



# **TECHNICAL UNIVERSITY OF MOMBASA**

**TENDER NO: TUM/REG/62/2019-2021**

## **REGISTRATION AND CONTINUOUS UPDATING SUPPLIER\$ FOR provision of legal Services**

Company Name: \_\_\_\_\_

Category No : \_\_\_\_\_

Category Name: \_\_\_\_\_

**IF SPECIAL GROUP PLEASE INDICATE BELOW (√)**

**YOUTH**

**WOMEN**

**PERSONS WITH DISABILITY**

## **INTRODUCTION**

### **REGISTRATION OF SUPPLIERS FOR THE FINANCIAL YEARS 2019/2020 & 2020/2021**

Technical University of Mombasa (TUM) is an institution of higher learning established by the Universities Act, 2012. Core among her mandate is to undertake technological, professional and scientific education and training to disseminate knowledge while ensuring access, equity, quality and relevance of education. The institution started back in 1948 as Mombasa Institute of Muslim Education (MIOME). In 1967 it was transformed to Mombasa Technical Institute (MTI) to offer Certificate, Advanced Level and Corporate Examinations. In 1971, MTI was upgraded to Mombasa Polytechnic and started to offer diploma in Applied Sciences, Engineering and Business Education programmes. In 2007, through legal notice order No. 160 Mombasa Polytechnic was converted from a National Polytechnic to Mombasa Polytechnic University (MPUC) under the mentorship of Jomo Kenyatta University of Agriculture and Technology (JKUAT). In 2013, MPUC attained a full-fledged University status and was renamed Technical University of Mombasa (TUM).

#### **VISION**

A University of Global Excellence in advancing Knowledge, Science and Technology.

#### **MISSION**

To provide Leadership and outstanding programmes by engaging in scholarly reflection, cultivating critical thinking and advancing creative problem-solving skills in the field of Engineering, Sciences, business and related areas that benefit society

#### **VALUES**

The Management, staff and students of the TUM will endeavor to institutionalize, and inculcate values that foster a strong corporate culture that promotes excellence, cohesion and achievement. TUM espouses the following value in the conduct of all its functions:

1. Professionalism
2. Equity and Social Justice
3. Efficiency and Efficacy
4. Commitment

5. Service Delivery
6. Team work
7. Creativity and Innovativeness
8. Integrity
9. Environmental sustainability

### **PHILOSOPHY**

Technical University of Mombasa shall endeavor to offer opportunities for access of commensurate Scientific, Technical, Entrepreneurship and Research skills for Innovation and Creativity to enhance Employment opportunities for Wealth creation

### **HEAD OF PROCUREMENT FOR: VICE CHANCELLOR**

## **GENERAL INSTRUCTIONS**

1. You are requested to provide particulars as indicated in part II, III, IV, V, VI of this form as accurately as possible and where space provided is not sufficient, please use a separate sheet of paper and attach to this form.
2. TUM attaches great importance to correct information given. If the information given is found to be incorrect in any respect, the applicant shall be rendered ineligible for registration/deregistered.
3. TUM reserves the right to visit and inspect business premises of all the applicants to verify information provided.
4. All the information provided would be treated as confidential.
5. This registration Document is eligible for one Item Code which should be clearly written at the top of the form.
6. Your registration documents should be submitted **properly bound, filled and page numbered**, TUM shall not be responsible for Loss of documents not bound (loose).

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**SECTION I - INVITATION FOR REGISTRATION (IFQ)**

**Tender No. TUM/REG/2019/2021**

**Tender Name : REGISTRATION OF SUPPLIERS FOR THE FINANCIAL YEARS 2019/20 & 2020/21**

1. Technical University of Mombasa hereinafter referred as “Procuring Entity” intended to prequalify candidates for **Provision of Legal Services for the financial years 2019-2021.**

**REGISTRATION FOR SUPPLY OF GOODS, WORKS AND SERVICES**

<b>SUPPLY AND DELIVERY OF GOODS</b>			
<b>No.</b>	<b>Category reference</b>	<b>Category Description</b>	<b>Eligibility</b>
1.	TUM/REG/61/2019/2021	Provision of Legal services	Open

2. Registration is open to eligible firms and voluntarily formed joint ventures as indicated in appendix to instructions to candidates.
3. Eligible candidates may obtain / download the registration document from Technical University of Mombasa website ([www.tum.ac.ke](http://www.tum.ac.ke)) or **supplier.treasury.go.ke** free of charge.
4. A minimum requirement for qualification is to attach copies of the following documents:
  - a. Copy of certificate of incorporation/registration;
  - b. VAT Registration Certificate;
  - c. Valid Tax Compliance/ Exemption Certificate;
  - d. Copy of certificate of registration with relevant regulatory bodies;
  - e. Business/Company profile;
5. Applications for registration must be submitted enclosed in plain sealed envelopes marked with the tender name and reference number and deposited in the tender box at **Administration Block** or to be addressed to

**Vice Chancellor**  
**Technical University of Mombasa**  
**P.O. Box 90420-80100 Mombasa, Kenya**  
Should be deposited in the **tender box** located at the University  
Reception on or before  
**Wednesday, 19<sup>th</sup> February, 2020**

6. All candidates whose applications will have been received before the closing date and time will be advised in due course, of the results of their applications. Only candidates prequalified under this registration process will be invited to tender.

**Head of Procurement Department  
For: Vice Chancellor  
Technical University of Mombasa**

**SECTION II - INSTRUCTIONS TO CANDIDATES**

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## **SECTION II - INSTRUCTIONS TO CANDIDATES**

### **2.1 Scope of Tender**

- 2.1.1 Technical University of Mombasa hereinafter referred to as the Procuring Entity intends to prequalify suppliers / contractors for goods, works and services. It is expected that REGISTRATION applications will be submitted to be received by the procurement department not later than **Wednesday, 19<sup>th</sup> February,2020**
- 2.1.2 REGISTRATION is open to eligible firms and voluntarily formed joint ventures as indicated in appendix to instructions to candidates.
- 2.1.3 General information on the candidates' qualification, human resource capital, facilities, financial capabilities to be provided are as specified in the appendix to instructions to candidates

### **2.2 Submission of Application**

- 2.2.1 Applications for REGISTRATION shall be submitted in sealed envelopes marked with the tender name and reference number and deposited in the tender box at **Administration Block** or be addressed to Technical University of Mombasa, P.O. Box 90420-80100 Mombasa, Kenya so as to be received on or before **Wednesday, 19<sup>th</sup> February,2020** Technical University of Mombasa reserves the right to accept or reject late applications.
- 2.2.2 The name and mailing address of the applicant may be marked on the envelope.
- 2.2.3 All the information requested for pre qualification shall be provided in the English language. Where information is provided in any other language, it shall be accompanied by a translation of its pertinent parts into English language. The translation will govern and will be used for interpreting the information.
- 2.2.4 Failure to provide information that is essential for effective evaluation of the applicant's qualifications or to provide timely clarification or substantiation of the information supplied may result in the applicant's disqualification.

### **2.3 Eligible Candidates**

- 2.3.1 This invitation for REGISTRATION is open to all candidates who are eligible as defined in Kenya's Public Procurement Law and Regulations and as indicated in the appendix to instructions to candidates.



2.3.2 The Technical University of Mombasa employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the tender unless where specially allowed under section 131 of the Act.

2.3.3 All terms found capable of performing the contract satisfactorily in accordance to the set REGISTRATION criteria shall be prequalified.

## 2.4 Qualification Criteria

2.4.1 REGISTRATION will be based on meeting the minimum requirements to pass in the criteria set as shown below. The declaration will be either pass or fail regarding the applicant's general and particular experience, personnel and equipment capabilities and financial position as demonstrated by the applicant's response in the forms provided in Section IV and submitted with the letter of application. Technical University of Mombasa reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the contract.

2.4.2 When highly specialized inputs (especially for execution of the contract) are required by the applicant from specialist sub contractors, such subcontractors and their inputs shall be described in the Standard Form 1 (General Information)

2.4.3 Personnel capabilities. The applicant must have suitably qualified personnel to fill the following positions(19)

Position	Total experience (years)	In similar works (years)	As manager of similar works (years)
Project Manager			
Other Position			
Other position			

2.4.4 Equipment capabilities. The applicant should own, or have assured access (through hire, lease, purchase agreement, availability of manufacturing equipment, or other means) the following key items of equipment in full good working order, and must demonstrate that, based on known commitments they will be available for use in the proposed contract. The applicant may also list alternative equipment that it would propose for the contract together with an explanation of the proposal.

Equipment type and characteristics	Minimum number required
1)	
2)	
3)	

2.4.5 Financial position. The applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit and other financial means sufficient to meet the construction cash flow for a period of months \_\_\_\_\_, estimated at Kshs \_\_\_\_\_, net of the applicants commitments for other contracts

2.4.6 The audited Accounts for not more than three month from the date of application shall be submitted and must demonstrate the soundness of the applicant's financial position, showing long-term profitability. Where necessary the procuring entity will make inquiries with the applicant's bankers

2.4.7 Litigation history; the applicant should provide accurate information on any litigation or arbitration resulting from contracts completed or under its execution over the last five years. A consistent history of awards against the applicant or any partner of a joint venture may result in failure of the application.

## 2.5 Joint Venture

2.5.1 Joint ventures must comply with the following:-

(a) The following are the minimum qualification requirements.

(i) The lead partner shall meet not less than ( %) of all the qualifying criteria in paras's 2.4.3 and 2.4.6 above (24)

(ii) The other partners shall meet individually not less than \_\_\_\_\_ ( %) of all the qualifying criteria given in para. 2.4.3 and 2.4.6 above

(iii) The joint venture must satisfy collectively the criteria of section 4, for which propose the relevant figures for each of the partners shall be added together to arrive at the joint ventures total capacity. Individual members must each satisfy the requirements of para 2.4.7 and 2.4.8 above.

- (b) The formation of a joint venture after REGISTRATION and any change in a prequalified joint venture will be subject to the written approval of the Technical University of Mombasa prior to the deadline for submission of bids. Such approval may be denied if (i) partners withdraw from a joint venture and the remaining partners do not meet the qualifying requirements (ii) the new partners to a joint venture are not qualified, individually or as another joint venture; or (iii) in the opinion of the Technical University of Mombasa a substantial reduction in competition may result.
- (c) Any future bid shall be signed so as to legally bind all partners, jointly and severally, and any bid shall be submitted with a copy of the joint venture agreement providing the joint and several liability with respect to the contract.
- 2.5.2 The REGISTRATION of a joint venture does not necessarily pre qualify any of its members individually as a member in any other joint venture or association. In case of dissolution of a joint venture, each one of the constituent firms may prequalify if it meets all the REGISTRATION requirements, subject to a written approval of the Technical University of Mombasa.

## **2.6 Public Sector companies**

- 2.6.1 Any public owned enterprise may be eligible to qualify if, in addition to meeting all the above requirements, it is also legally and financially autonomous, it operates under commercial law, and it is not a dependent agency of another public entity.

## **2.7. Conflict of Interest**

- 2.7.1 The applicant (including all members of a joint venture) shall not be associated, nor have been associated in the past, with the consultant or any other entity that has prepared the design, specifications, and other REGISTRATION and bidding documents for the project, or with an entity that was proposed as engineer for the contract. Any such association must be disclosed and may result in the disqualification of the applicant.

## **2.8. Updating REGISTRATION Information**

- 2.8.1 Pre qualified candidates shall be required to update the financial information used for pre qualification at the time of submitting their bids and to confirm their continued compliance with the qualification criteria. A bid shall be rejected if the applicant's qualification thresholds are no longer met at the time of bidding.

**SECTION III- LETTER OF APPLICATION**

Date .....

**To: The Vice Chancellor  
Technical University of Mombasa  
P.O.Box 90420-80100, Mombasa, Kenya**

Ladies and/or Gentlemen

1. Being duly authorized to represent and act on behalf of \_\_\_\_\_ (*name of firm*) (hereinafter referred to as “the Applicant” ), and having reviewed and fully understood all of the pre qualification information provided, the undersigned hereby apply to be prequalified by yourselves as a bidder for the following contract(s) under (Tender No. and Tender name)

Tender number	Tender name
1.	
2.	
3.	
4.	
5.	

2. Attached to this letter are copies of original documents defining

- (a) the Applicant’s legal status
- (b) the principal place of business and
- (c) the place of incorporation (*for applicants who are corporations*), or the place of registration and the nationality of the owners (*for applicants who are partnerships or individually-owned firms*).

3. Your Agency and its authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this application, and to seek clarification from our bankers and clients regarding any financial and technical aspects. This letter of Application will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and as requested by yourselves to verify statements and information provided in this application, such as the resources, experience, and competence of the Applicant.

4. Your Agency and its authorized representatives may contact the following persons for further information.

General and managerial inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

Personnel inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

Technical inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

Financial inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

5. This application is made with the full understanding that:

- (a) Bids by prequalified applicants will be subject to verification of all information submitted for REGISTRATION at the time of bidding.
- (b) Your Agency reserves the right to:
  - amend the scope and value of any contracts bid under this project; in such event, bids will only be called from prequalified bidders who meet the revised requirements; and
  - reject or accept any application, cancel the REGISTRATION process, and reject all applications
- (c) your Agency shall not be liable for any such actions and shall be under no obligation to inform the Applicant of the grounds for them

1. Appended to this application, we give details of the participation of each party, including capital contribution and profit/loss agreements, in the joint venture or association. We also specify the financial commitment in terms of

the percentage of the value of the <each> contract, and the responsibilities for execution of the <each> contract.

2. We confirm that if we bid, that bid, as well as any resulting contract, will be:

- (a) Signed so as to legally bind all partners, jointly and severally; and
- (b) Submitted with a joint venture agreement providing the joint and several liability of all partners in the event the contract is awarded to us.

3. The undersigned declare that the statement made and the information provided in the duly completed application are complete, true, and correct in every detail.

Signed	Signed
Name	Name
For and on behalf of (name of Applicant or lead partner of a joint venture)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

## **SECTION IV - STANDARD FORMS**

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3A	Details of contracts of similar nature and complexity	
4.	Summary sheet current contract commitments/works in progress	
5.	Personnel capabilities	
5A	Candidate summary	
6.	Equipment capability	
7.	Financial capability	
8.	Litigation History	
9.	Request for Review	

## **SECTION IV - STANDARD FORMS**

### **Notes on completion of Standard Forms**

- Application Form 1 - General information  
This form is to be completed by all applicants. Where the applicant proposes to use sub-contractors the information should be supplied in this format. Where there is a joint venture, each partners shall complete the form
- Application Form 2 - General Experience Record  
This form is to be completed by all applicants. Separate sheets should be used for each partner of a joint venture. Applicants are not required to enclose testimonials, certificates or publicity materials with their applications.
- Application Form 2A - Joint Venture Summary  
This form is to be completed by joint venture applicants only.
- Application Form 3 - Particular Experience Record  
This form is to be completed by all applicants meeting the requirement set out in the instructions to candidates. Separate sheets shall be used for each member of or joint venture. Complimentary information will be given on application Form 3A.
- Application Form 3A - Details of Contracts of similar nature and complexity  
This form shall be completed by all applicants and will contain similar works completed by the applicant or a member of a joint venture
- Application Form 4 - Summary sheet. Contract commitments/work in progress  
This form is to be completed by all applicants including each member of a joint venture. It shall contain the current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.
- Application Form 5 - Personnel Capabilities  
This form is to be completed by all applicants. It shall include specific positions essential to contract implementation. The applicants shall provide the names of at least two candidates qualified to meet the specified



requirements stated for each position. The data on their experience shall be supplied on Form 5A

- Application Form 5A - Candidate Summary  
This form is to be completed by all applicants. The information provided will complement information on Form 5. A separate form shall be used for each personnel
- Application Form 6 - Equipment Capability  
This form is to be completed by all applicants. It should provide adequate information to demonstrate clearly that the applicant has the capability to meet the requirements for each and all items of equipment listed in the instructions to candidates. A separate form shall be prepared for each item of equipment or for alternative equipment proposed by the applicant.
- Application Form 7 - Financial Capability  
This form shall be completed by every applicant and each member of a joint venture. It should contained financial information to demonstrate that they meet the requirements stated in the instructions to candidates. If necessary separate sheets should be used to provide complete banker information. A copy of the audited balance sheet if available should be attached. The information should include the summary of actual assets and liabilities for the last five years.
- Application Form 8 - Litigation History  
This form is to be completed by all applicants including each member of a joint venture. It should provide information on any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution. A separate sheet should be used for each member of a joint venture
- Form RB1 - Request for Review  
This form is only to be filled by the tenderer when aggrieved by the Procuring Entity and submitted to the Review Board at anytime during the tender process but not later than 14 days after date of notification of award

**APPLICATION FORM (1)**

**GENERAL INFORMATION**

1.	Name of firm	
2.	Head office address	
3.	Telephone	Contact
4.	Fax	E-mail
5.	Place of incorporation/registration	Year of incorporation/registration

Nationality of owners		
	Name	Nationality
1.		
2.		
3.		
4.		
5.		

## APPLICATION FORM (2)

### GENERAL EXPERIENCE RECORD

Name of Applicant or partner of a joint venture
---

Annual turnover data (Construction only)		
Year	Turnover	Kshs.
1.		
2.		
3.		
4.		
5.		

## APPLICATION FORM (2A)

### JOINT VENTURE SUMMARY

Names of all partners of a joint venture
1. Lead partner
2. Partner
3. Partner
4. Partner
5. Partner
6. Partner

Total value of annual construction turnover, in terms of work billed to clients, in Kshs.

Annual turnover data (construction only): Kshs.
---

Partner	Form 2 Page no.	Year 1	Year 2	Year 3
1. Lead Partner				
2. Partner				
3. Partner				
4. Partner				
5. Partner				
6. Partner				
	Totals			

**APPLICATION FORM (3)**

**PARTICULAR EXPERIENCE RECORD**

Name of Applicant or partner of a joint venture

## APPLICATION FORM (3A)

### DETAILS OF CONTRACTS OF SIMILAR NATURE AND COMPLEXITY

Name of Applicant or partner of a joint venture
---

Use a separate sheet for each contract.

1.	Number of contract	
	Name of Contract	
	Country	
2.	Name of employer	
3.	Employer address	
4.	Nature of works and special features relevant to the contract for which the Applicant wishes to prequalify	
5.	Contract role (check one) * Sole contract * Management contract * Subcontract * Partner in a joint venture	
6.	Value of the total contract/subcontract/partner share (in specified currencies at completion, or at date of award for current contract)	
7.	Date of award	
8.	Date of completion	
9.	Contract/subcontract duration (years and months) - years - months	
10	Specified requirements	

**APPLICATION FORM (4)**

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

Name of Applicant or partner of a joint venture
---

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

**APPLICATION FORM (5)**

## PERSONNEL CAPABILITIES

Name of Applicant
-------------------

1.	Title of position  Name of prime candidate  Name of alternate candidate
2.	Title of position  Name of prime candidate  Name of alternate candidate
3.	Title of position  Name of prime candidate  Name of alternate candidate
4.	Title of position  Name of prime candidate  Name of alternate candidate

**APPLICATION FORM (5A)**



## CANDIDATE SUMMARY

Name of Applicant
-------------------

Position	Candidate * Prime                      * Alternate	
Candidate information	1. Name of candidate	2. Date of birth
	3. Professional qualifications	
Present employment	4. Name of employer	
	5. Address of employer	
Telephone	Contact (manager/personnel officer)	
Fax	E mail	
Job title of candidate	Years with present employer	

Summarize professional experience over the last 20 years, in reverse chronological order. Indicate particular technical and managerial experience relevant to the Project.

From	To	Company/Project/Position/Relevant technical and management experience

**APPLICATION FORM (6)**



## FINANCIAL CAPABILITY

Name of Applicant or partner of a joint venture
---

Banker	Name of banker <hr/> Address of banker ..... Telephone <span style="float: right;">Contact name and title</span> <hr/> Fax <span style="float: right;">E mail</span>
--------	--

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



6. Profits after taxes				

Source of finance	Amount Kshs.
1.	
2.	
3.	
4.	

## SWORN STATEMENT

I declare that to the best of my knowledge the answers submitted in this REGISTRATION questionnaires (and any supporting documentation) are correct. I understand that any misrepresentation will render my organization ineligible to participate in any future business activities with Technical University of Mombasa.

Having studied the REGISTRATION information for the above provision of goods, works or services applied for I hereby state:

1. The information and answers furnished in this REGISTRATION questionnaire form (and any supporting documentation) are correct to the best of our knowledge and I understand that any misrepresentation will render my organization ineligible to participate in any future business activities with Technical University of Mombasa.
2. That in case of being pre-qualified we acknowledge that this grants us the right to participate in due time in the submission of a tender or quotation on the basis of provisions in the tender or quotation documents to follow.
3. We enclose all the required documents and information required for the REGISTRATION evaluation.
4. We will not engage in corrupt practices with the University /Members of Staff.
5. We have not been debarred from participating in Public Procurement Proceedings.

FORM COMPLETED BY	
Date:	
Name: (Full name and designation of the person signing and stamp or seal)	
Signature:	
Stamp or seal	

# CONFIDENTIAL BUSINESS QUESTIONNAIRE FORM

You are requested to give the particulars indicated in Part 1 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>Part 1 – General</p> <p>Business Name .....</p> <p>Location of business Premises .....</p> <p>Plot No. .... Street/Road .....</p> <p>Postal Address ..... Tel No. ....</p> <p>Email Address.....</p> <p>Nature of business .....</p> <p>Current Trade License No. .... 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>Part 2 (a) – Sole Proprietor</p> <p>Your Name in full ..... Age .....</p> <p>Nationality ..... Country of origin .....</p> <p>* Citizenship details .....</p>																														
	<p style="text-align: center;">Part 2 (b) Partnership</p> <p>Given details of partners as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 30%;">Name</th> <th style="width: 20%;">Nationality</th> <th style="width: 20%;">Citizenship Details</th> <th style="width: 10%;">Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>1</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>3</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>		Name	Nationality	Citizenship Details	Shares	1.	.....	.....	.....	.....	1	.....	.....	.....	.....	2	.....	.....	.....	.....	3	.....	.....	.....	.....					
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1.	.....	.....	.....	.....																											
1	.....	.....	.....	.....																											
2	.....	.....	.....	.....																											
3	.....	.....	.....	.....																											
	<p style="text-align: center;">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;">Issued Kshs.</p> <p>Given details of all directors as follows</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 30%;">Name</th> <th style="width: 20%;">Nationality</th> <th style="width: 20%;">Citizenship Details</th> <th style="width: 10%;">Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>3.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>4.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>5.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>		Name	Nationality	Citizenship Details	Shares	1.	.....	.....	.....	.....	2.	.....	.....	.....	.....	3.	.....	.....	.....	.....	4.	.....	.....	.....	.....	5.	.....	.....	.....	.....
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1.	.....	.....	.....	.....																											
2.	.....	.....	.....	.....																											
3.	.....	.....	.....	.....																											
4.	.....	.....	.....	.....																											
5.	.....	.....	.....	.....																											
<p>Date ..... Seal/Signature of Candidate .....</p>																															

## EVALUATION CRITERIA

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>a) Shall have contents pages clearly indicating Sections and Page Numbers</p> <p>b) Shall have pages in the whole document numbered in the correct sequence and</p> <p>c) Shall contain the following documents; clearly marked and arranged in the following order; -</p> <p>d) Particulars of Tendering Company to include Firms background, Firm’s Organization Structure, VAT &amp; PIN Certificate</p> <p style="padding-left: 40px;">a. Certificate of incorporation/registration of the firm or its equivalent. Provide a list of shareholders and the directors with their contact details.</p> <p style="padding-left: 40px;">b. A valid tax compliance Certificate <b>(MANDATORY)</b></p> <p>e) Audited Accounts for 2018 Financial Year. <b>(MANDATORY)</b></p> <p>f) Duly filled and completed Confidential Business Questionnaire and Declaration Forms <b>(MANDATORY)</b></p> <p>g) 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</p>



	<p>order to avoid conflict of interest. <b>(MANDATORY)</b></p> <p>h) 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> <li><input type="checkbox"/> Type of cases handled by the firm <b>(MANDATORY)</b></li> </ul> <p>i) Copies of current practicing certificates for the year 2019. <b>(MANDATORY)</b></p> <p>j) 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>k) Bear, tender number and name in the Invitation for Tenders and the words, <b>“DO NOT OPEN BEFORE 1000 HOURS ON Wednesday 19<sup>th</sup> February,2020 at 10.00am.</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%. 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	Candidates with a poor previous performance record will not be considered for award.

<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 personnel proposed for administration and execution of legal briefs</b> ) a) Number of partners b) Number of Associates	(2.5 marks per partner for a maximum of 4 partners) (2.5 marks per associate for a maximum of 4 associates)	10 10
3.	Briefs handled: ( <b>Indicate the cases against the particular subject brief</b> )  (a) Complex Constitutional and Judicial Review matters (b) Labour related legal briefs (c) Conveyancing briefs (d) Procurement and Disposal Law related briefs (e) Commercial Law briefs	(4 marks per brief, maximum of 4 briefs) (2.5 marks per brief, maximum of 4 briefs) (2.5 marks per brief, maximum of 2 briefs) (2 marks per brief, maximum of 1 briefs) (2.5 marks per brief, maximum of 3 briefs) (2.5 marks per brief, maximum of 1 briefs) (2 marks per brief, maximum of 1briefs) (2.5 marks per brief, maximum of 2briefs)	16 10 5 2 7.5

	(f) Briefs for other Universities or government institutions (g) Experience in Legal audit (h) Experience in criminal prosecution		2.5  2.0  5
4.	<b>Facilities:</b> 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>	(6 marks)	6
5.	Cases handled on behalf of 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 to Pro Bono Work and Cooperate Social Responsibility to the Procuring Entity	10 marks	10
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%

**LETTER OF NOTIFICATION OF AWARD**

Address of Procuring Entity

\_\_\_\_\_  
\_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RE: Tender No. \_\_\_\_\_

Tender Name \_\_\_\_\_

This is to notify that the contract/s stated below under the above mentioned tender have been awarded to you.

\_\_\_\_\_  
\_\_\_\_\_

1. Please acknowledge receipt of this letter of notification signifying your acceptance.
2. The contract/contracts shall be signed by the parties within 30 days of the date of this letter but not earlier than 14 days from the date of the letter.
3. You may contact the officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

*(FULL PARTICULARS)* \_\_\_\_\_  
\_\_\_\_\_

SIGNED FOR ACCOUNTING OFFICER

**REQUEST FOR REVIEW FORM**

**FORM RB 1**

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

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

BETWEEN

.....APPLICANT

AND

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

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

**REQUEST FOR REVIEW**

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

- 1.
- 2.
- etc.

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

- 1.
- 2.
- etc

SIGNED .....(Applicant)

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

**FOR OFFICIAL USE ONLY**

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

**SIGNED**

**Board Secretary**