



KenGen

KENYA ELECTRICITY GENERATING COMPANY PLC
**PRE-QUALIFICATION FOR THE PROVISION OF LEGAL SERVICES FOR
KENGEN FOR THE PERIOD (2023 – 2026)
(KGN-LEG-01-2023)
RFx: 5000011848**

**MINUTES OF THE VIRTUAL PRE-BID MEETING
HELD ON 15th FEBRUARY 2023**

MEMBERS PRESENT:

1. Austin Ouko – Chairperson
2. George Ominde
3. Ibrahim Kitoo
4. Susan Muturi
5. George Drammeh
6. Emily Odhiambo
7. Christopher Muratha
8. Karren Thiongó
9. Elaine Kirui - Secretary

BIDDERS

Annex 1 contains the list of the bidders who attended the mandatory pre-bid meeting.

MIN 1/15/02/2023: QUORUM AND INTRODUCTION

Quorum having been formed the meeting was called to order at 10:00 AM by the Chairperson who welcomed the bidders to the pre-bid meeting. The representatives from KenGen introduced themselves. George Ominde gave introductory remarks and informed the persons present that the purpose of the meeting was to address any clarifications that the potential bidders may have with regard to the pre-qualification document.

Elaine Kirui shared the tender document on the screen and highlighted the key parts of the tender document, namely; the mandatory requirements, the technical requirements and the lots in the pre-qualification documents. She also informed the participants that the pre-qualification will close on 1st March 2023. Participants were also requested to share their contact details on the chat as well as the details of the firms they represent to facilitate further communication.

MIN 2/16/02/2023: CLARIFICATION SESSION

The prospective bidders were invited to raise clarifications in regard to the pre-qualification document. The several clarifications were raised and addressed as indicated in the table below:

No.	BIDDER'S QUESTION	KENGEN'S RESPONSE
1	What evidence of Client's Annual turnover should be attached ?	For private entities, provide a Signed and stamped letter(s) of reference (by the client on their letterhead) clearly bringing out the aspect of the annual turnover For clients in the public sector, then financial statements from a Regulator or Returns shall suffice, as well as letters of reference, Signed and stamped by the client on their letterhead.
2	Must Power of Attorney forms be registered?	No. the only requirement is that the Power of Attorney should be signed by the donee and the donor and bear the stamp of the firm
3	Is submission of tender physical or online?	The tender submission is online as per TDS 17.1
4	Must the evidence of legal representation provided match the respective bidding categories?	Yes. Evidence in support of the bid must relate to the category bided.
5	Will a copy of Professional Indemnity cover for the year ended 2022 suffice?	Yes. A professional Indemnity for 2022 or 2023 shall suffice.
6	In a case of partnership, where one of the partners resigns, will a Power of Attorney be required in bidding?	<ul style="list-style-type: none"> - The firm shall be required to provide proof of resignation of the partner - In cases where the remaining partner opts not to delegate the authority with respect to submission of the tender, then a Power of Attorney shall not be required.
7	For situations where the audited financial statements for 2022 are still being audited, will the financial statements for 2020/2021 suffice?	Yes , Financial statements for 2020/2021 will suffice.
8	Whether KenGen can review the definition of Partner to include 10-year post qualification experience?	The definition is amended as per Addendum I
9	Should bidders submit a separate tender document per category?	Yes . Each bidder MUST have a separate tender document submitted for each category. Refer to Addendum I
10	KenGen should consider merging Category B & G.	KenGen is not amenable to the request because the different categories serve different needs.
11	What is the purpose of serialization considering KenGen's tender document is paginated	It is a requirement in law as per Section 74(1)(i) of the PPADA, No. 33 of 2015. This also preserves the Integrity of the submitted document
12	Whether the requirement of a 2-page CV is restrictive to bidders?	The requirement is retained so as to ensure relevance and for ease of evaluation.
13	Can bidders submit practicing certificates for the year 2022 or 2023?	Yes. Bidders can submit practicing certificates for 2022 as well as 2023.
14	Can the bidders be taken through the online application process?	The bidders were taken through the online application process.


		Moreover, the bidders may receive further assistance on the application process from KenGen's Karibu Center located on Ground Floor, KenGen Plaza II, Kolobot Road, Parklands or email eprocurement@kengen.co.ke ; tenders@kengen.co.ke ; citing the tender reference number in the subject of the email.
15.	Bidders inquired on the timelines available for seeking clarifications	Clarifications ought to be received at least seven days before tender closure.
16.	Can KenGen consider giving exemption for the mandatory requirement to submit audited financial statements for the last two years in respect to category A?	No. The requirement for audited financial statements is an essential part in KenGen's overall assessment of the firm's capacity to deliver in the event of appointment.
17.	Can KenGen consider availing the tender forms in word format?	No. The format in which the bidding forms have been availed is designed to protect the overall integrity of the bid documentation.
18.	Can KenGen consider evaluating firms or bidders based on their existing networks/arrangements with other firms in addition to the branches as indicated in the pre-qualification document?	No. Bidders shall be scored based on the criteria indicated in the pre-qualification document.
19.	How many partners and associates will be evaluated in Technical Requirements 4 and 5?	One partner will be evaluated in Technical Requirement No. 4 and a maximum of three associates in Technical Requirement No. 5.
20.	How should bidders submit letters of good standing from the Law Society of Kenya?	Bidders may opt to submit one letter of good standing listing all the advocates or obtain individual letters of good standing.
21.	Page 20 of the pre-qualification document makes reference to satisfactory resolution/conclusion of the matter while the notes in TR No.3 refers evidence of satisfactory handling and acceptance, please clarify?	Bidders to refer to the notes in Technical Requirement No. 3 in paragraph 2(a) and (b). Evidence of satisfactory conclusion of the matter is required such as letters of reference confirming the same or other evidence such as judgments. Note: General letters of reference will not suffice.
22.	Will it be appropriate to furnish documents from a sole proprietorship that has recently transitioned to an LLP during the pre-qualification response?	Yes. In as far as the firm is able to demonstrate a nexus between the previous and existing firm. This also applies in case one partner leaves the firm.
23.	Will a letter of recommendation suffice in lieu of professional qualifications?	No. Professional qualifications shall be demonstrated as per the notes under Technical Requirement No. 4.
24.	Should the Power of Attorney be signed by all the partners?	Power of Attorney may be signed by a managing Partner or their equivalent.


25.	Should the tax compliance be valid by the submission deadline of the pre-qualification document?	Yes. The tax compliance should be valid on the date of the submission deadline.
26.	Should application forms in the pre-qualification document be typed or hand written?	Either of the two is in order.

MIN 3/16/02/2023: ANY OTHER BUSINESS

There being no other business, the meeting ended at 12.10 p.m.

Dated on of 2023

Chairperson 

Secretary 








MINUTES FOR PRE-BID MEETING HELD ON 15.02.2023

Final Audit Report

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