address:</b> P.O. Box 36-60100 Embu, Location: Embu Town House <b>Email:</b> info@embu.go.ke <b>Website:</b> <a href="http://www.embu.go.ke">www.embu.go.ke</a> Attention: <i>Director – Supply Chain Management Services</i>
ITA 8.2	A pre-application meeting will NOT be held. A pre-arranged Site visit will NOT be held.
ITA 8.3	Questions and requests for clarification made in writing shall reach the Procuring Entity not later than indicated on the cover Page.
ITA 8.5	No Minutes of the pre-arranged site visit and those of the pre-proposal meeting
ITT 9.2	Addendum issued shall be published at the websites; <a href="http://www.embu.go.ke">www.embu.go.ke</a> or <a href="http://www.tenders.go.ke">www.tenders.go.ke</a>



Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
<b>A. General</b>	
ITA 8.2	Pre-Application Meeting will NOT be held.
<b>C. Preparation of Applications</b>	
ITA 12.1 (d)	The Applicant shall submit with its Application, the Copies of the following <b>CERTIFIED, DATED &amp; SIGNED</b> additional documents <i>which are Mandatory Requirements for Pre-qualification/Registration</i> : a) <i>Valid current year Tax Compliance Certificate</i> b) <i>Incorporation/registration certificate/Business Name</i> c) <i>CR 12 and ID copies of the directors</i> d) <i>Proof of registration with relevant body/institution where applicable</i> e) <i>A copy of current year business Permit</i> f) <i>License from relevant certifying/regulatory bodies/dealership where Applicable</i>
ITA 15.2(b)	The source for determining exchange rates is <i>N/A</i>
ITA 16.2	Only the original bid document is to be submitted.
<b>D. Submission of Applications</b>	
ITA 17.1	<b>The deadline for Application submission is indicated on the cover Page.</b> For Application submission purposes only, the Procuring Entity's address is: <i>Mobile: +254 771 204 003/+254 703 192 924 Tel: +254 68 30686/30656</i> <i>Address: P.O. Box 36-60100 Embu, Location: Embu Town House</i> <i>Email: info@embu.go.ke</i> <i>Website: www.embu.go.ke</i> Applicants <b>shall not</b> have the option of submitting their Applications electronically.
ITA 18.1	Late Applications will be returned unopened to the Applicants.
ITA 19.1	The Procuring Entity will not accept late applications.
ITA 20.1	The opening of the Applications shall be at <i>the County HQs Main Board Room</i>
ITA 20.2	The electronic Application opening procedures shall not be Applicable.
<b>E. Procedures for Evaluation of Applications</b>	
Evaluation will be conducted in Two Stages: 1. <b>Preliminary</b> 2. <b>Technical</b> <b>Applicants who shall not get 70% marks and above in TECHNICAL evaluation will be considered non-responsive and will not be Pre-qualified/Registered.</b>	
<b>For Framework Contracts, a market survey will be conducted based on prices given by bidders and market Prices; where an offer will be made to successful Applicants.</b>	
ITA 24.1	A margin of preference <b>SHALL NOT</b> apply.
ITA 25.1	At this time the Procuring Entity <i>does not intend</i> to execute certain specific parts of the Works by sub-contractors selected in advance.
ITA 25.2	The parts of the Works for which the Procuring Entity permits Applicants to propose Specialized Subcontractors are designated as follows: (N/A for County Government of Embu) For the above-designated parts of the Works that may require Specialized Subcontractors, the relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Applicant for the purpose of evaluation.





ITA 31.1	<p>If an Applicant wishes to make a Procurement-related Complaint, the Applicant should submit its complaint in writing by hand delivery: For the attention: <i>The County Secretary</i> Title/position: <i>County Secretary</i> Procuring Entity: <i>County Government of Embu</i> Email address: <i>info@embu.go.ke</i></p> <p>In summary, at this stage, a Procurement-related Complaint may challenge any of the following: the terms of the Prequalification Documents; and the Procuring Entity's decision not to prequalify an Applicant.</p>
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### **SECTION III - QUALIFICATION CRITERIA AND REQUIREMENTS**

3. This section contains all the methods, criteria, and requirements that the Procuring Entity shall use to evaluate Applications, all in one Form "Eligibility and Qualification Criteria". The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the Form.
4. The Procuring Entity shall insert one Form for each Lot or Contract in case of multiple contracts.
5. This form is generic and refers to works and construction. In case of Supply of Goods or Non-Consulting Services, the form shall be amended to read Goods or Non-Consulting Services as appropriate.

## CRITERIA FOR TECHNICAL EVALUATION

<b>1. Prequalification Documentation</b>	<b>SCORES</b>	
	<b>Max Score</b>	<b>Awarded score</b>
Attached the Mandatory Documents.	<b>15</b>	
<b>2. Pre-qualification Data</b>	<b>Max Score</b>	<b>Awarded score</b>
Filled Application Submission Letter under SECTION IV- APPLICATION FORMS	<b>5</b>	
Filled Form ELI -1.1 - Applicant Information Form	<b>5</b>	
Systematic Serialization	<b>10</b>	
<b>3. Supervisory Personnel</b>	<b>Max Score</b>	<b>Awarded score</b>
<b>DEGREE</b> Award 6 marks for 3 academic certificates attached and 3 marks for professional certificate attached. <b>DIPLOMA</b> Award 3 marks for 3 academic certificates attached and 3 marks for professional certificate attached. <b>PERSONNEL EXPERIENCE</b> Award 5 Marks for 5 years and above of specific experience. (Attach Recommendation letters) Award 4 marks for 2-4 years of specific experience. Otherwise, award (2 Marks) for less than 2 years of specific experience	<b>20</b>	
<b>Supervisory Personnel Format</b>		
Name		
Academic qualification		
Professional qualification		
Experience (Years)		
Position held		
<b>4. Financial Position</b>	<b>Max Score</b>	<b>Awarded score</b>
Submit Audited Accounts for the immediate last three years.	<b>15</b>	
Attach letter of reference from the bankers regarding supplier's credit position	<b>5</b>	
<b>5. Past experience</b>	<b>Max Score</b>	<b>Awarded score</b>
Applicants Clients (3) In The Last Two Years. (Attach documental evidence)	<b>15</b>	
<b>CLIENT 1 (ORGANIZATION)</b>		
Name		
Email		
Contact Person		
Phone Number		
Contract Value		
<b>CLIENT 2 (ORGANIZATION)</b>		
Name		
Email		
Contact Person		
Phone Number		
Contract Value		
<b>CLIENT 2 (ORGANIZATION)</b>		
Name		
Email		
Contact Person		
Phone Number		
Contract Value		

<b>6. Historical Contract Non-Performance and Litigation History in Form CON 2</b>	<b>Max Score</b>	<b>Awarded score</b>
Filled Form CON 2 - Historical Contract Non-Performance, and Pending Litigation and Litigation History	<b>10</b>	
<b>TOTAL SCORE</b>	<b>100</b>	

**Bidders who shall not get 70% marks and above in TECHNICAL evaluation will be considered non-responsive and will not be Prequalified/Registered.**

**SECTION IV- APPLICATION FORMS**

**1. Application Submission Letter**

Date .....[insert day, month, and year]  
 Name of Category/Contract .....[insert ITT number]  
 Reference No: .....[insert ITT title]

To: **COUNTY GOVERNMENT OF EMBU,**

We, the undersigned, apply to be prequalified/Registered for the referenced ITT and declare that:

- a) No reservations: We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s), issued in accordance with ITA 8: [insert the number and issuing date of each addendum].
- b) No conflict of interest: We have no conflict of interest in accordance with ITA 5.7;
- c) Eligibility: We (and our subcontractors) meet the eligibility requirements as stated ITA 5, we have not been suspended by the Procuring Entity based on execution of a Tender/Proposal-Securing Declaration in accordance with ITA 5.8;

Suspension and Debarment: We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the PPRA. Further, we are not ineligible under the Kenya laws or official regulations or pursuant to a decision of the United Nations Security Council;

State-owned enterprise or institution: [Tick appropriately]

*We are not a state- owned enterprise or institution*

*We are a state-owned enterprise or institution but meet the requirements of ITA5.9*

- f) Subcontractors and Specialized Subcontractors: We, in accordance with ITA 24.2 and 25.2, plan to subcontract the following key activities and/or parts of the works or supply contracts: .....  
 [Insert any of the key activities identified in Section III-4.2 (a)or(b) or 4.3(a) or (b) which the Procuring Entity has permitted under the Prequalification Document and which the Applicant intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]
- (g) Commissions, gratuities, fees: We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process, the corresponding Tendering process or execution of the Contract:

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
[insert full name for each occurrence]	[insert street/ number/city/country]	[indicate reason]	[specify amount currency, value, exchange rate and KENYA SHILLING equivalent]
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[If no payments are made or promised, add the following statement: “No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application”]

- (h) Not bound to accept: We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any Application that you may receive nor to invite the prequalified Applicants to Tender for the contract subject of this Prequalification process, without incurring any liability to the Applicants, in accordance with ITA 26.1.
- (i) True and correct: All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

Signed.....*[insert signature(s) of an authorized representative(s) of the Applicant]*

Name.....*[insert full name of person signing the Application]*

In the capacity of.....*[insert capacity of person signing the Application]*

Duly authorized to sign the Application for and on behalf of: Applicant's  
Name.....*[insert full name of Applicant or the name of the JV]*

Address .....*[insert street number/town or city/country address]*

Dated on.....*[insert day number]* day of *[insert month]*, *[insert year]*

*[For a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached]*

**2. Form ELI -1.1 - Applicant Information Form**

Date.....[insert day, month, year]  
 Name of Category/Contract .....[insert ITT number]  
 Reference No: .....[insert ITT title]  
 Page.....[insert page number] of [insert total number] pages

Applicant's name..... [insert full name]			
In case of Joint Venture (JV), name of each member: [insert full name of each member in JV]			
Applicant's actual or intended country of registration:..... [indicate country of Constitution]			
Applicant's actual or intended year of incorporation:..... [indicate year of Constitution]			
Applicant's legal address [in country of registration]:..... [insert street/ number/ town or city/ country]			
Applicant's	authorized	representative	information
Name.....[insert full name]			
Address.....[insert street/ number/ town or city/ country]			
Telephone numbers:..... [insert telephone numbers, including country and city codes]			
E-mail address.....[indicate e-mail address]			
1. Attached are copies of original documents of:			
a) Valid current year Tax Compliance Certificate			
b) Incorporation/registration certificate/Business Name			
c) CR 12 and ID copies of the directors			
d) Proof of registration with relevant body/institution where applicable)			
e) A copy of current year business Permit			
<input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 5.3.			
<input type="checkbox"/> In case of state-owned enterprise or institution, in accordance with ITA 5.9 documents			
establishing:			
Legal and financial autonomy			
Operation under commercial law			
Establishing that the Applicant is not under supervision of the Procuring Entity			
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.			

### 3. Form ELI-1.2 - Applicant's JV Information Form

*[The following form is additional to Form ELI-1.1., and shall be completed to provide information relating to each JV member (incase the Applicant is a JV) as well as any Specialized Subcontractor proposed to be used by the Applicant for any part of the Contract resulting from this prequalification]*

Date.....*[insert day, month, year]*  
 Name of Category/Contract .....*[insert ITT number]*  
 Reference No: .....*[insert ITT title]*  
 Page.....*[insert page number]* of *[insert total number]* pages

Applicant name:..... <i>[insert full name]</i>
Applicant's JV Member's name:..... <i>[insert full name of Applicant's JV Member]</i>
Applicant's JV Member's country of registration:..... <i>[indicate country of registration]</i>
Applicant JV Member's year of constitution:..... <i>[indicate year of constitution]</i>
Applicant JV Member's legal address in country of constitution:..... <i>[insert street/ number/ town or city/ country]</i>
Applicant JV Member's authorized representative information
Name..... <i>[insert full name]</i>
Address..... <i>[insert street/ number/ town or city/ country]</i>
Telephone numbers:..... <i>[insert telephone numbers, including country and city codes]</i>
E-mail address ..... <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of: a) <i>Valid current year Tax Compliance Certificate</i> b) <i>Incorporation/registration certificate/Business Name</i> c) <i>CR 12 and ID copies of the directors</i> d) <i>Proof of registration with relevant body/institution where applicable)</i> e) <i>A copy of current year business Permit</i> <input type="checkbox"/> In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and they are not under the supervision of the Procuring Entity, in accordance with ITA 5.9. 2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

#### 4. Form CON 2 - Historical Contract Non-Performance, and Pending Litigation and Litigation History

[The following table shall be filled in for the Applicant and for each member of a Joint Venture]  
 Applicant's Name .....[insert full name]  
 Date.....[insert day, month, year]  
 Joint Venture Member's Name.....[insert full name]  
 Name of Category/Contract .....[insert ITT number]  
 Reference No: .....[insert ITT title]

Page .....[insert page number] of .....[insert total number] pages

Non-Performed Contracts in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> Contract non-performance did not occur since 1 <sup>st</sup> January [insert year] specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1. <input type="checkbox"/> Contract(s) not performed since 1 <sup>st</sup> January [insert year] specified in Section III, Qualification Criteria and Requirements, requirement 2.1			
Year	Non- performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and KENYA SHILLING equivalent)
[insert year]	[insert amount and percentage]	Contract Identification:..... ..... [indicate complete contract name/ number, and any other identification] Name of Procuring Entity: ..... Address of Procuring Entity: ..... Reason(s) for nonperformance: ..... .....	[insert amount]
Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3. <input type="checkbox"/> Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3 as indicated below.			
Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)
[insert year]	[insert amount]	Contract Identification:..... ..... [indicate complete contract name, number, and any other identification] Name of Procuring Entity: ..... Address of Procuring Entity:..... Matter in dispute: ..... ..... Party who initiated the dispute:..... [indicate "Procuring Entity" or "Contractor"]	[insert amount]



		Status of dispute: ..... <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i>	
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Litigation History in accordance with Section III, Qualification Criteria and Requirements

- No Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4.
- Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4 as indicated below.

Year of award	Outcome as percentage of Net Worth	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)
<i>[insert year]</i>	<i>[insert percentage]</i>	Contract Identification:..... ..... ..... [indicate complete contract name, number, and any other identification] Name of Procuring Entity:..... <i>[insert full name]</i> Address of Procuring Entity:..... <i>[insert street/city/country]</i> Matter in dispute:..... <i>[indicate main issues in dispute]</i> Party who initiated the dispute:..... <i>[indicate "Procuring Entity" or "Contractor"]</i> Reason(s) for Litigation and award decision..... ..... <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>

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## **PART 2 – FRAMEWORK CONTRACTS**

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## **CONTRACT AWARD**

The COUNTY GOVERNMENT OF EMBU undertakes to purchase goods under a frame work agreement, where goods shall be ordered on a call off order, or through mini competition **as and when** required, the agreement shall be awarded to multiple bidders based on a range of prices within the market price.

### **List of Goods and Delivery Schedule**

Final Destination will be within Embu County.

Where no list of goods is given, applicants will only be registered as Suppliers in the respective categories where alternative procurement methods can be applied by use of the list. Additionally, successful applicants under the Framework agreement will still be registered as Suppliers/Contractors in the respective categories.



Name of Category/Contract: **SUPPLY AND DELIVERY OF GENERAL HARDWARE, PLUMBING, MASONRY AND WELDING MATERIALS.**

Reference No: **CGE/PREQ/36/2022-2024**

**Brief Schedule of Goods Required.**

\*This Category has no defined schedule of goods required\*\*



**FRAMEWORK AGREEMENT**

THIS AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_, 2022 BETWEEN (1) **COUNTY GOVERNMENT OF EMBU** and having its principal place of business at **EMBU COUNTY** (hereinafter called "Procuring Entity"), of the one part; and (2) \_\_\_\_\_ a corporation incorporated under the laws of *Kenya* and having its principal place of business at \_\_\_\_\_ (hereinafter called "the Supplier"), of the other part.

3. WHEREAS the **COUNTY GOVERNMENT OF EMBU** invited Tenders for certain Goods and ancillary services, viz., **PREQUALIFICATION / REGISTRATION OF SUPPLIERS FOR SUPPLY OF GOODS, WORKS AND SERVICES FOR THE FINANCIAL YEARS 2022-2023/2023-2024** and has accepted a Tender by the Supplier for the supply & Delivery of \_\_\_\_\_, Reference No: \_\_\_\_\_ the **COUNTY GOVERNMENT OF EMBU** and the Supplier agree as follows:

- i) In this Agreement words and expressions shall have the same meanings as are respectively assigned to them in the Contract documents referred to.
- ii) The following documents shall be deemed to form and be read and construed as part of this Agreement. This Agreement shall prevail over all other contract documents.
  - a) Award Letter based on as and when required Framework Contract.
  - b) Acceptance Letter
  - c) Any other document deemed as forming part of the Contract
- iii) In consideration of the payments to be made by the **COUNTY GOVERNMENT OF EMBU** to the Supplier as specified in this Agreement, the Supplier hereby covenants with the **COUNTY GOVERNMENT OF EMBU** to provide the Goods and to remedy defects therein in conformity in all respects with the provisions of the Contract.

4. The **COUNTY GOVERNMENT OF EMBU** hereby covenants to pay the Supplier in consideration of the provision 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.

5. IN WITNESS whereof the parties hereto have caused this Agreement to be executed in accordance with the laws of Kenya on the day, month and year indicated above.

**For and on behalf of the Procuring Entity**

Signed by: \_\_\_\_\_ in the capacity of \_\_\_\_\_ In the presence of \_\_\_\_\_

**For and on behalf of the Supplier**

Signed by: \_\_\_\_\_ of \_\_\_\_\_ in  
the capacity of \_\_\_\_\_ in the presence of  
\_\_\_\_\_

**Request for Review**

**FORM FOR REVIEW (r.203 (1))**

**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 of .....20.....in the matter of Tender No.....of .....20..... for.....(Tender description).

**REQUEST FOR REVIEW**

I/We.....,the above named Applicant(s), of address: Physical address.....P. O. Box 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.

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

- 1.
- 2.

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**