



**KenGen**

**KENYA ELECTRICITY GENERATING COMPANY PLC**

**RFx: 5000014918**

**KGN~HR~003~2024**

**PREQUALIFICATION OF SUPPLIERS FOR PROVISION OF  
AIR TICKETING & TRAVEL AGENCY SERVICES FOR TWO YEARS.**

**(Reserved for ALL AGPO Categories)**

Kenya Electricity Generating Company PLC  
Stima Plaza Phase III, Kolobot Road, Parklands  
P.O. BOX 47936-00100  
NAIROBI.

Website: [www.kengen.co.ke](http://www.kengen.co.ke)

March, 2024

## INVITATION TO APPLY FOR PREQUALIFICATION

Name of Contract: **PREQUALIFICATION OF SUPPLIERS FOR PROVISION OF AIR TICKETING & TRAVEL AGENCY SERVICES FOR TWO YEARS**

Contract No. **KGN-HR-003-2024**

Prequalification Reference No.: **KGN-HR-003-2024**

The **Kenya Electricity Generating Company PLC** intends to prequalify Service Providers for **Prequalification of Suppliers for Provision of Air ticketing & Travel Agency Services for two years**

It is expected that the Invitation to tender will be made in **[February 2024]**. Tendering will be conducted through **Open National tendering method under AGPO Category** procedures using a standardized tender document and will be open to all applicants who prequalify.

Qualified and interested tenderers may obtain further information and inspect the Prequalification Document during office hours between 8am and 5pm starting at the date of advert at the office of:

General Manager, Supply Chain  
Tel: (254) (020) 3666000  
Email: [tenders@kengen.co.ke](mailto:tenders@kengen.co.ke);

The Prequalification Document can be viewed and downloaded for free from the website [www.kengen.co.ke](http://www.kengen.co.ke)  
Tenderers who download the Prequalification Document must forward their particulars immediately to ([tenders@kengen.co.ke](mailto:tenders@kengen.co.ke) , 0711036000 and P.O.BOX 47936-00100 postal address) to facilitate any further clarification or addendum

Bidders who are unable to download the tender documents from the website may collect them from any KenGen Supply Chain Office upon payment of a non-refundable fee of **KShs.1, 000.00** paid via Mpesa, pay bill no. **400200 and account no. 01120069076000**, then share the MPesa message to KenGen Finance office staff for receipt and issuance of official receipt or through a banker's cheque and payable to the address given below.

Completed prequalification documents must be submitted **online** on or before **10<sup>th</sup> April, 2024 at 10.00 a.m.**

Electronic prequalification documents *will be permitted through our e-procurement platform found at [www.kengen.co.ke](http://www.kengen.co.ke) (<https://eprocurement.kengen.co.ke:50001/irj/portal> on or before; 10<sup>th</sup> April, 2024 at 10.00 a.m.*

*Internet Explorer and Firefox Mozilla are the preferred web browsers.*

Late applications shall be rejected.

Address where to submit Applications

A. The addresses referred to above are: ~

**Address for obtaining further information and Submission of Tenders**

General Manager, Supply Chain  
Kenya Electricity Generating Company PLC  
Stima Plaza Phase III, Kolobot Road, Parklands  
P.O. Box 47936 – 00100, NAIROBI – KENYA.  
9<sup>th</sup> Floor, RBS

**B. Address for Opening of Tenders.**

General Manager, Supply Chain  
Kenya Electricity Generating Company PLC  
Stima Plaza Phase III, Kolobot Road, Parklands  
P.O. Box 47936-00100, NAIROBI - KENYA  
9<sup>th</sup> Floor, RBS

*KenGen adheres to high standards of integrity in its business operations.  
Report any unethical behavior immediately to any of the provided anonymous hotline service.*

- 1) Call Toll Free: 0800722626;
- 2) Free-Fax: 00800 007788;
- 3) Email: [kengen@tip-offs.com](mailto:kengen@tip-offs.com)
- 4) Website: [www.tip-offs.com](http://www.tip-offs.com)

GENERAL MANAGER, SUPPLY CHAIN

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# **PART 1 ~ APPLICATION PROCEDURES**

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## SECTION I - INSTRUCTIONS TO APPLICANTS (ITA)

### A. General

#### 1 Scope of Application

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

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

#### 3 Fraud and Corruption

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

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

#### 4 Collusive practices

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

#### 5 Eligible Applicants

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

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

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

in violation of this procedure will be rejected.

- 5.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, only one prequalified Applicant will be allowed to tender for the. All Tenders submitted in violation of this procedure will be rejected.
- 5.5 An Applicant may have the nationality of any country, subject to the restrictions pursuant to ITA 5.1 and 5.2. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. sub-contractors or suppliers for any part of the Contract including related Non-Consulting Services.
- 5.6 Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Procuring Entity as Engineer for contract implementation of the contract(s) that are the subject of this prequalification. In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff of the Procuring Entity who:
- a are directly or indirectly involved in the preparation of the prequalification Document or Invitation to Tender (ITT), Document or specifications of the Contract, and/or the Tender evaluation process of such Contract; or
  - b would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to the Procuring Entity throughout the prequalification, ITT process and execution of the Contract.
- 5.7 An Applicant that has been debarred shall be ineligible to be initially selected for, prequalified for, tender for, propose for, or be awarded a contract during such period of time as the PPRA shall have determined. The list of debarred firms and individuals is available at [www.ppra.go.ke](http://www.ppra.go.ke)
- 5.8 Applicants that are state-owned enterprise or institutions in Kenya may be eligible to prequalify, compete and be awarded a Contract(s) only if they can establish, in a manner accept able to the Procuring Entity, that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not under supervision of any public entity.
- 5.9 An Applicant shall not be under sanction of debarment from Tendering by the PPRA as the result of the execution of a Tender/Proposal–Securing Declaration.
- 5.10 An Applicant that is a Kenyan firm or citizen shall provide evidence of having fulfilled his/her tax obligations by producing a current tax clearance certificate or tax exemption certificate issued by the Kenya Revenue Authority.
- 5.11 An Applicant shall provide any other such documentary evidence of eligibility satisfactory to the Procuring Entity, as the Procuring Entity shall reasonably request.

## **6 Eligibility**

- 6.1 Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated herein. The countries, persons or entities are in eligible if:
- a. As a matter of law or official regulations, Kenya prohibits commercial relations with that country, or
  - b. By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, Kenya prohibits any import of goods or contracting of works or Non- Consulting Services from that country, or any payments to any country, person, or entity in that country.
- 6.2 When the Works, supply of Goods or provision of non-consulting services are implemented a cross jurisdictional boundary (and more than one country is a Procuring Entity, and is involved in the

procurement), then exclusion of a firm or individual on the basis of ITA 5.1 (a) above by any country may be applied to that procurement a cross other countries involved, if the Procuring Entities involved in the procurement so agree.

- 6.3 Any goods, works and production processes with characteristics that have been declared by the relevant national environmental protection agency or by other competent authority as harmful to human beings and to the environment shall not be eligible for procurement.

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

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

- 7.1 This Prequalification Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 8.

#### **PART 1 - Prequalification Procedures**

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

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

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

- 7.2 Unless obtained directly from the Procuring Entity, the Procuring Entity accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Prequalification Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Procuring Entity shall prevail.
- 7.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its Application all information or documentation as is required by the Prequalification Document.

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

- 8.1 An Applicant requiring any clarification of the Prequalification Document shall contact the Procuring Entity in writing at the Procuring Entity's address indicated in the **PDS**. The Procuring Entity will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. The Procuring Entity shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Document directly from the Procuring Entity, including a description of the inquiry but without identifying its source. If so indicated in the **PDS**, the Procuring Entity shall also promptly publish its response at the webpage identified in the **PDS**. Should the Procuring Entity deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 8. And in accordance with the provisions of ITA 17.2.
- 8.2 The Applicant, at the Applicant's own responsibility and risk, is encouraged to visit and examine and inspect the Site of the required contracts and obtain all information that may be necessary for preparing the application. The costs of visiting the Site shall be at the Applicant's own expense. The Procuring Entity shall specify in the **PDS** if a pre-application meeting will be held, when and where. The Procuring Entity shall also specify in the **PDS** if a pre-arranged Site visit will be held and when. The Applicant's designated representative is invited to attend a pre- application meeting and a pre-arranged site visit. The purpose of the meetings will be to clarify issues and to answer questions on any matter that may be raised at that stage.
- 8.3 The Applicant is requested to submit any questions in writing, to reach the Procuring Entity not later than the period specified in the **PDS** before the submission date of applications.



- 8.4 Minutes of a pre-arranged site visit and those of the pre-application meeting, if applicable, including the text of the questions asked by Applicants and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all Applicants who have acquired the prequalification documents. Minutes shall not identify the source of the questions asked.
- 8.5 The Procuring Entity shall also promptly publish anonymized (*no names*) Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page identified **in the PDS**. Any modification to the Prequalification Documents that may become necessary as a result of the pre-arranged site visit and those of the pre-application meeting shall be made by the Procuring Entity exclusively through the issue of an Addendum pursuant to PDS 8 and not through the minutes of the pre-application meeting. Non-attendance at the pre-arranged site visit and the pre-tender meeting will not be a cause for disqualification of a Tenderer.

## **9 Amendment of Prequalification Document**

- 9.1 At any time prior to the deadline for submission of Applications, the Procuring Entity may amend the Prequalification Document by issuing an Addendum.
- 9.2 Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all Applicants who have obtained the Prequalification Document from the Procuring Entity. The Procuring Entity shall promptly publish the Addendum at the Procuring Entity's webpage identified in the PDS.
- 9.3 To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the Procuring Entity may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

## **C. Preparation of Applications**

### **10 Cost of Applications**

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

### **11 Language of Application**

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

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

- 12.1 The Application shall comprise the following:
- a. Application Submission Letter, in accordance with ITA 13.1;
  - b. Eligibility: documentary evidence establishing the Applicant's eligibility, in accordance with ITA 14.1;
  - c. Qualifications: documentary evidence establishing the Applicant's qualifications, in accordance with ITA 15; and
  - d. Any other document required as specified in the PDS.
- 12.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.

### **13 Application Submission Letter**

- 13.1 The Applicant shall complete an Application Submission Letter as provided in Section IV (Application



Forms). This Letter must be completed without any alteration to its format.

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

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

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

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

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

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

b Value of single Contract-Exchange rate prevailing on the date of the contract.

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

15.4 Applicants shall be asked to provide, as part of the data for qualification, such information, including details of ownership, as shall be required to determine whether, according to the classification established by the Procuring Entity, a particular contractor or group of contractors qualifies for a margin of preference. Further the information will enable the Procuring Entity identify any actual or potential conflict of interest in relation to the procurement and/or contract management processes, or a possibility of collusion between Applicants, and thereby help to prevent any corrupt influence in relation to the procurement processor contract management.

15.5 The purpose of the information described in ITT 6.2 above overrides any claims to confidentiality which an Applicant may have. There can be no circumstances in which it would be justified for an Applicant to keep information relating to its ownership and control confidential where it is tendering to undertake public sector work and receive public sector funds. Thus, confidentiality will not be accepted by the Procuring Entity as a justification for an Applicant's failure to disclose, or failure to provide required information on its ownership and control.

15.6 The Applicant shall provide further documentary proof, information or authorizations that the Procuring Entity may request in relation to ownership and control which information on any changes to the information which was provided by the Applicant under ITT 6.3. The obligations to require this information shall continue for the duration of the procurement process and contract performance and after completion of the contract, if any change to the information previously provided may reveal a conflict of interest in relation to the award or management of the contract.

15.7 All information provided by the Applicant pursuant to these requirements must be complete, current and accurate as at the date of provision to the Procuring Entity. In submitting the information required pursuant to these requirements, the Applicant shall warrant that the information submitted is complete, current and accurate as at the date of submission to the Procuring Entity.

15.8 If an Applicant fails to submit the information required by these requirements, its application will be rejected. Similarly, if the Procuring Entity is unable, after taking reasonable steps, to verify to a reasonable degree the information submitted by an Applicant pursuant to these requirements, then the application will be rejected.

15.9 If information submitted by an Applicant pursuant to these requirements, or obtained by the Procuring Entity (whether through its own enquiries, through notification by the public or otherwise), shows any conflict of interest which could materially and improperly benefit the Applicant in relation to the procurement or contract management process, then:

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,
- 15.10 the Applicant will be referred to the relevant law enforcement authorities for investigation of whether the Applicant or any other persons have committed any criminal offence.
- 15.11 If an Applicant submits information pursuant to these requirements that is incomplete, inaccurate or out-of-date, or attempts to obstruct the verification process, then the consequences ITT 6.7 will ensue unless the Applicant can show to the reasonable satisfaction of the Procuring Entity that any such act was not material, or was due to genuine error which was not attributable to the intentional act, negligence or recklessness of the Applicant.

## 16 Signing of the Application and Number of Copies

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

## D. Submission of Applications

### 17 Sealing and Marking of Applications

- 17.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:
- 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 prequalification process indicated in the PDS 1.1.
- 17.2 The Procuring Entity will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.

### 18 Deadline for Submission of Applications

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

### 19 Late Applications

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

### 20. Opening of Applications

- 20.1 The Procuring Entity shall open all Applications at the date, time and place specified in the PDS. Late Applications shall be treated in accordance with ITA 19.1.
- 20.2 Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in

accordance with the procedures specified in the **PDS**.

- 20.2 The Procuring Entity shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.

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

### **21 Confidentiality**

- 21.1 Information relating to the Applications, their evaluation and results of the prequalification shall not be disclosed to Applicants or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 28.

- 21.2 From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Procuring Entity on any matter related to the prequalification process may do so only in writing.

### **22 Clarification of Applications**

- 22.1 To assist in the evaluation of Applications, the Procuring Entity may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Procuring Entity and all clarifications from the Applicant shall be in writing.

- 22.1 If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Procuring Entity's request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

### **23 Responsiveness of Applications**

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

### **24 Margin of Preference**

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

### **25 Nominated Subcontractors**

- 25.1 Unless otherwise stated in the **PDS**, the Procuring Entity does not intend to execute any specific elements of the works by sub-contractors selected in advance by the Procuring Entity (so-called "Nominated Subcontractors").

- 25.2 The Applicant shall not propose to subcontract the whole of the Works or Goods. The maximum limit of subcontracting permitted under the contract may be specified by the Procuring Entity in the Tendering Document. The Procuring Entity, in ITA 25.2, may permit the Applicant to propose subcontractors for certain specialized parts of the contract as indicated there in as ("Specialized Subcontractors"). Applicants planning to use such Specialized Subcontractors shall specify, in the Application Submission Letter, the activity(ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

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

### **26 Evaluation of Applications**

- 26.1 The Procuring Entity shall use the factors, methods, criteria, and requirements defined in Section

III, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The Procuring Entity reserves the right to waive min or deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.

26.2 Subcontractors proposed by the Applicant shall be fully qualified and meet the minimum specific experience criteria as specified for their parts of the proposed contract for Works or Goods or non-consulting services. The subcontractor's qualifications shall not be used by the Applicant to qualify for the Works or Goods or non-consulting services unless their parts of the Works or Goods or non-consulting services were previously designated by the Procuring Entity in the PDS as can be met by Specialized Subcontractors, in which case:

i) The Specialized Subcontractors shall meet the minimum qualification requirements specified in Section III, and

ii) the qualifications with respect to specific experience of the Specialized Subcontractor proposed by the

Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation.

Unless the Applicant has been determined prequalified on its own without taking into account the qualification and experience of the proposed specialized sub-contractor, the tender submitted by the Applicant shall include the same specialized sub-contractor failing which, such tender may be rejected unless a change in the specialized sub-contractor was requested by the Applicant and approved by the Procuring Entity subsequent to prequalification but before the tender submission deadline in accordance with ITA 30.

26.3 In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Procuring Entity shall prequalify each Applicant for each lot and for a combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements the Eligibility and Qualification Criteria.

26.4 Further, in the case of multiple contracts, the Procuring Entity will prepare the Eligibility and Qualification Criteria Form for items 3.1, 3.2, 4.2(a) and 4.2(b) for each Lot, to be completed by applicants.

26.5 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant's subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Applicant shall not be considered.

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

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

## **28 Prequalification of Applicants**

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

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

## **28 Invitation to Tender**

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

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

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

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

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

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

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

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




SECTION II - PREQUALIFICATION DATA SHEET (PDS)

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
<b>A. General</b>	
ITA 1.1	<p>The Procuring Entity is:</p> <p><b>Kenya Electricity Generating Company PLC</b></p> <p>General Manager, Supply Chain, Kenya Electricity Generating Company PLC, 9<sup>th</sup> Floor, KenGen Pension Plaza II, Kolobot Road, Parklands, P.O. Box 47936, 00100 NAIROBI – KENYA.</p> <p>The identification of the Invitation for Prequalification is: <b>PREQUALIFICATION OF SUPPLIERS FOR PROVISION OF AIR TICKETING &amp; TRAVEL AGENCY SERVICES FOR TWO YEARS.</b></p> <p>The particular type of contract is on <i>Non-Consulting Services</i></p> <p>The application is for <b>PROVISION OF AIR TICKETING &amp; TRAVEL AGENCY SERVICES FOR TWO YEARS.</b></p>
ITA 5.2	Maximum number of members in the JV shall be: <i>[3]. No firm can participate in more than one JV</i>
<b>B. Contents of the Prequalification Document</b>	
ITA 8.1	<p>For clarification purposes, the Procuring Entity's address is:</p> <p>General Manager, Supply Chain, Kenya Electricity Generating Company PLC, 9<sup>th</sup> Floor, KenGen Pension Plaza II, Kolobot Road, Parklands, P.O. Box 47936, 00100 NAIROBI – KENYA.</p> <p><a href="mailto:tenders@kengen.co.ke">tenders@kengen.co.ke</a>; cc: <a href="mailto:POnyango1@kengen.co.ke">POnyango1@kengen.co.ke</a></p> <p>Web page: <a href="http://www.kengen.co.ke">www.kengen.co.ke</a> .</p>
ITA 8.2	<p>A pre-application meeting will <b>NOT</b> be held</p> <p>A pre-arranged Site visit will <b>NOT</b> be held</p>
Validity	prequalification validity duration <b>126 days</b> from the date of opening
ITA 8.3	Questions and requests for clarification made in writing or by email should reach the Procuring Entity at <b>least Seven (7) Days</b> before the tender Closing date.
ITT 9.2	Addendum/s and Clarification/s issued shall be published at the website <a href="http://www.kengen.co.ke">www.kengen.co.ke</a>
ITA 8.2	Pre-Application Meeting will be held: <b>No</b>
<b>C. Preparation of Applications</b>	
ITA 12.1 (d)	<p>The Applicant shall submit with its Application, the following additional documents:</p> <p><i>[As per the mandatory requirements listed below]</i></p>
ITA 15.2(b)	The source for determining exchange rates is Central Bank of Kenya
<b>D. Submission of Applications</b>	
ITA 17.1	<p><b>Electronic –Procurement System</b></p> <p><i>The Procuring Entity shall use the following electronic-procurement system to manage</i></p>





Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
<b>A. General</b>	
	<ul style="list-style-type: none"> <li>Bidders who have submitted their bids should not click on <b>WITHDRAW</b> but click on <b>EDIT</b> to amend their bid response with appropriate changes if they desire to do so.</li> <li>Manuals to guide on the bidding process are accessible via the KenGen Tenders Portal.</li> </ul> <p style="text-align: center;">  </p> <p>Bidders to note that <b>system challenges/support</b> related to bid submission issues shall be <b>addressed to <a href="mailto:eprocurement@kengen.co.ke">eprocurement@kengen.co.ke</a></b> tender closing date and time.</p>
ITA 18.1	The Procuring Entity reserves the right to accept or reject late Applications.
ITA 19.1	The Procuring Entity will not accept late applications.
ITA 20.1	<p>The opening of the Applications shall be at <b>10<sup>th</sup> April, 2024 at 10.30 a.m.</b></p> <p><i>Kenya Electricity Generating Company PLC, 6<sup>th</sup> Floor, KenGen Pension Plaza II, Kolobot Road, Parklands, P.O. Box 47936, 00100 NAIROBI</i></p>
ITA 20.2	<p>The electronic Application opening procedures shall be: <b>Online on; 10<sup>th</sup> April, 2024 at 10.30 a.m.</b></p> <p>Bidders can request for the tender opening minutes of the tender opening session through the following email address <a href="mailto:tenders@kengen.co.ke">tenders@kengen.co.ke</a></p>
<b>E. Procedures for Evaluation of Applications</b>	
ITA 24.1	A margin of preference <i>shall not</i> apply.
ITA 25.1	At this time the Procuring Entity <i>does not intend</i> to execute certain specific parts of the Works by sub-contractors selected in advance.
ITA 31.1	<p>An Applicant who wishes to make a Procurement-related Complaint should submit its complaint in writing (by the quickest means available, that is either by hand delivery or email), For the attention: [General Manager, Supply Chain]</p> <p>Procuring Entity: [Kenya Electricity Generating Company PLC]</p> <p>Email address: <a href="mailto:tenders@kengen.co.ke">tenders@kengen.co.ke</a></p> <p>In summary, at this stage, a Procurement-related Complaint may challenge any of the following: The terms of the Prequalification Documents; and the Procuring Entity's decision not to prequalify an Applicant.</p>

### SECTION III - QUALIFICATION CRITERIA AND REQUIREMENTS

- The following criteria will be used in the evaluation of all potential suppliers;  
Bids will proceed from **Mandatory**, to **Compliance** and finally **Technical** requirements, and with each bidder required to pass one stage in order to proceed to the next.

#### **STAGE 1: MANDATORY REQUIREMENTS**

The following mandatory requirements **must** be met notwithstanding other requirements in the tender

No	Mandatory Requirements
MR 1	Copy of Registration Certificate /Certificate of Incorporation
MR 2	Valid Tax compliance certificate and Pin Certificate
MR 3	Copy of a valid CR 12 issued within 6 months of tender closure (where applicable)/ Not Applicable to sole Proprietors
MR 4	Valid copy of a Business Permit
MR 5	Duly filled, signed & stamped Tenderer's Eligibility Confidential Business Questionnaire form
MR 6	Duly filled and stamped Addendum(s) and Clarification(s) issued must be attached (Where Applicable)
MR 7	The Tender MUST be submitted be in the required format and serialized on each page of the bid submitted, Sec.74.1.i. of the PPADA, 2015.
MR 8	Submit a Tender-Specific Power of Attorney demonstrating that the tender has been duly signed by a person lawfully authorized to do so through the power of Attorney.
MR 9	Tender documents Must be submitted through our e-procurement platform found at <a href="http://www.kengen.co.ke">www.kengen.co.ke</a> ( <a href="https://eprocurement.kengen.co.ke:50001/irj/portal">https://eprocurement.kengen.co.ke:50001/irj/portal</a> )
MR 10	Duly filled, signed and stamped Self Declaration form that the tenderer is not debarred in the matter of PPADA 2015
MR 11	Duly filled, signed and stamped Self Declaration form that the tenderer will not engage in any corrupt or Fraudulent Practice.
MR 12	Duly filled, signed and stamped Declaration and Commitment to The Code of Ethics
MR 13	Attach Copy of a Valid & current <b>AGPO</b> certificate for <b>Women/Youth/PWD Enterprise</b> .
MR 14	Tender security is not Required for this tender However, the tenderer will be required to complete a <b>Tender Securing Declaration Form</b> attached in the standard forms of this tender document.
MR 15	Must Submit International Air Transport authority ( <b>IATA</b> ) <b>Registration</b> Certificate. ( <b>Attach Certified <i>Valid and current Certificate</i></b> ) .  Bidder also required to provide their digit numeric <u>IATA Agency Codes /Travel Agent ID Card Codes</u> for validation by KenGen.
MR 16	Bidder to be accredited as a professional body member of Kenya Association of Travel Agents (KATA). Must Submit <b>KATA Registration</b> Certificate. (Attach a Certified Valid and current Certificate)
MR 17	Bidder must be registered with Tourism Regulation Authority (TRA). (Attach a Certified current Certificate license from TRA.)
MR 18	Submit copy of a valid NSSF Compliance Certificate (Attach Current Certified Compliance Certificate)
MR 19	Submit Copy of a valid NHIF Compliance Certificate (Attach Current Certified Compliance Certificate)

MR 20	Attached Copy of National Council of persons with Disabilities (NCPWD) disability Identification card (applicable to PWD only)
MR 21	<p>Those who do not have a capacity can enter into a <b>Joint Venture (JV)</b>. Please note that in case of a JV;</p> <ol style="list-style-type: none"> <li>i. Both parties should be from <b>Same AGPO Category</b>, i.e. (Women to Women, Youth to Youth, PWD to PWD).</li> <li>ii. A Joint Venture Agreement <b>MUST</b> be Dully filled, signed and stamped.</li> <li>iii. Tenderers must submit a duly filled, signed and Stamped Tender Securing Declaration form by all partners.</li> <li>iv. The Maximum number of Members in the JV should be <b>Three (3)</b>.</li> <li>v. All parties Must meet the Mandatory Requirements.</li> <li>vi. Bidders must submit a Duly filled Tenderer's JV Members Information Form</li> <li>vii. The members must provide a notarized power of attorney, nominating one member who will be authorized to act their behalf. The nominated member will have the authority to exercise all rights and fulfill all obligations related to the Contract with the Procuring Entity. This includes without limitation, receiving instructions and handling payments from the Procuring Entity.</li> </ol>

Only Bidders who meet/ pass the Mandatory Requirements shall be eligible to proceed to Compliance Evaluation stage.

## **STAGE 2: COMPLIANCE EVALUATION**

The following mandatory compliance evaluation requirements, and they **MUST** be met notwithstanding other requirements in the tender.

Tenderers are required to indicate against each service specification ‘UNDERSTOOD & WILL COMPLY/YES’ or ‘UNDERSTOOD & WILL NOT COMPLY/NO’. Any other response in the column will be treated as **Non-Responsive**

<b>No</b>	<b>Compliance Evaluation Requirements</b>	<b>Bidders Response (YES/ NO)</b>
CR1	Provision of Airline Ticketing services	
CR2	Service Provider to Focus on KenGen requirements and will be available at all times for bookings/cancellation of air tickets	
CR3	Avail cost effective and efficient Air Ticketing services by providing air tickets at the best discounted price available to KenGen	
CR4	Tailor-make requests to suit all Air Ticketing and related needs of KenGen (including addressing all potential challenges of Traveller's VISA requirements in all destinations)	
CR5	Prepare travel itineraries and Air Ticketing plans for KenGen staff	
CR6	Use the most cost-effective routes in Air Ticketing plans, and to prepare several Air Ticketing options	
CR7	Ensure maximum price savings as well as most minimal Air Ticketing time in all Air Ticketing plans	
CR8	To indicate in all Air Ticketing plans, the most competitive fare quote for arrival	
CR9	Issue air tickets using the approved Air Ticketing plan and the fare as quoted	
CR10	To provide information on flight availability and timetables on requests	
CR11	To keep KenGen updated on current market fares, special air fare deals and any other special tours and Air Ticketing packages	
CR12	To re-confirm flight bookings for staff	
CR13	To make changes on booking as per request as and when requested	
CR14	To be an all-round source for Air Ticketing information for KenGen	
CR15	To process refunds and credit notes for unused/partly used air tickets returned for a refund, and such refunds remitted within 45 days	
CR16	To re issue air tickets to KenGen staff at no extra cost except cancellation costs charged by airlines.	
CR17	To pass to KenGen all concessions/ facilities extended by the airlines to the passengers on all air journeys booked for the company	
CR18	The invoiced amounts <b>MUST</b> be presented in separate columns indicating various charges among other details as below: a) Names of the passenger b) Destination c) Cost of the ticket as per the airline market rate at the time of issuing the tickets. d) Service charges of the ticket e) Taxes (VAT) f) Cancellation cost if any g) Change of reservation cost of any h) Total cost	
<b>Status (Compliant/ Non-Compliant)</b>		

Only Bidders who meet/ pass the Compliance Evaluation Requirements shall be eligible to proceed to the Technical Evaluation.

## **STAGE 3. TECHNICAL EVALUATION**

	Requirement	Weighting Score/ Guidance	Maximum Score (Marks)
TR1	<p><b>Years of Operation of the Firm in Providing Similar Services</b></p> <p>At least Five (5) Years in Operation in Air Ticketing &amp; Travel Agency operations</p>	<p>5yrs and above [ <b>10marks</b> ]</p> <p>Below 5yrs [ prorated at 10/5 x No of Yrs]</p>	10 Marks
TR2	<p><b>Specific Experience of the Firm in Providing Similar Services to Public Entities</b></p> <p>Provide proofs of Three (3) Assignments of Air Ticketing &amp; Travel agency services from Public Procuring Entities / Agencies: Must Attach copies of <b>LSO's or LPO's or Award Letters or Complete Contracts</b></p>	<p>Each with total awards valued at KES 5Million and above [ <b>5marks each</b> ]</p> <p>Each with total awards valued at less than KES 5Million and more than KES 3Million [ <b>3marks each</b> ]</p> <p>Each with total awards valued at below KES 3Million [ <b>1mark each</b> ]</p> <p><i>[Zero Marks where no proofs are submitted]</i></p>	15 marks
TR3	<p><b>Specific Experience of the Firm in Providing Similar Services to Corporate Clients</b></p> <p>Provide proofs of Three (3) Assignments of Air Ticketing &amp; Travel agency services from Corporate Clients: Must Attach copies of <b>LSO's or LPO's or Award Letters or Complete Contracts</b></p>	<p>Each with total awards valued at KES 5Million and above [ <b>5marks each</b> ]</p> <p>Each with total awards valued at less than KES 5Million and more than KES 3Million [ <b>3marks each</b> ]</p> <p>Each with total awards valued at below KES 3Million [ <b>1mark each</b> ]</p> <p><i>[Zero Marks where no proofs are submitted]</i></p>	15 marks
TR4	<b>Organizational Management &amp; Key Personnel Profile</b>		
	(i) Provide Organizational Chart	Company Organogram [5marks]	5marks
	(ii) Physical Facilities/ Premises [ KenGen will be at liberty to visit and confirm]	<p>Details/ evidence of Physical Address (Building, Room, Street), attaching Business Permit [2 marks], otherwise Zero marks.</p> <p>Details/ evidence of office operating 24 hours. [3 marks], otherwise Zero marks.</p>	5marks

	(iii) Provide CVs & Professional Certificates and/or Accreditations for Management. They must be relevant to the service under tender	<p><b>Management: for 1x person, at least these - max 10marks:</b>  <u>Experience</u> - Minimum 5yrs in Hospitality/ Tours/ Air Travel [3marks]  <u>Academic Qualification</u>- Minimum Degree Holder [2marks]  <u>Professional Qualification</u> - IATA Management Certificate [ 5marks]</p> <p><i>[ zero Marks where no Certificates are submitted]</i></p>	10marks
	(iv) Provide CVs & Professional Certificates and/or Accreditations for Booking Agents. They must be relevant to the service under tender.	<p><b>Booking Agents: for 2x persons, at least these - max 10marks per agent:</b>  <u>Experience</u> - Minimum 2yrs in Hospitality/ Tours/ Air Travel [3marks]  <u>Academic Qualification</u>- Minimum College Certificate Holder [2marks]  <u>Professional Qualification</u> - IATA Travel Consultant Certificate [ 5marks]</p> <p><i>[ zero Marks where no Certificates are submitted]</i></p>	20marks
TR5	<p><b>Financial Capacity</b></p> <p>(i) Submit audited accounts for at least the last recent 2 years</p> <p>OR</p> <p>(ii) Provide</p> <ul style="list-style-type: none"> <li>✓ 6months Bank Statements certified by the Issuing Bank (issued 6months prior to the closing date of this tender)</li> </ul> <p>and also</p> <ul style="list-style-type: none"> <li>✓ Submit evidence of financing tender-specific Letter of access to a Line of Credit from a financial institution registered in Kenya</li> </ul>	<p>Audited financial accounts: At least 1 year of the recent years of Positive (+ve) Profit Before Tax and demonstrating soundness [20marks]</p> <p>OR</p> <p>Submit latest certified 6months Bank statement from a bank registered in Kenya. [10marks]</p> <p>Submit a tender specific letter from a financial institution, addressed to Kengen Plc, indicating the tenderer's access to a Line of Credit for at least KES 5Million and above [10marks]</p>	20marks
<b>Total Possible Marks</b>			<b>100marks</b>

**NB: Tenderers must score at least 75marks to be considered as Qualified.**

**STAGE 3 EVALUATION: DUE DILIGENCE.**

The Evaluation team may at its discretion, pay visits to the tenderers at their registered premises to confirm some of the information furnished in the tender documents. During such visits, Tenderers shall avail all documents/information and guide the team through in the premises.



Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
<b>1. Eligibility</b>							
1.1	Nationality	Nationality in accordance with ITA 5.6	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.2	Conflict of Interest	No conflicts of interest in accordance with ITA 5.7	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.3	Eligibility	Not declared ineligible by not meeting any of the conditions in ITA 5 and 6.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.4	State-owned Entity in Kenya	Applicant required to meet conditions of ITA 5.9	Must meet requirement	Must meet requirement	Must meet requirement	N / A	Forms ELI -1.1 and 1.2, with attachments
1.5	United Nations resolution or laws of Kenya	Not having been excluded as a result of prohibition in the laws of Kenya or official regulations against commercial relations with Kenya, or by an act of compliance with UN Security Council resolution, both in accordance with ITA 6.1 and 6.2 and Section V.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
<b>2. Historical Contract Non-Performance</b>							
2.1	History of Non-Performing Contracts	Non-performance of a contract <sup>1</sup> did not occur as a result of contractor's default since 1 <sup>st</sup> January <i>[insert year]</i> .	Must meet requirement <sup>1</sup>	Must meet requirements	Must meet requirement <sup>2</sup>	N/A	Form CON-2
2.2	Suspension Based on Execution of Tender/Proposal Securing Declaration by the Procuring Entity	Not under suspension based on execution of a Tender/Proposal Securing Declaration pursuant to ITA 5.10.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
2.3	Pending Litigation	Applicant's financial position and prospective long-term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant	Must meet requirement	N/A	Must meet requirement	N/A	Form CON – 2
2.4	Litigation History	No consistent history of court/arbitral award decisions against the Applicant <sup>3</sup> since 1 <sup>st</sup> January <i>[insert year]</i>	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form CON – 2
<b>3. Financial Situation and Performance</b>							
3.1	Financial Capabilities	(i) The Applicant shall demonstrate that it has access to, or has available, liquid	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN – 3.1, with attachments

<sup>1</sup> Nonperformance, as decided by the Procuring Entity, shall include all contracts where (a) nonperformance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Nonperformance shall not include contracts where Procuring Entity's decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the applicant have been exhausted.

<sup>2</sup> This requirement also applies to contracts executed by the Applicant as JV member.

<sup>3</sup> The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Applicant or any member of a joint venture may result in rejection of the Application.

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<p>assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as _____ <i>[insert amount in KENYA SHILLINGS]</i> for the subject contract(s) net of the Applicants other commitments</p> <p>(ii) The <b>Applicant</b> shall also demonstrate, to the satisfaction of the Procuring Entity, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.</p> <p>(iii) The audited balance sheets or, if not required by the laws of Kenya, other financial statements acceptable to the Procuring Entity, for the last <i>[insert number]</i> years shall be submitted and must demonstrate the current soundness of the Applicant's financial position and indicate its prospective long-term profitability.</p>	nt  Must meet requireme nt  Must meet requireme nt	Must meet requirement  N/A	N/A  Must meet requireme nt	N/A  N/A	
3.2	Average Annual Construction Turnover	Minimum average annual construction turnover of KENYA SHILLINGS <i>[insert amount in KENYA SHILLING equivalent in words and figures]</i> , calculated as total certified payments received for contracts in progress and/or completed within the last <i>[insert number]</i> years, divided by	Must meet requireme nt	Must meet requirement	Must meet <i>[insert number]</i> %, <i>[insert percentage in words]</i> of	Must meet <i>[insert number]</i> %, <i>[insert percentage in words]</i> of the requirement	Form FIN – 3.2

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<i>[insert number of years in words]</i> years			the requirement		
<b>4. Experience</b>							
4.1 (a)	General Construction Experience	Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last <i>[insert number]</i> years, starting 1 <sup>st</sup> January <i>[insert year]</i> .	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 4.1
4.2 (a)	Specific Construction & Contract Management Experience	(i) A minimum number of <i>[state the number]</i> similar contracts specified below that have been satisfactorily and substantially <sup>4</sup> completed as a prime contractor, joint venture member <sup>5</sup> , management contractor or subcontractor between 1st January <i>[insert year]</i> and Application submission deadline:	Must meet requirement	Must meet requirement <sup>6</sup>	N/A	Must meet the following requirements for the key activities listed below <i>[list key activities and the corresponding minimum requirements to be met by one member otherwise state:</i>	Form EXP 4.2(a)

<sup>4</sup> Substantial completion shall be based on 80% or more works completed under the contract.

<sup>5</sup> For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, and role and responsibilities shall be considered to meet this requirement.

<sup>6</sup> In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated.

Eligibility and Qualification Criteria			Compliance Requirements			Document/ Form	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
						"N/A"]	
4.2 (b)		<p>For the above and any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or sub-contractor between 1st January [insert year] and Application submission deadline, a minimum construction experience in the following key activities successfully completed<sup>7</sup>: [list key activities indicating volume, number or rate of production as applicable.</p> <p><i>Under 4.2(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b) define the required capability of the Applicant to execute the Works. There shall not be any inconsistency or repetition of requirement between 4.2(a) and 4.2(b). For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12-month period in the specified period.]<sup>8</sup></i></p>	<p>Must meet requirements [Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 25.2]</p>	<p>Must meet requirements [Specify activities that may be met through a Specialized Subcontractor, if permitted in accordance with ITA 25.2]</p>	N/A	<p>Must meet the following requirements for key activities listed below [if applicable, out of the key activities in the first column of this 4.2 b), list key activities (volume, number or rate of production as applicable) and the corresponding minimum requirements that have to be met by one member, otherwise this cell should state: "N/A".]</p>	Form EXP – 4.2 (b)

<sup>7</sup> Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period.

<sup>8</sup> The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise.

Eligibility and Qualification Criteria			Compliance Requirements			Document/ Form	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
4.3 (a)	Specific Management Experience in supply of goods	<p>(i) A minimum number of <i>[state the number]</i> similar contracts specified below that have been satisfactorily and substantially<sup>9</sup> completed as a prime supplier, joint venture member <sup>10</sup>, management contractor or subcontractor between 1st January <i>[insert year]</i> and Application submission deadline:</p> <p>The similarity of the contracts shall be based on the following: <i>[Based on Section VII, Scope of goods contracts, specify the minimum key requirements in terms of physical size, complexity, construction method, technology and/or other characteristics including part of the requirements that may be met by Specialized Subcontractors, if permitted in accordance with ITA 25.2]</i></p>	Must meet requirement	Must meet requirement <sup>11</sup>	N/A	Must meet the following requirements for the key activities listed below <i>[list key activities and the corresponding minimum requirements to be met by one member otherwise state: "N/A"]</i>	Form EXP 4.3(a)

<sup>9</sup> Substantial completion shall be based on 80% or more works completed under the contract.

<sup>10</sup> For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, and role and responsibilities shall be considered to meet this requirement.

<sup>11</sup> In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated.

Eligibility and Qualification Criteria			Compliance Requirements			Document/ Form	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
4.3 (b)		<p>For the above and any other contracts [substantially completed and under implementation] as prime supplier, joint venture member, or sub-contractor between 1st January <i>[insert year]</i> and Application submission deadline, a minimum construction experience in the following key activities successfully completed<sup>12</sup>: <i>[list key activities indicating volume, number or rate of production as applicable.</i></p> <p><i>Under 4.3(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b) define the required capability of the Applicant to execute the Works. There shall not be any inconsistency or repetition of requirement between 4.3(a) and 4.3(b). For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12-month period in the specified period.]</i><sup>13</sup></p>	<p>Must meet requirements <i>[Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 25.2]</i></p>	<p>Must meet requirements <i>[Specify activities that may be met through a Specialized Subcontract or, if permitted in accordance with ITA 25.2]</i></p>	N/A	<p>Must meet the following requirements for key activities listed below <i>[if applicable, out of the key activities in the first column of this 4.3 b), list key activities (volume, number or rate of production as applicable) and the corresponding minimum requirements that have to be met by one member, otherwise this cell should state: "N/A".]</i></p>	Form EXP – 4.2 (b)

<sup>12</sup> Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period.

<sup>13</sup> The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise.



**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>
<i>[insert full name for each occurrence]</i>	<i>[insert street/number/city/country]</i>	<i>[indicate reason]</i>	<i>[specify amount currency, value, exchange rate and KENYA SHILLING equivalent]</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

- h) Not bound to accept: We understand that you may cancel the prequalification process at any time

and that you are neither bound to accept any Application that you may receive nor to invite the prequalified Applicants to Tender for the contract subject of this Prequalification process, without incurring any liability to the Applicants, in accordance with ITA 26.1.

- (i) True and correct: All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

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

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

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

Duly authorized to sign the Application for and on behalf of: Applicant's

Name..... *[insert full name of Applicant or the name of the JV]*

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

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

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

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

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

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			
<input type="checkbox"/> Contract non-performance did not occur since 1 <sup>st</sup> January <i>[insert year]</i> specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 <sup>st</sup> January <i>[insert year]</i> 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)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i>  Name of Procuring Entity: <i>[insert full name]</i>  Address of Procuring Entity: <i>[insert street/city/country]</i>  Reason(s) for nonperformance: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>
Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3.			
<input type="checkbox"/> Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3 as indicated below.			
Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)

<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)
<i>[insert year]</i>	<i>[insert percentage]</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>Reason(s) for Litigation and award decision <i>[indicate main reason(s)]</i></p>	<i>[insert amount]</i>

5. Form FIN – 3.1 - Financial Situation and Performance

**Financial Situation and Performance**

*[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 Name: ..... *[insert full name]*

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

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

**1. Financial data**

Type of Financial information in (currency)	Historic information for previous <i>[insert number]</i> years, <i>[insert in words]</i> (amount in currency, currency, exchange rate*, USD equivalent)				
	Year 1	Year 2	Year 3	Year4	Year 5
<b>Statement of Financial Position (Information from Balance Sheet)</b>					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
<b>Information from Income Statement</b>					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
<b>Cash Flow Information</b>					
Cash Flow from Operating Activities					

\* Refer ITA 14 for the exchange rate

**5.2 Sources of Finance**

*[The following table shall be filled in for the Applicant and all parties combined in case of a Joint Venture]*

Specify sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.

No.	Source of finance	Amount (Kenya shilling equivalent)
1		
2		
3		

**5.3 Financial documents**

The Applicant and its parties shall provide copies of financial statements for *[number]* years pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

- a) reflect the financial situation of the Applicant or in case of JV member, and not an affiliated entity (such as parent company or group member).
  - b) Be independently audited or certified in accordance with local legislation.
  - c) Be complete, including all notes to the financial statements.
  - d) Correspond to accounting periods already completed and audited.
- Attached are copies of financial statements<sup>1</sup> for the *[number]* years required above; and complying with the requirements

<sup>1</sup>*If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, the reason for this should be justified.*



**6 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 <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 city area codes]</i>			
E-mail:				

## TENDERER'S ELIGIBILITY - CONFIDENTIAL BUSINESS QUESTIONNAIRE

### Instruction to Tenderer

Tender is instructed to complete the particulars required in this Form, *one form for each entity if Tender is a JV*. Tenderer is further reminded that it is an offence to give false information on this Form.

#### a) Tenderer's details

ITEM	DESCRIPTION
1	Name of the Procuring Entity
2	Reference Number of the Tender
3	Date and Time of Tender Opening
4	Name of the Tenderer
5	Full Address and Contact Details of the Tenderer. 1. Country 2. City 3. Location 4. Building 5. Floor 6. Postal Address 7. Name and email of contact person.
6	Current Business Permit Registration Number and Expiring date
7	Name, country and full address ( <i>postal and physical addresses, email, and telephone number</i> ) of Registering Body/Agency
8	Description of Nature of Business
9	Maximum value of business which the Tenderer handles.
10	State if Tenders Company is listed in stock exchange, give name and full address ( <i>postal and physical addresses, email, and telephone number</i> ) of state which stock exchange

#### General and Specific Details

b) **Sole Proprietor**, provide the following details.

Name in full \_\_\_\_\_

Age \_\_\_\_\_

Nationality \_\_\_\_\_

Country of Origin \_\_\_\_\_

Citizenship \_\_\_\_\_

c) **Partnership**, provide the following details.

	Names of Partners	Nationality	Citizenship	% Shares owned
1				
2				
3				

d) **Registered Company**, provide the following details.

i) Private or public Company \_\_\_\_\_

ii) State the nominal and issued capital of the Company-  
 Nominal Kenya Shillings (Equivalent) .....  
 Issued Kenya Shillings (Equivalent) .....

iii) Give details of Directors as follows.

	<b>Names of Director</b>	<b>Nationality</b>	<b>Citizenship</b>	<b>% Shares owned</b>
1				
2				
3				

**DISCLOSURE OF INTEREST-Interest of the Firm in the Procuring Entity.**

iv) Are there any person/persons in..... (*Name of Procuring Entity*) who has/have an interest or relationship in this firm? Yes/No.....

If yes, provide details as follows.

	<b>Names of Person</b>	<b>Designation in the Procuring Entity</b>	<b>Interest or Relationship with Tenderer</b>
1			
2			
3			

Conflict of interest disclosure

	<b>Type of Conflict</b>	<b>Disclosure YES OR NO</b>	<b>If YES provide details of the relationship with Tenderer</b>
1	Tenderer is directly or indirectly controlled by or is under common control with another tenderer.		
2	Tenderer receives or has received any direct or indirect subsidy from another tenderer.		
3	Tenderer has the same legal representative as another tenderer		
4	Tenderer has a relationship with another tenderer, directly or through common third parties that puts it in a position to influence the tender of another tenderer or influence the decisions of the Procuring Entity regarding this tendering process.		
5	Any of the Tenderer's affiliates participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of the tender.		
6	Tenderer would be providing goods, works, non-consulting services or consulting services during implementation of the contract specified in this Tender Document.		
7	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who are directly or indirectly involved in the preparation of the Tender document or specifications of the Contract, and/or the Tender evaluation process of such contract.		

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
8	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who would be involved in the implementation or supervision of the Contract.		
9	Has the conflict stemming from such relationship stated in item 7 and 8 above been resolved in a manner acceptable to the Procuring Entity throughout the tendering process and execution of the Contract?		

**e) Certification**

On behalf of the Tenderer, I certify that the information given above is complete, current and accurate as at the date of submission.

Full Name \_\_\_\_\_

Title or Designation \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

SELF-DECLARATION FORMS

FORM SD1

SELF DECLARATION THAT THE PERSON/TENDERER IS NOT DEBARRED IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015

I, ....., of Post Office Box ..... being a resident of ..... in the Republic of ..... do hereby make a statement as follows:-

1. THAT I am the Company Secretary/ Chief Executive/ Managing Director /Principal Officer/Director of ..... (*insert name of the Company*) who is a Bidder in respect of **Tender No.** ..... for.....(*insert tender title/description*) for.....(*insert name of the Procuring entity*) and duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its Directors and subcontractors have not been debarred from participating in procurement proceeding under Part IV of the Act.
3. THAT what is deponed to herein above is true to the best of my knowledge, information and belief.

.....  
(Title)

Bidder Official Stamp (Signature) (Date)

FORM SD2

SELF DECLARATION THAT THE PERSON/TENDERER WILL NOT ENGAGE IN ANY CORRUPT OR FRAUDULENT PRACTICE

I, .....of P. O. Box.....being a resident of ..... in the Republic of ..... do hereby make a statement as follows:-

1. THAT I am the Chief Executive/Managing Director/Principal Officer/Director of ..... (*insert name of the Company*) who is a Bidder in respect of Tender No..... for ..... (*insert tender title/description*) for ..... (*insert name of the Procuring entity*) and duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its servants and/or agents /subcontractors will not engage in any corrupt or fraudulent practice and has not been requested to pay any inducement to any member of the Board, Management, Staff and/or employees and/or agents of..... (*insert name of the Procuring entity*) which is the procuring entity.
3. THAT the aforesaid Bidder, its servants and/or agents /subcontractors have not offered any inducement to any member of the Board, Management, Staff and/or employees and/or agents of..... (*name of the procuring entity*)
4. THAT the aforesaid Bidder will not engage /has not engaged in any corrosive practice with other bidders participating in the subject tender
5. THAT what is deponed to here in above is true to the best of my knowledge information and belief.

.....  
(Title) (Signature) (Date)

Bidder's Official Stamp

DECLARATION AND COMMITMENT TO THE CODE OF ETHICS

I, ..... (person) on behalf of *(Name of the Business/ Company/Firm)* ..... declare that I have read and fully understood the contents of the Public Procurement & Asset Disposal Act, 2015, Regulations and the Code of Ethics for persons participating in Public Procurement and Asset Disposal and my responsibilities under the Code.

I do hereby commit to abide by the provisions of the Code of Ethics for persons participating in Public Procurement and Asset Disposal.

Name of Authorized signatory.....

Sign.....

Position.....

Office address.....

Telephone.....

Email.....

Name of the Firm/Company.....

Date.....

**(Company Seal/ Rubber Stamp where applicable)**

Witness

Name.....

Sign.....

Date.....

**FORMAT OF POWER OF ATTORNEY**

We..... (name and address of the registered office) do hereby constitute, appoint and authorize Mr. / Mrs. / Ms ..... (name and residential address) who is presently employed with us and holding the position of ..... as our attorney, to do in our name and on our behalf, all such acts, deeds and things necessary in connection with or incidental to our proposal for the project/goods/works/services“.....”, including signing and submission of all documents and providing information / responses to the Kenya Electricity Generating Company PLC, ("KenGen"), representing us in all matters before KenGen, and generally dealing with KenGen in all matters in connection with our Proposal for the said project/goods/works/services.

We hereby agree to ratify all acts, deeds and things lawfully done by our said attorney pursuant to this Power of Attorney and that all acts, deeds and things done by our aforesaid attorney shall and shall always be deemed to have been done by us

..... (Signature) (Name, Title and Address)

Accepted

..... (Signature) (Name, Title and Address of the Attorney)



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## **PART 2 ~ NON ~ CONSULTING SERVICES REQUIREMENTS**

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## **SECTION V - SCOPE OF WORKS**

Kenya Electricity Generating Company Plc wishes to Prequalify potential suppliers for the provision of Air ticketing and Travel Agency services.

The services are Non-Consulting, and as and when required

### **DESCRIPTION OF SERVICES**

Ensure efficient and effective communication of all bookings and activities related to:

- i. Sourcing and submission of air travel options and plan (most direct route to required destinations)
  - ii. Arrange and for Airport Transfers.
  - iii. Provide services for securing Visas and Immigration services.as and when required
  - iv. Provide services for securing Travel Insurances
  - v. Air Tickets – Domestic, Regional & International travels: ( issues, re-issues, re-confirmations of trip bundles)
  - vi. Arrange and provide negotiated preferential rates with Airlines
  - vii. Arrange and provide negotiated preferential rates with car-hire & shuttle services companies
  - viii. Arrange and provide negotiated preferential rates with hotels, lodges, guesthouses etc
  - ix. Arrange and provide negotiated preferential rates with Airlines
  - x. Submission of quarterly reports on Spend Analysis in terms of Air Travel, Routes etc.
  - xi. Provision of meet & greet facilities (on the airside)/concierge service.
  - xii. Having an Airport office would be an added advantage, especially if it is manned 24 hours.
  - xiii. 24 hours working shift support operation.
-

## PERFORMANCE SPECIFICATION

KenGen Plc has a requirement for the provision of air ticketing and travel agency services. Below is a listing of operational expectations that the tenderers will be required to comply with:

No	Performance specifications
a	Provision of Airline Ticketing services
B	Service Provider to Focus on KenGen requirements and will be available at all times for bookings/cancellation of air tickets
c	Avail cost effective and efficient Air Ticketing services by providing air tickets at the best discounted price available to KenGen
d	Tailor-make requests to suit all Air Ticketing and related needs of KenGen (including addressing all potential challenges of Traveller's VISA requirements in all destinations including Immigration services)
e	Prepare travel itineraries and Air Ticketing plans for KenGen staff
f	Use the most cost-effective routes in Air Ticketing plans, and to prepare several Air Ticketing options
g	Ensure maximum price savings as well as most minimal Air Ticketing time in all Air Ticketing plans
h	To indicate in all Air Ticketing plans, the most competitive fare quote for arrival
i	Issue air tickets using the approved Air Ticketing plan and the fare as quoted
j	To provide information on flight availability and timetables on requests
k	To keep KenGen updated on current market fares, special air fare deals and any other special tours and Air Ticketing packages
L	To re-confirm flight bookings for staff
m	To make changes on booking as per request as and when requested
n	To be an all-round source for Air Ticketing information for KenGen
o	To process refunds and credit notes for unused/partly used air tickets returned for a refund, and such refunds remitted within 45 days
p	To re issue air tickets to KenGen staff at no extra cost except cancellation costs charged by airlines.
q	To pass to KenGen all concessions/ facilities extended by the airlines to the passengers on all air journeys booked for the company
r	The invoiced amounts <b>MUST</b> be presented in separate columns indicating various charges among other details as below: a) Names of the passenger b) Destination c) Cost of the ticket as per the airline market rate at the time of issuing the tickets. d) Service charges of the ticket e) Taxes (VAT) f) Cancellation cost if any g) Change of reservation cost of any h) Total cost
s	Provision of meet & greet facilities (on the airside)/concierge service.
t	Having an Airport office would be an added advantage, especially if it is manned 24 hours.
u	24 hours working shift support operation.

Request For Review

FORM FOR REVIEW (r.203 (1))

PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

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

BETWEEN

.....APPLICANT

AND

.....RESPONDENT (Procuring Entity)

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

REQUEST FOR REVIEW

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

- 1.
2.

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

- 1.
2.

SIGNED ..... (Applicant) Dated on.....day of ...../...20.....

FOR OFFICIAL USE ONLY Lodged with the Secretary Public Procurement Administrative Review Board on.....day of .....20.....

SIGNED

Board Secretary