



**COUNTY ASSEMBLY OF MOMBASA**  
**PREQUALIFICATION/REGISTRATION**  
**DOCUMENT**

**CAM/PQ/S/B5**

**PROVISION OF LEGAL SERVICES FOR FINANCIAL**  
**YEARS 2019-2020/2020-2021**

**CAM/PQ/S/B6**

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## INTRODUCTION

- 1.1 This standard procurement prequalification document has been prepared for use by the procuring entities in Kenya and is intended for use in prequalifying candidates wishing to tender for legal services where the procuring entity determines it is necessary for procurement to be made through a prequalification process. It may also be used by a procuring entity for the purpose of registration of candidates.
- 1.2 The standard document includes a form for invitation for prequalification, instructions to candidates and a letter of application with attached forms for candidates to complete.
- 1.3 For purposes of simplifying presentation, the document has been written for legal services. Care should therefore be taken when preparing prequalification document for specific cases to ensure that the prequalification criteria are clear and explicit, and that they refer to the needs and characteristics of the specific procurement.
- 1.4 The following directions should be observed when using the standard procurement prequalification document.
  - (a) The forms will require adaptation to suit the requirement of each proposed procurement
  - (b) Specific details, such as the names of the procuring entity should be furnished in the spaces indicated in the text.
  - (c) Where alternative clauses or texts are shown, the user should select those that best suit the particular contract and should discard the alternative text that will not apply.
  - (d) The instructions to candidates should basically remain unchanged. Any necessary amendments to any clause or additions should be made through Appendix instructions to candidates.
- 1.5 The notes in the text of the prequalification documents are meant to assist the procuring entity in the preparation of the document. They are not part of the prequalification document and should therefore be deleted as the document is prepared.

- 1.6 The cover of the tender document should be modified to include:
- i. Tender number.
  - ii. Tender name.
  - iii. Name of procuring entity.
  - iv. Delete name and address of PPOA.

## SECTION I - INVITATION FOR PREQUALIFICATION

### **Tender Name: PROVISION OF LEGAL SERVICE FOR FINANCIAL YEARS 2019-2020/2021(CAM/PQ/S/B6)**

1. The County assembly of Mombasa hereinafter referred as “Procuring entity” intended to prequalify candidates for the Provision of Legal Service for Financial Years 2019-2020/2021.
2. Prequalification is open to all.
3. Eligible candidates may obtain the prequalification document from the County Assembly of Mombasa procurement offices during normal working hours or download the document from the **County Assembly of Mombasa website** <http://www.mombasaassembly.go.ke>
4. A minimum requirement for qualification is to have successfully carried out *(minimum essential experience requirements in accordance with the instructions to candidates)*
5. Applications for prequalification must be submitted enclosed in plain sealed envelopes marked with the tender name and reference number and deposited in the tender box situated on the First Floor, next to the Office of the County assembly Clerk Room. 123 or to be addressed to the County Assembly of Mombasa P.O. Box 80438-80100 Mombasa so as to be received on or before Monday, 4th November 2019 at 11.00 am
6. All candidates whose applications will have been received before the closing date and time will be advised in due course, of the results of their applications. Only candidates prequalified under this prequalification process will be invited to tender.

The Clerk County Assembly of Mombasa

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

### **Notes on Instructions to Candidates**

1. The instructions to candidates should provide the candidates with adequate information to facilitate preparation and submission of a good prequalification application.
2. All the blank spaces should be properly completed by the procuring entity before the prequalification document is given to the candidates.
3. The notes accompanying the clauses in this part are not part of the text. They are meant to assist the procuring entity when preparing the prequalification document. The notes should not be incorporated in the actual prequalification documents.
4. Where in the text alternative clauses are shown, the procuring entity should select those suitable for the particular contract and discard the alternative text that will not apply. This should also be clarified in the appendix instructions to candidates.
5. The instructions to candidates may be amended or supplemented by clauses in the appendix instructions to candidates.

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

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

### **2.1 Scope of Tender**

- 2.1.1 The County Assembly of Mombasa hereinafter referred to as the procuring entity intends to prequalify suppliers for the legal services. It is expected that prequalification applications will be submitted to be received by the procuring entity not later than (*Monday, 4th November 2019 at 11.00 am*).
- 2.1.1 Prequalification is open to eligible firms and voluntarily formed joint ventures as indicated in appendix instructions to candidates.
- 2.1.2 General information on the climate, hydrology, topography, access to site, transportation and communications facilities, medical facilities, project layout, expected construction period, facilities, services provided by the procuring entity and (other relevant date) are as specified in the appendix instructions to candidates. The contract will be a unit price/lump sum/turnkey contract. The tender documents will be (*the tender document to be used after prequalification*).

### **2.2 Submission of Application**

- 2.1.2 Applications for prequalification shall be submitted in sealed envelopes marked with the tender name and reference number and deposited in the tender box situated on the First Floor, next to the Office of the County assembly Clerk Room. 123 or be addressed to County Assembly of Mombasa P.O. Box 80438 -80100 Mombasa so as to be received on or before Monday, 4th November 2019at 11.00 am. The procuring entity reserves the right to accept or reject late applications.
- 2.2.1 The name and mailing address of the applicant may be marked on the envelope.
- 2.2.2 All the information requested for pre qualification shall be provided in the English language. Where information is provided in any other language, it shall be accompanied by a translation of its pertinent parts into English language. The translation will govern and will be used for interpreting the information.
- 2.2.3 Failure to provide information that is essential for effective evaluation of the applicant's qualifications or to provide timely clarification or substantiation of the information supplied may result in the applicant's disqualification.



### 2.3 Eligible Candidates

- 2.3.1 This invitation for pre-qualification is open to all candidates who are eligible as defined in Kenya's Public Procurement Law and regulations and as indicated in the appendix instructions to candidates.
- 2.3.2 The procuring entity's employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the tender unless where specially allowed under section 131 of the Act.
- 2.3.3 All terms found capable of performing the contract satisfactorily in accordance to the set prequalification criteria shall be prequalified.

### 2.4 Qualification Criteria

- 2.4.1 Pre-qualification will be based on meeting the minimum requirements to pass in the criteria set as shown below. The declaration will be either pass or fail regarding the applicant's general and particular experience, personnel and equipment capabilities and financial position as demonstrated by the applicant's response in the forms provided in Section IV and submitted with the letter of application. The procuring entity reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the contract.
- 2.4.2 When highly specialized inputs (especially for execution of the contract) are required by the applicant from specialist sub contractors, such sub contractors and their inputs shall be described in the Standard Form 1 (General Information)
- 2.4.3 Personnel capabilities. The applicant must have suitably qualified personnel to fill the following positions(19)

Position	Total experience (years)	In similar works (years)	As partner of similar works (years)
Partner			
Other Position			
Other position			

Note (19) *List only Key management specialist positions. Do not include principals, head office personnel who are not key to the project/works and other non-specialist personnel. The experience requirements should be specified*

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

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

2.5.1 The pre-qualification of a joint venture does not necessarily pre qualify any of its members individually as a member in any other joint venture or association. In case of dissolution of a joint venture, each one of the constituent firms may prequalify if it meets all the prequalification requirements, subject to a written approval of the procuring entity

## **2.6 Public Sector companies**

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

## **2.7 Updating Pre-qualification Information**

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

## **APPENDIX INSTRUCTIONS TO CANDIDATES**

For one to qualify for pre-qualification, one must attach copies of the following documents.

- Valid tax compliance ( Mandatory)
- Valid Certificate of incorporation for companies or Business registration certificate for individual( Mandatory)
- Valid Practicing certificate for all the advocates ( Mandatory)  
A candidate must meet all requirements under mandatory evaluation to qualify for evaluation under technical requirements.

### **TECHNICAL**

- Provide a company profile with relevant information (10 Marks)
- Similar previous experience on Government/private institution for at least two years being letters of Award, Contracts or Local Service Order (15 Marks)
- Shall have pages in the whole document numbered in the correct sequence and serialized (10Marks)
- Shall be firmly bound and should not have any lose pages (10Marks)
- Audited accounts for the last two years or 6 months certified Bank Statements (15 Marks)
- Provide names of Partners/Associates, Certified Copy of Identity Cards Copies, Telephone numbers and their physical addresses. (15 marks)
- Provide qualifications and experience of key personnel (attach CVs) (15 Marks)
- Bidder must fill and sign all the required places (10 marks)

A candidate shall be considered Pre- qualified if their total point is 70% and above in technical requirements.

**SECTION III- LETTER OF APPLICATION**

Date .....

To .....  
.....  
( *Name and address of the procuring entity*)

Ladies and/or Gentlemen

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

Tender number	Tender name
1.	

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

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

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

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

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

Personnel inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

Technical inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

Financial inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

5. This application is made with the full understanding that:
- (a) Bids by prequalified applicants will be subject to verification of all information submitted for prequalification at the time of bidding.
  - (b) Your Agency reserves the right to:
    - amend the scope and value of any contracts bid under this project; in such event, bids will only be called from prequalified bidders who meet the revised requirements; and
    - reject or accept any application, cancel the prequalification process, and reject all applications
  - (c) your Agency shall not be liable for any such actions and shall be under no obligation to inform the Applicant of the grounds for them
6. Appended to this application, we give details of the participation of each party, including capital contribution and profit/loss agreements, in the joint venture or association. We also specify the financial commitment in terms of

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

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

(a) Signed so as to legally bind all partners, jointly and severally; and.

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

Signed	Signed
Name	Name
For and on behalf of the company	For and on behalf of the company

Signed	Signed
Name	Name
For and on behalf of the company	For and on behalf of the company

Signed	Signed
Name	Name
For and on behalf of the company	For and on behalf of the company

**SECTION IV - STANDARD FORMS**

**Table of Contents**

Form No.	Name
1.	General information
2.	General experience record
3.	Summary sheet current contract commitments/works in progress
4.	Equipment capability
5.	Financial capability
6.	Litigation History
7.	Request for Review

## **SECTION IV - STANDARD FORMS**

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

- Application Form 1 - General information  
This form is to be completed by all applicants. Where the applicant proposes to use sub-contractors the information should be supplied in this format. Where there is a joint venture, each partner shall complete the form
- Application Form 2 - General Experience Record  
This form is to be completed by all applicants. Separate sheets should be used for each partner of a joint venture. Applicants are not required to enclose testimonials, certificates or publicity materials with their applications.
- Application Form 3 - Summary sheet/Contract commitments/work in progress  
This form is to be completed by all applicants including each member of a joint venture. It shall contain the current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.
- Application Form 4 - Equipment Capability  
This form is to be completed by all applicants. It should provide adequate information to demonstrate clearly that the applicant has the capability to meet the requirements for each and all items of equipment listed in the instructions to candidates. A separate form shall be prepared for each item of equipment or for alternative equipment proposed by the applicant.
- Application Form 5 - Financial Capability  
This form shall be completed by every applicant and each member of a joint venture. It should contain financial information to demonstrate that they meet the requirements stated in the instructions to candidates. If necessary, separate sheets should be used to provide complete banker information. A copy of the audited balance sheet if available should be attached. The information should include the summary of actual assets and liabilities for the last five years.
- Application Form 6 - Litigation History



This form is to be completed by all applicants including each member of a joint venture. It should provide information on any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution. A separate sheet should be used for each member of a joint venture

Form RB1

- Request for Review  
This form is only to be filled by the tenderer when aggrieved by the Procuring Entity and submitted to the Review Board at anytime during the tender process but not later than 14 days after date of notification of award

## APPLICATION FORM (1)

### GENERAL INFORMATION

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

Nationality of Partners/Directors		
	Name	Nationality
1.		
2.		
3.		
4.		
5.		

**APPLICATION FORM (2)**

**GENERAL EXPERIENCE RECORD**

Name of Applicant (General experience for the applicants)

**APPLICATION FORM (3)**

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

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

**APPLICATION FORM (4)**

**EQUIPMENT CAPABILITY**

Provide a list or Evidence of equipments owned or hired by the company

**APPLICATION FORM (5)**

**FINANCIAL CAPABILITY**

Name of Applicant
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Banker	Name of bank.....	
	Brach.....	
	Account name.....	
	Account number.....	
	<hr/>	
	Address of banker	
	.....	
Telephone	Contact name and title	
<hr/>		
-		
Fax	E mail	

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

## APPLICATION FORM (6)

### LITIGATION HISTORY

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

Applicants, including each of the partners of a joint venture, should provide information of any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution (Instructions to Applicants, para. 4.8). A separate sheet should be used for each partner of a joint venture.

Year	Award FOR or AGAINST Applicant	Name of client, cause of litigation, and matter in dispute	Disputed amount (current value Kshs.)

**LETTER OF NOTIFICATION OF AWARD**

Address of Procuring Entity

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

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

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

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

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

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

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

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

SIGNED FOR ACCOUNTING OFFICER



**REQUEST FOR REVIEW FORM**

**FORM RB 1**

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

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

BETWEEN

.....APPLICANT

AND

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

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

**REQUEST FOR REVIEW**

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

- 1.
  - 2.
- etc.

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

- 1.
  - 2.
- etc

SIGNED .....(Applicant)

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

**FOR OFFICIAL USE ONLY**

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

**SIGNED**  
**Board Secretary**