



COUNCIL OF GOVERNORS

**COG/PROC/26/2017 –2018
PREQUALIFICATION OF CONTRACTORS FOR GENERAL BUILDING
FOR THE PERIOD ENDING 30TH JUNE 2019**

**The Council of Governors,
Delta House, 2nd Floor Chiromo Road
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Email: info@cog.go.ke**

TABLE OF CONTENTS

	PAGE
SECTION I INVITATION TO TENDER.....	2
SECTION II INSTRUCTIONS TO TENDERERS	5
Appendix to Instructions to Tenderness	
SECTION III PREQUALIFICATION DATA INSTRUCTIONS.....	10
SECTION I V STANDARD FORMS.....	15
FORM I.....	15
FORM II.....	17
FORM III.....	18
FORM I V	19
FORM V	21
FORM V I	23

SECTION I INVITATION TO TENDER
TENDER REF NO: COG/PROC/26/2017/2018
TENDER NAME : PREQUALIFICATION OF CONTRACTORS FOR GENERAL
BUILDING

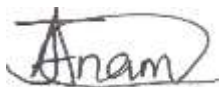
COUNCIL OF GOVERNORS (hereafter referred to as “**COG**”) invites applications from competent Contractors for prequalification for **General Building Works** for the period ending 30TH JUNE 2019. Interested eligible suppliers are invited to apply for prequalification, indicating the reference number and category indicated above

1. Interested eligible candidates may obtain further information from and inspect the tender at the Council of Governors website, **or visit our offices at Delta Corner, off Waiyaki Way** during normal working hours during.
2. A complete set of tender documents may be obtained by interested candidate From the Official **COG Website (www.cog.go.ke)** free of charge
3. Completed tender documents are to be enclosed in plain sealed envelopes, marked with the tender number and be deposited in the tender box provided at the Council of Governors Secretariat, 2nd floor, Delta Corner, off Waiyaki Way during normal working hours or be addressed and posted to:

**The Chief Executive Officer,
Council of Governors
P.O. Box 40401, 00100
Nairobi**

So as to be received on or before **Tuesday 20th June 2017 AT 11:00 AM**

4. Tenders will be opened immediately thereafter in the presence of the Candidates or their representatives who choose to attend at The Council of Governors **on Tuesday 20th June 2017 AT 11:00 AM 11TH floor Board Room, Delta Corner.**
5. Tenders must be received by COG at the address specified above no later than **Tuesday 20th June 2017 AT 11:00 AM**



**Jacqueline Mogeni
Chief Executive Officer,
Council of Governors**

SECTION II INSTRUCTIONS TO TENDERERS

2.1

ELIGIBLE TENDERERS

- 2.1.1 This invitation for Prequalification of Tenders is open to all tenderers eligible as described in the invitation to tender.
- 2.1.2 The Procuring entity's employees, Committee members, Board Members and their relatives (Spouse and Children) are not eligible to participate in this prequalification exercise.
- 2.1.3 Tenderers shall not be under a declaration of ineligibility for corrupt and fraudulent practices
- 2.1.4 Tenderers shall not be involved in any litigation issues with the Government of Kenya

2.2 COST OF TENDERING

- 2.2.1 The tenderer shall bear all costs associated with the preparation and submission of its tender, and the procuring entity, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process.
- 2.2.2 No price to be charged for the tender document
- 2.2.3 All firms found capable of performing the contract satisfactorily in accordance to the set prequalification criteria shall be prequalified
- 2.2.4 The tenderer is expected to examine all instructions, forms, terms and specifications in the tender documents. Failure to furnish all information required by the tender documents or to submit a tender not substantially responsive to the tender documents in every respect will be at the tenderers risk and may result in the rejection of its tender.

2.3 CLARIFICATION OF DOCUMENTS

- 2.3.1 A prospective tenderer requiring any clarification of the tender document may notify the procuring entity in writing or by post at the entity's address indicated in the invitation to tender. The procuring entity will respond in writing to any request for clarification of the tender documents, which it receives not later

than seven (7) days prior to the deadline for the submission of tenders, prescribed by the procuring entity.

- 2.3.2 The procuring entity shall reply to any clarifications sought by the tenderer within 3 days of receiving the request to enable the tenderer to make timely submission of its tender.

2.4 AMENDMENTS OF DOCUMENTS

- 2.4.1 At any time prior to the deadline for submission of tenders, the procuring entity for any reason, whether at its own initiative or in response to a clarification requested by a prospective tenderer, may modify the tender documents by amendment.
- 2.4.2 All prospective candidates that have received the tender documents will be notified of the amendments in writing or by post and will be binding on them.
- 2.4.3 In order to all prospective tenderers reasonable time in which to take the amendments into account in preparing their tenders, the procuring entity, at its discretion, may extend the deadline for the submission of tenders.

2.5 TENDERERS ELIGIBILITY AND QUALIFICATIONS

- 2.5.1 The tendered shall furnish as part of its prequalification documents establishing the tenderers eligibility to tender and its pre-qualifications to perform the contract if its tender is accepted.
- 2.5.2 The documentary evidence of the tenderers eligibility to tender shall establish to the procuring entity satisfaction that the tenderer at the time of submission of its tender, is from an eligible source.
- 2.5.3 The documentary evidence of the tenderers qualifications to perform the contract if its tender is accepted shall be established to the procuring entity's satisfaction;
 - (a) That, in the case of a tenderer offering to supply goods under the contract which the tenderer does not manufacture or otherwise produce the tenderer has been duly authorized by the goods manufacturer or producer to supply the goods.

- (b) That the tenderer has the financial, technical, and production, capability necessary to perform the contract.

2.6 SEALING AND MARKING OF TENDERS

2.6.1 The tenderer shall seal the original and each copy of the tender in separate envelopes, duly marking the envelopes as **“ORIGINAL”** and **“COPY”**. The envelopes shall then be sealed in an outer envelope.

2.6.2 The inner and outer envelopes shall:-

- (a) Be addressed to the procuring entity at the address given below:-

**The Chief Executive Officer,
Council of Governors
P.O. Box 40401, 00100
Nairobi**

- (b) Shall bear tender number and **name of category of items** tendering for and the words” **DO NOT OPEN BEFORE Tuesday 20th June 2017 AT 11:00 AM** as indicated in the tender notice.

2.6.3 The **inner envelopes** shall also indicate the **name and address of the tenderer** to enable the tender to be returned unopened in case it is declared “late”.

2.6.4 If the outer envelope is not sealed and marked as required by paragraph 2.6.2 the procuring entity will assume no responsibility for the tenders’ misplacement or premature opening

2.7 DEADLINE FOR SUBMISSION OF TENDERS

2.7.1 Tenders must be received by the procuring entity at the address specified under paragraph 2.6.2 not later than **Tuesday 20th June 2017 AT 11:00 AM**

2.7.2 The procuring entity may at its discretion, extend this deadline for the submission of tenders by amending the tender documents in accordance with paragraph 2.4 in which case all rights and obligations of the procuring entity and candidates previously subject to the deadline will therefore be subject to the deadline as extended.

2.8 OPENING OF TENDERS

2.8.1 The procuring entity will open all tenders in the presence of tenderers representatives who choose to attend at at Council Of Governors, **on Tuesday 20th June 2017 AT 11:00 AM 11TH floor Board Room**, Delta Corner The tenderers' representatives who are present shall sign a register evidencing their attendance.

2.8.2 The procuring entity will prepare minutes of the tender opening.

2.9 CLARIFICATION OF TENDERS

2.9.1 To assist in the examination evaluation and comparison of tenders, the procuring entity may, at its discretion, ask the tenderer for a clarification of its tender. The request for clarification and the response shall be in writing and no change in substance of the tender shall be sought, offered or permitted.

2.9.2 Any effort by the tenderer to influence the procuring entity in the procuring entity's tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderers' tender.

2.10 PRELIMINARY EXAMINATION

2.10.1 The procuring entity will examine the tenders to determine whether they are complete, whether any errors have been made, whether the documents have been properly signed and whether the tenders are generally in order.

2.10.2 The procuring entity may waive any minor informality or non-conformity or irregularity in a tender which does not constitute a material deviation provided such waiver does not prejudice or effect the relative ranking of any tenderer.

2.10.3 Prior to the detailed evaluation, the procuring entity will determine the substantial responsiveness of each tender to the tender documents. For purposes of these paragraphs, a substantially responsive tender is one which conforms to all the terms and conditions of the tender documents without material deviations.

2.10.4 If a tender is not substantially responsive, it will be rejected by the procuring entity and may not subsequently be made responsive by the tenderer by correction of the non-conformity

2.11 EVALUATION AND COMPARISON OF TENDERS

- 2.11.1 The procuring entity will evaluate and compare the tenders which have been determined to be substantially responsive
- 2.11.2 The tender evaluation committee shall evaluate the tender within 30 days of the validity period from the date of opening the tender
- 2.11.3 A tenderer who gives false information in the tender document about its qualification or who refuses to enter into a contract after notification of contract award shall be considered for debarment from participating in future public procurement.
- 2.11.4 The procuring entity reserves the right to accept or reject any tender, and to annual the tendering process and reject all tenders at any time prior to contract award, without thereby incurring any liability to the affected tenderer or tenderers or any obligation to inform the affected tenderer or tenderers of the grounds for the procuring entity's action.

2.12 NOTIFICATION OF AWARD

- 2.12.1 Prior to the expiration of the period of tender validity, the procuring entity will notify the successful tenderer in writing that its tender has been accepted.
- 2.12.2 The notification of award will constitute the initial formation of contract but MUST have to wait until the contract is finally signed by both parties where applicable.

2.13 CORRUPT OR FRAUDULENT PRACTICES

- 2.12.3 The procuring entity requires that tenderers observe the highest standard of ethics during the procurement process and execution of contracts when used in the present regulations, the following terms are defined as follows:-
 - (i) “corrupt practices” – means the offering, giving, receiving or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution, and
 - (ii) “fraudulent practice” – means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the

detriment of the procuring entity and includes collusive practice among tenderer (prior to or after tender submission)

Further a tenderer who is found to have indulged in corrupt or fraudulent practices risks being debarred from participating in public procurement in Kenya.

SECTION III PRE-QUALIFICATION DATA INSTRUCTIONS

3.1 Pre-qualification data forms

The attached questionnaire forms are to be completed by prospective suppliers who wish to be pre-qualified for submission of tender for the specific tender.

3.1.1 The pre-qualified application forms which are not filled out completely and submitted in the prescribed manner will not be considered. All the documents that form part of the proposal must be written in English and in ink.

3.2 Qualification

3.2.1 It is understood and agreed that the pre-qualification data on prospective bidders is to be used in determining, according to its sole judgment and discretion, the qualifications of prospective bidders to perform in respect to the Tender Category as described by the client.

3.2.2 Prospective bidders will not be considered qualified unless in the judgment they possess capability, experience, qualified personnel available and suitability of equipment and net current assets or working capital sufficient to satisfactorily execute the contract for goods/services.

3.3 Essential Criteria for Pre-qualification

3.3.1 (a) Experience: Prospective bidders shall have at least two years experience in the supply of goods, services and allied items in case of potential supplier should show competence, willingness and capacity to service the contract.

(b) Prospective supplier requires special experience and capability to organize supply and delivery of items, or services at short notice.

3.3.2 Personnel

The names pertinent information and CV of the key personnel for individual or group to execute the contract must be indicated

3.3.3 Financial Condition

The Supplier's financial condition will be determined by latest financial statement submitted with the prequalification documents as well as letters of reference from their bankers regarding suppliers credit position.

Potential suppliers will be pre-qualified on the satisfactory information given.

- 3.3.4** Special consideration will be given to the financial resources available as working capital, taking into account the amount of uncompleted orders on contract and now in progress. Data to be filled/ provided .However, potential bidders should provide evidence of financial capability to execute the contract.

3.3.5 Past Performance

Past performance will be given due consideration in pre-qualifying bidders. Letter of reference from past customers should be included

3.4 Statement

Application must include a sworn statement by the Tenderer ensuring the accuracy of the information given.

3.5 Withdrawal of Prequalification.

Should a condition arise between the time the firm is pre-qualified to bid and the bid opening date which could substantially change the performance and qualification of the bidder or the ability to perform such as but not limited to bankruptcy, change in ownership or new commitments, the reserves the right to reject the tender from such a bidder even though they have been initially pre-qualified.

- 3.6** The firm must have a fixed Business Premise and must be registered in Kenya, with certificate of Registration, Incorporation/Memorandum and Articles of Association, copies of which must be attached.

- 3.6.1** The firm must show proof that it has paid all its statutory obligations and have current Tax Compliance Certificate.

3.7 MANDATORY REQUIREMENTS

A. Preliminary Evaluation Criteria

A responsive bidder must comply with the following key parameters;

1. Certificate of Incorporation or Registration
2. Tax Compliance Certificate
5. Evidence of registered office (attach lease agreement or ownership certificate or recent utility bill)
6. Registration Certificate with National Construction Authority
7. Registration with relevant regulatory authorities
8. Foreign firms must submit their bids in association with local firms having at least 15% venture holding if applicable

Other preliminary considerations:

1. Power of attorney for the signatory and in case of a consortium such person must be agreed upon by the associating firm if applicable
2. MOU for the association of the consortium if applicable

B. Technical Evaluation Criteria

		REMARKS AWARD
PREQUALIFICATION INFORMATION		
1.	Total monetary value of construction work performed for each of the last five years	10%
2.	Experience in at least five (5) works of similar nature and size undertaken in the last five years, and details of under way or contractually committed and names and address of clients who may be contacted for further information on the contracts	15%
3.	Timeliness in project completion Provide at least three (3) letters of commendation from clients/consultants (consultants preferred) confirming the above, clearly indicating contract value, contract period, commencement date and completion date.	9%
4.	Workmanship in project performance Provide at least three (3) letters of commendation from clients confirming their satisfaction on the workmanship of the works. Please also provide copies of three (3) contracts awarded and signed	15%
5.	Major items of construction plant and equipment available to carry out the contract and an undertaking that they shall be available for the contract. If owned, attach documentary evidence of ownership. Weighted marks to be awarded on basis of necessary equipment with owned equipment scoring higher	10%
6.	Qualifications and experience of key site management and technical personnel proposed for the contract and an undertaking that they shall be available for the contract	10%
7.	Reports on the financial standing of the tenderer, such as profit and loss statements and auditor's reports for the past Two years	5%
8.	Evidence of adequacy of working capital for this contract (access to line (s) of credit and availability of other financial resources) 8.1 Letters from contractors bankers confirming contractors	10%

	ability to finance the project adequately & lines of credit 8.2 Bank statements for the last 6 months 8.3. Confirmation letters for access to credit facilities from key suppliers 8.4 Letter of authority to seek references from tenderer's Banker's	
9.	Programme/ Schedule of Works	6%
10.	Information regarding any litigation/arbitration, current or during the last five years, in which the tender is involved, the parties concerned and disputed amount	5%
11.	Ownership 1) Local Ownership 2) Local and Foreign 3) Foreign	5%
	GRAND TOTAL	100%

The score to be pre - qualified to tender is 70% and over.

STANDARD FORMS

FORM 1 PRE-QUALIFICATION DATA

REGISTRATION

SUPPLIERS APPLICATION FORM

I/We hereby apply for registration as
supplier(s) (*Name of Company/Firm*)

Of

(Item Description).....
(sub-Category No.) Post Office

Address.....

Town.....

Street.....

Name of building

(attach lease agreement or premises ownership, Utility Bill)

Room /Office No.

Floor No.

Telephone Nos.....

Full Name of applicant.....

Other branches location

Organization & Business Information

Management

Personnel..... Chief

Executive

Secretary

General Manager

Treasurer

Other.....

Partnership

Names of Partners

3. Business founded or incorporated

4. Under present management since.....

5. Net worth equivalent Kshs.....

6. Bank reference and address
.....

7. Bonding company reference address.....

8. Enclose copy of organization chart of the firm indicating the main fields of activities
.....

9. State any technological innovations or specific attributes which distinguish you
from your competitors

10. Indicate terms of trade/sale

Signature of the applicant.....date.....

FORM II SUPERVISORY PERSONNEL

Name

.....

Age.....

Academic Qualification.....

Undergraduate.....

Post graduate.....

Diploma.....

High School.....

Professional Qualification.....

.....

(Attach Certificates if any)

Length of service with Contractor or Supplier position held

.....

..... *(Attach copies of certificates of key personnel in the*

organization and professional)

Signature of the
applicant.....date.....

FORM III - FINANCIAL POSITION AND TERMS OF TRADE

- (1) Attach a copy of firm’s audited accounts for previous two years.
- (2) Attach letters of reference from the bankers regarding supplier’s credit position.
- (3) State Credit period (minimum proposed is 30 days)

Signature of the applicant.....date.....

FORM-IV

**CONFIDENTIAL BUSINESS
QUESTIONNAIRE**

You are requested to give the particulars indicated in Part I and either Part 2 (a), 2 (b) or 2 (c) whichever applies to your type of business.
You are advised that it is a serious offence to give false information on this form

<p><i>Part I- General :</i></p> <p>Business Name</p> <p>Location of business premises.....</p> <p>Plot No.</p> <p>Street/Road..... COGI</p> <p>Address.....</p> <p>Tel. No.....</p> <p>Nature of business.....</p> <p>Current Trade Licence. No.....</p> <p>Expiring date.....</p> <p>Maximum value of business which you can handle at any one time: Kshs.....</p> <p>Name of your bankers..... Branch</p>
--

<p>?</p>	<p>Part 2 (a) – Sole Proprietor</p> <p>Your name in full.....Age.....</p>
<p>?</p>	<p>... Nationality..... Country of origin.....</p> <p>*Citizenship details.....</p>

?	<p>Part 2 (b) Partnership</p> <p>Given details of partners as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Name</th> <th style="text-align: center;">Nationality</th> <th style="text-align: center;">Citizenship Details</th> <th style="text-align: center;">Shares</th> </tr> </thead> <tbody> <tr> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>	Name	Nationality	Citizenship Details	Shares								
Name	Nationality	Citizenship Details	Shares																		
.....																		
.....																		
	<p>Part 2 (c) – Registered Company:</p> <p>Private or Public.....</p> <p>State the nominal and issued capital of company-</p> <p style="padding-left: 20px;">Nominal Kshs.....</p> <p style="padding-left: 20px;">IssuedKshs.....</p> <p>Given details of all directors as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Name</th> <th style="text-align: center;">Nationality</th> <th style="text-align: center;">Citizenship Details</th> <th style="text-align: center;">Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2.</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>3.</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>4.</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>	Name	Nationality	Citizenship Details	Shares	1.	2.	3.	4.
Name	Nationality	Citizenship Details	Shares																		
1.																		
2.																		
3.																		
4.																		
<p>DateSignature of Candidate.....</p>																					

if Kenya Citizen, indicate under “Citizenship Details” whether by Birth, Naturalization or Registration.

NOTE:

Attach copies of Directors’ identity cards

Signature of the applicant.....date.....

FORM V - PAST EXPERIENCE

NAMES OF THE APPLICANTS CLIENTS IN THE LAST TWO YEARS

NAMES OF OTHER CLIENTS AND VALUES OF CONTRACT/ORDERS

- i) Name of Client (organization)
- ii) Address of Client (organization)
- iii) Name of Contact Person at the client (organization).....
- iv) Telephone No. of Client
- v) Value of Contract.....
- vi) Duration of Contract (date).....

(Attach documental evidence of existence of contract)

2. Name of 2nd Client (organization)

- i) Name of Client (organization)
- ii) Address of Client (organization)
- iii) Name of Contact Person at the client (organization)
- iv) Telephone No. of Client
- v) Value of Contract
- vi) Duration of Contract (date)

(Attach documental evidence of existence of contract)

3. Name of 2nd Client (organization)

- i) Name of Client (organization)
- ii) Address of Client (organization)
- iii) Name of Contact Person at the client (organization)
- iv) Telephone No. of Client
- v) Value of Contract
- vi) Duration of Contract (date)

(Attach documental evidence of existence of contract)

4. Others

(10 Points)

Signature of the applicant.....date.....

FORM VII - LITIGATION HISTORY

Name of Contract Supplier

Contractors/Suppliers should provide information on any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution.

YEAR	AWARD FOR OR AGAINST	NAME OF CLIENT CAUSE OF LITIGATION AND MATTER IN DISPUTE	DISPUTED AMOUNT (CURRENT VALUE, KSHS. EQUIVALENT)

Signature of the applicant.....date.....

ANTI-CORRUPTION DECLARATION/COMMITMENT/PLEDGE-(must be signed by an Attorney)

I/We/M/s of P.O. Box
..... declare

That I/We recognize that Public Procurement is based on a free, fair and competitive tendering process

Which should not be open to abuse.

I/we.....declare that I/We will not offer or facilitate, directly or indirectly, any

Inducement or reward to any member of the Council, Management and/or staff of THE Council Of Governors in connection with tender/Quotation No. ----- In the tender, or in the Subsequent performance of the contract if I/we am/are successful.

Signed by.....CEO or Authorized Representative- Tenderer.

Name.....

Designation.....

Designation.....

Signature..... Date.....

Declared at

Before me.....

Name.....

Signature.....Date

COMMISSIONER FOR OATH

