



REGISTRATION OF SUPPLIERS FOR PROVISION OF GOODS, SERVICES AND WORKS FOR THE PRIVATIZATION COMMISSION FOR THE FINANCIAL YEARS 2021/2022 AND 2022/2023

LAUNCH DATE:- 5th OCTOBER 2021

DATE OF CLOSING / OPENING:- 19th OCTOBER 2021 AT 11.00 AM

- 1) NAME AND CONTACT ADDRESSES OF PROCURING ENTITY.

Name:- PRIVATIZATION
COMMISSION

Postal Address:- P.O BOX 34542 – 00100, NAIROBI

Email Address:-
info@pc.go.ke

- 2) Request for Registration No:-
PC/02/2021-
2022

- 3) Contract Name:- REGISTRATION OF SUPPLIERS FOR THE PERIOD 2021 -
2023

INVITATION TO REGISTER AS SUPPLIERS

TENDER NO. PC/02/2021 - 2022 - REGISTRATION OF SUPPLIERS FOR PROVISION OF GOODS, SERVICES AND WORKS FOR THE PRIVATIZATION COMMISSION FOR THE FINANCIAL YEARS 2021/2022 AND 2022/2023

The Privatization Commission (PC) invites sealed tenders for registration of suppliers from interested and eligible bidders for the supply/provision of the under listed goods, services and works for the 2021/2022 & 2022/2023 Financial Years

CATEGORY NO	CATEGORY	TARGET GROUP
SUPPLY AND DELIVERY OF GOODS		
PC/REG/01/2021 - 2023	Supply of general office stationery, computer, printer and photocopier consumables	Special Groups
PC/REG/02/2021 - 2023	Supply of computer hardware, printers, laptops, cameras Ups, scanners, ICT related equipment, accessories and associated software	Special Groups
PC/REG/03/2021 - 2023	Supply and delivery of office furniture, furnishings, fittings and related office equipment	Special Groups
PC/REG/04/2021 - 2023	Supply and delivery of staff uniforms, footwear and protective gear.	Special Groups
PC/REG/05/2021 - 2023	Supply and delivery of newspapers, magazines, periodicals and Library Books	Special Groups
PC/REG/06/2021 - 2023	Supply and delivery of assorted mobile phone scratch and calling cards	Special Groups
PC/REG/07/2021 - 2023	Supply and delivery of bottled water and refilling of branded water dispensers	Special Groups
PC/REG/08/2021 - 2023	Supply and delivery of electrical items, fittings and electronics	Special Groups
PC/REG/09/2021 - 2023	Supply of Kitchen Equipment	Open
PC/REG/10/2021 - 2023	Supply of Audio-Visual Equipment	Special Groups
PC/REG/11/2021 - 2023	Supply of sanitizer fluids, face masks and surgical items for first Aid and Gloves	Special Groups
PROVISION OF SERVICES & WORKS		
PC/REG/12/2021 - 2023	Design and printing of audited	Special Groups

	accounts, publications, magazines/bulletins, cards, calendars, diaries, branded promotional materials, banners,	
PC/REG/13/2021 - 2023	Provision of transport, car hire and taxi services	Open
PC/REG/14/2021 - 2023	Provision of Hotel, Conference and Accommodation Services in Nairobi, Naivasha, Nakuru, Machakos, Mombasa, Kilifi and Kisumu	Open
PC/REG/15/2021 - 2023	Provision of Cleaning, Fumigation and Sanitary Bin Services	Special Groups
PC/REG/16/2021 - 2023	Development and Review of Strategic Plan Consultancy Services	Open
PC/REG/17/2021 - 2023	Provision of Security Guarding Services	Open
PC/REG/18/2021 - 2023	Provision of travel & air ticketing services (IATA registered firms only)	Special Groups
PC/REG/19/2021 - 2023	Provision of insurance brokerage services	Open
PC/REG/20/2021 - 2023	Provision of repairs maintenance and servicing of computers, printers, CCTV Access Control System & power systems including UPSs, Inverters etc	Special Groups
PC/REG/21/2021 - 2023	Provision of repairs, maintenance and servicing of networking equipment's such as servers, firewall, routers etc.	Open
PC/REG/22/2021 - 2023	Provision of repairs, maintenance & servicing of air conditioning equipment, Firefighting equipment & accessories	Open
PC/REG/23/2021 - 2023	Provision of minor repairs of furniture, furnishings, fittings and related items	Special Groups
PC/REG/24/2021 - 2023	Provision of minor office electrical repairs and maintenance services and related equipment's	Special Groups
PC/REG/25/2021 - 2023	Provision of minor office/building repairs and maintenance services and related items, Minor Construction Works	Special Groups
PC/REG/26/2021 - 2023	Provision of data security, back up and data recovery services	Special Groups
PC/REG/27/2021 - 2023	Provision of minor plumbing & drainage services	Special Groups
PC/REG/28/2021 - 2023	Provision of general consultancy	Open

	services e.g. HR Recruitment and Consultancy Services, Baseline Surveys, Employee Satisfaction Survey, Work Environment Survey, Customer Satisfaction Survey, Team Building Facilitation Services & Performance Related Consultancies	
PC/REG/29/2021 - 2023	Provision of Legal services for the Commission's transactions and non-transaction activities, legal consultancy services	Open
PC/REG/30/2021 - 2023	Provision of Research and Trends in Privatizations Consultancy Services Monitoring & Evaluation	Open
PC/REG/31/2021 - 2023	Provision of Catering Services and Supply of Kitchen Office consumables	Special Groups
PC/REG/32/2021 - 2023	Provision of ICT Professional Services (Including ICT Advisory/Consultancy, Compliance and Security Audit e.t.c.)	Open
PC/REG/33/2021 - 2023	Provision of Delivery, Installation, Configuration, Commissioning and Maintenance of Cloud Services	Open
PC/REG/34/2021 - 2023	Provision of Photography, Documentary Development Services and Videography Services	Special Groups
PC/REG/35/2021 - 2023	Provision of Event Management and Road Show Services	Special Groups

Special groups i.e. Youth, women and persons living with disability who have been duly registered with the National Treasury must show proof of registration.

The Youth, Women and Persons living with disability who meet criteria for any other open categories of Registration are encouraged to apply.

Registration/Tender documents with detailed information shall be viewed and downloaded from www.pc.go.ke and www.tenders.go.ke websites free of charge.

Completed Registration /Tender documents in plain sealed envelopes clearly marked;

NAME OF
FIRM:.....

REGISTRATION FOR:

DESCRIPTION.....

.....

CATEGORY
NO.....

Should be deposited in the tender box provided at the Privatization Commission's Offices, Social Security House - Annex (Parking Silo) | 10th Floor | Bishops Road and be addressed to:

The Executive Director/CEO

Privatization Commission

P. O. Box 34542-00100

NAIROBI

Email: info@pc.go.ke

so as to be received on or before 19th October 2021 at 11.00 a.m. **Suppliers in the Commission's current registered list of suppliers MUST re-apply for fresh registration.**

Tenders will be opened immediately thereafter at 11.30 a.m. in the presence of the tenderers representatives who choose to attend the opening at the Main Board Room, Social Security House - Annex (Parking Silo) | 10th Floor | Bishops Road

Executive Director/CEO

PART 1 - APPLICATION PROCEDURES

SECTION I - INSTRUCTIONS TO APPLICANTS (ITA)

A. General

1. Scope of Application

1.1 The particular type of contract (works, goods, Services required) and its name and description of the contract(s) and its reference number are defined in the table above. If the scope of contract so defined is in multiple contracts, it will be specified in the RDS (Registration Data Sheet) if registration will be based on individual contracts or multiple contracts. The Full scope of Works or Goods or Services are described in Section V (Scope of Works or goods contract).

2. **Source of Funds** to be specified in the RDS, 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, registration process, tender submission (in case registered), 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.

5 Eligible Applicants

5.1 Applicants shall meet the eligibility criteria as per this ITA 5.1 and ITA 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 registration 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 RDS.

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 registered. Public Officers with such relatives are also not allowed to participate in any procurement proceedings.

- 5.3 A firm may apply for registration both individually, and as part of a joint venture, or participate as a subcontractor. If registered, 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 registration either individually, as joint venture or as a subcontractor among them for the same contract. However, if registered, only one registered Applicant will be allowed to tender for the others. 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 registration. 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 Registration 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 registration, ITT process and execution of the Contract.
- 5.7 An Applicant that has been debarred shall be ineligible to be initially selected for, registered 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
- 5.8 Applicants that are state-owned enterprise or institutions in Kenya may be eligible to register, compete and be awarded a Contract(s) only if they can

establish, in a manner acceptable 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 ineligible 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 across a 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 across other countries involved, if the Procuring Entities involved in the procurement so agree.

B. Preparation of Applications

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

7 Cost of Applications

7.1 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 registration process.

8 Language of Application

8.1 The Application as well as all correspondence and documents relating to the registration 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.

9 Documents Comprising the Application

10 Documents Establishing the Eligibility of the Applicant

10.1 To establish its eligibility in accordance with Public service commission, 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).

11 Documents Establishing the Qualifications of the Applicant

11.1 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).

11.2 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.

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

11.4 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.

11.5 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.

11.6 The Applicant shall provide further documentary proof, information or authorizations that the Procuring Entity may request.

11.7 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.

11.8 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.

11.9 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:

a). If the procurement process is still ongoing, the Applicant will be disqualified from the procurement process,

b). If the contract has been awarded to that Applicant, the contract award will be set aside,

11.10 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.

11.11 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.

12 Signing of the Application and Number of Copies

12.1 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.

12.2 The Applicant shall submit copies of the signed original Application, in the number specified in the RDS, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

C. Submission of Applications

13 Sealing and Marking of Applications

13.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:

a) Bear the name and address of the Applicant;

- b) Be addressed to the Procuring Entity, in accordance with ITA 17.1; and
- c) Bear the specific identification of this registration process indicated in the RDS 1.1.

13.2 The Procuring Entity will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.

14 Deadline for Submission of Applications

14.1 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 RDS. When so specified in the RDS, Applicants have the option of submitting their Applications electronically, in accordance with electronic Application submission procedures specified in the RDS.

14.2 The Procuring Entity may, at its discretion, extend the deadline for the submission of Applications by amending the Registration 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.

15 Late Applications

15.1 The Procuring Entity reserves the right to accept applications received after the deadline for submission of applications, unless otherwise specified in the RDS. 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 RDS. 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 RDS.

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.

D. Procedures for Evaluation of Applications

21 Confidentiality

21.1 Information relating to the Applications, their evaluation and results of the registration shall not be disclosed to Applicants or any other persons not officially concerned with the registration process until the notification of registration 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 registration in accordance with ITA 28, any Applicant that wishes to contact the Procuring Entity on any matter related to the registration 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 Registration Document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA21.1, 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 RDS, a margin of preference shall not apply in the Tendering process resulting from this registration.

24 Nominated Subcontractors

24.1 Unless otherwise stated in the RDS, 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").

24.2 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.

E. Evaluation of Applications and Registration of Applicants

25 Evaluation of Applications

25.1 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.

25.2 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 RDS 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 registered 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 registration but before the tender submission deadline in accordance with ITA 30.

25.3 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 register 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 requirements in the Evaluation & Qualification Criteria.

25.4 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.

25.5 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.

26 Procuring Entity's Right to Accept or Reject Applications

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

27 Registration of Applicants

27.1 All Applicants whose Applications substantially meet or exceed the specified qualification requirements will be registered by the Procuring Entity. The Procuring Entity shall notify all Applicants in writing of the names of those Applicants who have been registered or conditionally registered. In addition, those Applicants who have been disqualified will be informed separately.

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

28 Invitation to Tender

28.1 Promptly after the notification of the results of the registration, the Procuring Entity shall invite Tenders from all the Applicants that have been registered or conditionally registered.

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

29.1 Any change in the structure or formation of an Applicant after being registered 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 register 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 registered 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.

30 Procurement Related Complaints and Administrative Review

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

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

SECTION II - REGISTRATION DATA SHEET (RDS)

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITA 1.1	<p>The Procuring Entity is: PRIVATIZATION COMMISSION</p> <p style="text-align: center;">P.O BOX 34542 – 00100 NAIROBI.</p> <p>The identification of the Invitation for Registration is: Registration of Suppliers, Service Providers, Contractors & Consultants for supply of goods and provision of goods, services (consultancies & non-consultant) and works. Tender No. PC/02/2021 – 2022</p> <p>The particular type of contract is on: Goods, Works and Services specified in the Invitation to apply for Registration</p> <p>The application is for Registration of Suppliers for supply of goods, Services and works as outlined in the Invitation to Register as Suppliers Section.</p> <p>Registration will be based on <i>individual contracts</i></p>
ITA 2	The Source of funds shall be:- Government of Kenya
ITA 5.2	Maximum number of members in the JV shall be:- Not Applicable
B. Contents of the Registration Document	
ITA 8.1	<p>For clarification purposes, the Procuring Entity's address is:</p> <p style="text-align: center;"><i>The Executive Director/CEO</i></p> <p style="text-align: center;"><i>Privatization Commission</i></p> <p style="text-align: center;"><i>P. O. Box 34542-00100</i></p> <p style="text-align: center;"><i>NAIROBI</i></p> <p style="text-align: center;"><i>Email: info@pc.go.ke</i></p> <p>Attention: Head of Procurement</p> <p>Physical Address:- <i>Social Security House - Annex (Parking Silo) 10th Floor Bishop's Road, Community.</i></p> <p>Telephone: (+254 20) 8696800</p> <p>Electronic mail address: info@pc.go.ke</p> <p>Web page: www.pc.go.ke</p>

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITA 8.2	A pre-application meeting will be held on:- Not applicable A pre-arranged Site visit will be held on:- Not applicable
ITA 8.3	Questions and requests for clarification made in writing or by email shall reach the Procuring Entity not later than:- 13th October 2021.
ITA 8.5	Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page:- Not applicable
ITT 9.2	Addendum issued shall be published at the website:- www.pc.go.ke
ITA 8.2	Registration Meeting will be held:- Not Applicable
C. Preparation of Applications	
ITA 12.1 (d)	The Applicant shall submit with its Application, the following additional documents: As per the eligibility criteria
ITA 15.2(b)	The source for determining exchange rates is:- The Central Bank of Kenya
ITA 16.2	In addition to the original, the number of copies to be submitted with the Application is: One
D. Submission of Applications	
ITA 17.1	The deadline for Application submission is: Date: 19th October 2021. Time: 11.00 a.m. For Application submission purposes only, the Procuring Entity's address is: The Executive Director/CEO Privatization Commission P. O. Box 34542-00100 NAIROBI

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
	<p style="text-align: center;">Email: info@pc.go.ke</p> <p>Attention: Head of Procurement</p> <p>Address: Social Security House Annex (Parking Silo) 10th Floor Bishops Road, Community</p> <p>Country: Kenya</p> <p>Telephone: (+254 20) 2212346 2212347 2212348</p> <p>Email address: info@pc.go.ke;</p> <p>Applicants shall not have the option of submitting their Applications electronically.</p>
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: The Commission's main Boardroom on 10th floor, NSSF Annex, Parking Silo at 11.30a.m. on 19th October 2021.
ITA 20.2	<p><i>[The following provision should be included and the required corresponding information inserted only if Applicants have the option of submitting their Applications electronically. Otherwise omit.]</i></p> <p>The electronic Application opening procedures shall be: NOT APPLICABLE</p> <p><i>[insert a description of the electronic Application opening procedures.]</i></p>
E. Procedures for Evaluation of Applications	
ITA 24.1	A margin of preference <i>[insert either "shall" or "shall not"]</i> Shall Not apply.
ITA 25.1	<p>At this time the Procuring Entity <i>[insert "intends" or "does not intend"]</i> to execute certain specific parts of the Works by sub-contractors selected in advance.</p> <p><i>[If the above states "intends" list the specific parts of the works and the respective sub-contractors]</i> DOES NOT INTEND</p>

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITA 25.2	<p>The parts of the Works for which the Procuring Entity permits Applicants to propose Specialized Subcontractors are designated as follows:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>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.</p>
ITA 28.3	<p>The successful Applicant shall be required to provide a Performance Security as specified in the tendering document:- NOT APPLICABLE.</p>
ITA 31.1	<p>An Applicant wishes to make a Procurement-related Complaint, the Applicant should submit its complaint in writing (by the quickest means available, that is either by hand delivery or email), to:</p> <p>For the attention: The Executive Director/CEO</p> <p>Title/position: ED/CEO</p> <p>Procuring Entity: PRIVATIZATION COMMISSION</p> <p>Email address: info@pc.go.ke</p> <p>In summary, at this stage, a Procurement-related Complaint may challenge any of the following:</p> <p>the terms of the Registration Documents; and</p> <p>the Procuring Entity's decision not to register an Applicant.</p>

SECTION III - QUALIFICATION CRITERIA AND REQUIREMENTS

1. 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.

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

3. 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.

EVALUATION AND QUALIFICATION CRITERIA

MR	Mandatory Eligibility criteria	Compliant	Non-compliant	Remarks
1	Attach copies of incorporation certificate or registration certificate			
2	Duly filled, signed Applicant Information Form (Form ELI-1.1) in the format provided			
3	Duly filled, Signed Application submission letter in the format provided			
4	Historical Contract Non-Performance, and Pending Litigation and Litigation History (Form CON 2) in the format provided			
5	Must provide a copy of valid single business permit-relevant to the supplies, works or services			
6	Attach Valid Tax Compliance Certificate			
7	Attach company profile			
8	Attach CR12 for Limited Companies OR ID copies of the Directors for the Sole proprietorships			
9	Audited financial statements for the years 2019 & 2020			
10	Practicing Certificate (for legal services)			
11	County Certificates of health (for Hotels and catering services)			
12	Provide at least 3 LPOs/Contracts to which the company has done similar supplies in the last 3 years			
13	Bidders applying for Provision of Travel and Air Ticketing Services must also			

	attach a valid certificate from IATA or letter from IATA			
14	Bidders applying for provision of ICT related services must provide proof of accreditation by ICT Authority of Kenya.			

Key:

MR – Mandatory Requirement

Note: Non-compliance with any MANDATORY requirement will automatically result in disqualification

Evaluation shall be on a Yes / No Criteria.

SECTION IV- APPLICATION FORMS

1. Application Submission Letter

Date:[insert day, month, and year]

ITT No. and title: [insert ITT number and title]

To:[insert full name of Procuring Entity] We, the undersigned, apply to be prequalified 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: [select the appropriate option and delete the other] [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] 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.

- (h) 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]

ITT No. and title: [insert ITT number and title]

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

Applicant's name <i>[insert full name]</i>
In case of Joint Venture (JV), name of each member: <i>[insert full name of each member in JV]</i>
Applicant's actual or intended country of registration: <i>[indicate country of Constitution]</i>
Applicant's actual or intended year of incorporation: <i>[indicate year of Constitution]</i>
Applicant's legal address [in country of registration]: <i>[insert street/ number/ town or city/ country]</i>
Applicant's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 5.6. <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]*

ITT No. and title: *[insert ITT number and 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/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA 5.6 <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]

ITT No. and title: [insert ITT number and title]

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

Non-Performed Contracts in accordance with Section III, Qualification Criteria and Requirements

Contract non-performance did not occur since 1st January [insert year] specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.

Contract(s) not performed since 1st 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: [insert full name] Address of Procuring Entity: [insert street/city/country] Reason(s) for nonperformance: [indicate main reason(s)]	[insert amount]

Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements

No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3.

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)

<i>insert year]</i>	<i>[insert amount]</i>	<p>Contract Identification: [indicate complete contract name, number, and any other identification]</p> <p>Name of Procuring Entity: <i>[insert full name]</i></p> <p>Address of Procuring Entity: <i>[insert street/city/country]</i></p> <p>Matter in dispute: <i>[indicate main issues in dispute]</i></p> <p>Party who initiated the dispute: <i>[indicate "Procuring Entity" or "Contractor"]</i></p> <p>Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i></p>	<i>[insert amount]</i>
Litigation History in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4. <input type="checkbox"/> 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)

<p><i>[insert year]</i></p>	<p><i>[insert percentage]</i></p>	<p>Contract Identification: [indicate complete contract name, number, and any other identification]</p> <p>Name of Procuring Entity: <i>[insert full name]</i></p> <p>Address of Procuring Entity: <i>[insert street/city/country]</i></p> <p>Matter in dispute: <i>[indicate main issues in dispute]</i></p> <p>Party who initiated the dispute: <i>[indicate "Procuring Entity" or "Contractor"]</i></p> <p>Reason(s) for Litigation and award decision <i>[indicate main reason(s)]</i></p>	<p><i>[insert amount]</i></p>
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5. Form EXP - 4.2(a) - Specific Construction and Contract Management Experience or Supply or service Contract Experience (Select one)

[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

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

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor or <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		KENYA SHILLING <i>[insert Exchange rate and total contract amount in KENYA SHILLING equivalent] *</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in KENYA SHILLING equivalent] *</i>	
	<i>[insert roles and responsibilities]</i>			
Procuring Entity's Name:	<i>[insert full name]</i>			
Address:	<i>[indicate street / number / town or city / country]</i>			

Telephone/fax number	<i>[insert telephone/fax numbers, including country and</i>
E-mail:	<i>city area codes]</i>
	<i>[insert e-mail address, if available]</i>

6. Form EXP - 4.2(a) (cont.) - Specific Construction and/or Contract Management Experience (cont.)

Similar Contract No.	Information
<i>[insert number] of [insert number of similar contracts required]</i>	
Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III:	
1. Amount	<i>[insert amount in local currency, exchange rate, KENYA SHILLING in words and in Figures]</i>
2. Physical size of required works items	<i>[insert physical size of items]</i>
3. Complexity	<i>[insert description of complexity]</i>
4. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
5. Construction rate for key activities	<i>[insert rates and items]</i>
6. Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Works]</i>

7. Form EXP - 4.2(b) - Construction Experience or Supply or service contract in Key Activities (select one)

Applicant's Name: [insert full name]

Date: [insert day, month, year]

Applicant's JV Member's Name: [insert full name]

Sub-contractor's Name..... (as per ITA 24.2 and 24.3): [insert full name]

ITT No. and title: [insert ITT number and title]

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

total number] pages

All Sub-contractors for key activities must complete the information in this form as per ITA 24.2 and 24.3 and Section III, Qualification Criteria and Requirements, 4.2.

1. Key Activity No. One: [insert brief description of the Activity, emphasizing its specificity] Total Quantity of Activity under the contract: _____

	Information			
Contract Identification	[insert contract name and number, if available]			
Award date	[insert day, month, year, e.g., 15 June, 2015]			
Completion date	[insert day, month, year, e.g., 03 October, 2017]			
Role in Contract [check the appropriate box]	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	[insert total contract amount in contract currency(ies)]		KENYA SHILLING [insert exchange rate and total contract amount in KENYA SHILLING equivalent]	
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year [Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]	Total quantity in the contract (i)	Percentage participation (ii)		Actual Quantity Performed (i) x (ii)
Year 1				
Year 2				

Year 3			
Year 4			
Procuring Entity's Name:	<i>[insert full name]</i>		
Address:	<i>[indicate street / number / town or city / country]</i>		
Telephone/fax number	<i>[insert telephone/fax numbers, including country and</i>		
E-mail:	<i>city area codes]</i>		
	<i>[insert e-mail address, if available]</i>		

2. Activity No. Two

3.

	Information
Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III:	
	<i>[insert response to inquiry indicated in left column]</i>

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 ofdated the... day of20.....in the matter of Tender No.....of20..... 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 of20.....

SIGNED

Board Secretary