

## EVALUATION CRITERIA FOR PROVISION OF LEGAL SERVICES

Instructions to tenderers	Particulars of appendix to instructions to tenderers
2.1.1	<p>a) This invitation to tender is open to tenderers who are able to demonstrate that competence is their area of specialization, with proven experience and technical ability.</p> <p>b) Proof of ability to carry out the envisaged contract and availability of appropriate personnel, equipment, financial strength and managerial capacity are a prerequisite for tenderers.</p> <p>c) Interested firms must be Registered/Licensed with the relevant government Authority/Department(s) having jurisdiction where they have worked before.</p>
2.15.1	<p>The Bidder will be required to submit 2 copies of their bid marked "ORIGINAL" and "COPY"</p> <p>The documents shall contain the following-:</p> <p>Shall have contents pages clearly indicating Sections and Page Numbers</p> <p>Shall have pages in the whole document numbered in the correct sequence and</p> <p>Shall contain the following documents; clearly marked and arranged in the following order; -</p> <p>a) Particulars of Tendering Company to include Firms background, Firm's Organization Structure, VAT &amp; PIN Certificate <b>(MANDATORY)</b></p> <p><b>b) Audited Accounts for 2018 Financial Year. (MANDATORY)</b></p> <p>c) Duly filled and completed Confidential Business Questionnaire and Declaration Forms <b>(MANDATORY)</b></p> <p>d) Statement disclosing if the firm or any of its advocates has engaged in past or pending litigation against the TUM and the nature of the litigation in order to avoid conflict of interest. <b>(MANDATORY)</b></p> <p>e) Firm profile, providing the following information:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Period during which the law firm has been in operation.</li> <li><input type="checkbox"/> Number of partners and their standing in the bar</li> <li><input type="checkbox"/> Number of associates and their standing in the bar</li> <li><input type="checkbox"/> Number of paralegal staff</li> <li><input type="checkbox"/> Number of support staff</li> </ul>

	<p>□ Type of cases handled by the firm <b>(MANDATORY)</b></p> <p>f) Copies of current practicing certificates for the year 2019. <b>(MANDATORY)</b></p> <p>g) Evidence of valid professional indemnity insurance cover taken out with a reputable insurance firm. <b>(MANDATORY)</b></p> <p><b>The Vice Chancellor Technical University of Mombasa. P.O. Box 90420 - 80100, MOMBASA.</b></p> <p><b>Note:</b> The cover envelope shall not bear the name and identification of the Bidder</p> <p>(a) Bear, tender number and name in the Invitation for Tenders and the words, <b>“DO NOT OPEN BEFORE 1000 HOURS ON .....</b> The envelope shall also indicate the name and address of the tenderer to enable the tender to be returned unopened in case it is declared “late”.</p>
2.22.1	<p>All the bids admitted at the mandatory evaluation stage shall be subjected to a technical evaluation based on the requirements listed below. The technical evaluation is out of 100 % with a pass mark of 70%.</p> <p>Bidders should disclose if they are engaged in past or pending litigation against TUM and the nature of the litigation in order to avoid conflict of interest.</p>
2.24.3	<p>Candidates with a poor previous performance record will not be considered for award.</p>

<b>EVALUATION MATRIX</b>			
	<b>EVALUATION REQUIREMENT</b>	<b>PARAMETER</b>	<b>MAXIMUM SCORE</b>
1.	Value of professional indemnity cover <b>(attach evidence)</b>	Over Kshs. 20 Million (10 marks) Kshs.10 - 20 Million (5marks) Kshs.6-10 Million (3marks) Kshs.1-5 Million (2marks) Below Kshs1 Million (0marks)	10 5 3 2
2.	Capacity of the firm <b>(Attach CVs of key</b>		

	<p><b>personnel proposed for administration and execution of legal briefs)</b></p> <p>a) Number of partners</p> <p>b) Number of Associates</p>	<p>(2.5 marks per partner for a maximum of 4 partners)</p> <p>(2.5 marks per associate for a maximum of 4 associates)</p>	<p>10</p> <p>10</p>
3.	<p>Briefs handled: <b>(Indicate the cases against the particular subject brief)</b></p> <p>(a) Complex Constitutional and Judicial Review matters</p> <p>(b) Labour related legal briefs</p> <p>(c) Conveyancing briefs</p> <p>(d) Procurement and Disposal Law related briefs</p> <p>(e) Commercial Law briefs</p> <p>(f) Briefs for other Universities or government institutions</p> <p>(g) Experience in Legal audit</p> <p>(h) Experience in criminal prosecution</p>	<p>(4 marks per brief, maximum of 4 briefs)</p> <p>(2.5 marks per brief, maximum of 4 briefs)</p> <p>(2.5 marks per brief, maximum of 2 briefs)</p> <p>(2 marks per brief, maximum of 1 briefs)</p> <p>(2.5 marks per brief, maximum of 3 briefs)</p> <p>(2.5 marks per brief, maximum of 1 briefs)</p> <p>(2 marks per brief, maximum of 1briefs)</p> <p>(2.5 marks per brief, maximum of 2briefs)</p>	<p>16</p> <p>10</p> <p>5</p> <p>2</p> <p>7.5</p> <p>2.5</p> <p>2.0</p> <p>5</p>
4.	<p><b>Facilities:</b></p> <p>Demonstration of well-equipped office space. <b>(Provide details of location of office space and square feet covered by office. Provide evidence of ownership or lease)</b></p>	<p>(6 marks)</p>	<p>6</p>
5.	<p>Cases handled on behalf of</p>		

	the procuring entity  (a)Four (b)Three (c)Two (d) One (e) zero	( 4 marks) ( 3 marks) ( 2 marks) ( 1 marks) ( 0 marks)	4
5.	Provide reference letters from five (5) clients preferably cooperate clients	(1 mark per client, maximum of 5 clients)	5
6.	Financial Capacity Audited accounts must display financial capability for the last two years where applicable. A turnover of at least 3 million.	Kshs 3 million and more score maximum and those with less than Kshs. 3 million score zero.	5
<b>TOTAL SCORE</b>			<b>100</b>

The firms that will score 70% and above will be registered. The firms will be subjected to a performance evaluation to qualify for renewal of the terms after the lapse of the period under the following matrix.

<b>PERFORMANCE EVALUATION MATRIX</b>			
	<b>EVALUATION REQUIREMENT</b>	<b>PARAMETER</b>	<b>MAXIMUM SCORE</b>
1.	Evidence of practicing certificate for the year of renewal for all members of the firm	10 marks awarded to the firm that displays practicing certificates for all partners and associated in the firm	10
2.	Evidence of concluded briefs belonging to the firm	5 marks per brief (Maximum of two briefs)	10
3.	Evidence of a professional indemnity cover for the renewal year. The cover should be of 5 million and above.	10 marks	10
4.	Evidence of quarterly case conferencing report	20marks	20
5.	Evidence of prompt response and case update upon attendance of each matter in court	20 marks	20
5.	Evidence of replica court file created for the procuring entity by the Advocate. Creating an up to date picture of the status of the file	10 marks	10
6.	Evidence and commitment	10 marks	10

	to Pro Bono Work and Cooperate Social Responsibility to the Procuring Entity		
7.	Facilities: Demonstration of well-equipped office space. (Provide details of location of office space and square feet covered by office. Provide evidence of ownership or lease)	10 marks	10
<b>TOTAL SCORE</b>			<b>100</b>

The renewal pass mark shall be 70%