



PREQUALIFICATION FOR LEGAL SERVICES

**KENYATTA INTERNATIONAL CONVENTION CENTRE KICCBUILDING
P. O. BOX 30476-00100 NAIROBI**

TENDER NO. KICC/12/2025-2027.

Closing Date: 23rd April 2025

Time: 10.30 a.m.

TABLE OF CONTENTS

KENYATTA INTERNATIONAL CONVENTION CENTRE KICCBUILDING	1
PART 1 - APPLICATION PROCEDURES.....	5
1. Scope of Application	6
3. Fraud and Corruption.....	6
4. Collusive practices	6
5. Eligible Applicants	6
6. Eligibility	7
7. Cost of Applications	8
8. Language of Application.....	8
9. Documents Comprising the Application	8
10. Documents Establishing the Eligibility of the Applicant.....	8
11. Documents Establishing the Qualifications of the Applicant	8
12. Signing of the Application and Number of Copies	9
13. Sealing and Marking of Applications.....	9
14. Deadline for Submission of Applications.....	10
15. Late Applications	10
20. Opening of Applications	10
21. Confidentiality	10
22. Clarification of Applications.....	10
23. Responsiveness of Applications.....	10
24. Nominated Subcontractors	11
25. Evaluation of Applications	11
26. Procuring Entity's Right to Accept or Reject Applications	11
27. Registration of Applicants.....	11
28. Invitation to Tender.....	12
29. Changes in Qualifications of Applicants.....	12
30. Procurement Related Complaints and Administrative Review.....	12
Price evaluation will be done for <i>Items N/A</i>	15
1. Application Submission Letter.....	21
2. Form ELI -1.1 - Applicant Information Form	23
3. Form CON 2 - Historical Contract Non-Performance, and Pending Litigation and Litigation History	23

TENDER NOTICE-PREQUALIFICATION FOR LEGAL SERVICES.

TENDER NO. KICC/12/2025-2027

The Kenyatta International Convention Centre (KICC) invites applications from interested eligible firms for Prequalification for Legal Services

Registration/Tender documents with detailed information shall be viewed and downloaded from www.kicc.co.ke and [PPIP Portal](#) free of charge.

Completed Registration /Tender documents in plain sealed envelopes clearly marked;

REGISTRATION FOR:

DESCRIPTION.....

And addressed to: **The Chief Executive Officer
Kenyatta International Convention Centre (KICC)
P O BOX 30746-00100
NAIROBI**

A. Address for obtaining further information on tender documents

(1) **The Kenyatta International Convention Centre.**

**Lower Ground, (LG2) Supply chain Office, KICC building,
Harambee Avenue, Nairobi**

P.O.BOX 30746-00100, NAIROBI, KENYA.

**+2540203261135/430
Supply Chain @ kicc.co.ke.**

B. Address for Submission of Tenders.

The Kenyatta International Convention Centre.

P.O.BOX 30746-00100, NAIROBI, KENYA

4th Floor, KICC building, Harambee Avenue, Nairobi

C. Address for Opening of Tenders.

The Kenyatta International Convention Centre.

KICC building, Harambee Avenue, Nairobi, Aberdare/ Lenana Hall

CPA, CS, JAMES MWAURA

[Authorized Official (name, designation, Signature and date)]

Name.....**CPA, CS, JAMES MWAURA**..... (*Official of the
Procuring Entity issuing the invitation*)

Date: **11th April 2025**



CHIEF EXECUTIVE OFFICER

All the applications submitted will be opened immediately thereafter in the presence of bidders/representatives who wish to attend.

PART 1 - APPLICATION PROCEDURES

SECTION I - INSTRUCTIONS TO APPLICANTS

B. General

1 Scope of Application

1.1 The particular type of contract (works, goods, Services required) and its name and description of the contract(s) and its reference number are defined in the table above. 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 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 subcontractors, sub consultants, service providers, suppliers, and their personnel, to permit the Public Service Commission to inspect all accounts, records and other documents relating to any initial selection process, prequalification process, tender submission (incase 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 Any applicant found to have engaged in collusive conduct shall be disqualified and criminal and/or civil sanctions may be imposed.

5 Eligible Applicants

5.1 An Applicant may be a firm that is a private entity, a state-owned enterprise or 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 registration 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 Sisters. 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 registration both individually, and as part of a joint venture, or participate as a subcontractor. If registered, 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 registration 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 n 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 registration. 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 registration 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, registration 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
- 5.8 Applicants that are state-owned enterprise or institutions in Kenya may be eligible to registration, compete and be awarded a Contract(s) only if they can establish, in a manner acceptable 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 5.1 (a) above by any country may be applied to that procurement across other countries involved, if the Procuring Entities involved in the procurement so agree.

B. Preparation of Applications

The Applicant is expected to examine all instructions, forms, and terms in the registration n Document and to furnish with its application all information or documentation as is required by the Prequalification Document.

7 Cost of Applications

7.1 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 registration process.

8 Language of Application

8.1 The Application as well as all correspondence and documents relating to the registration 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.

9 Documents Comprising the Application

10 Documents Establishing the Eligibility of the Applicant

10.1 To establish its eligibility in accordance with public service commission, 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).

11 Documents Establishing the Qualifications of the Applicant

11.1 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).

11.2 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.

11.3 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.

11.4 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.

11.5 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 in formation on its ownership and control.

11.6 The Applicant shall provide further documentary proof, information or authorizations that the Procuring Entity may request.

- 11.7 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.
- 11.8 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.
- 11.9 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,
- 11.10 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.
- 11.11 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.

12 Signing of the Application and Number of Copies

- 12.1 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.
- 12.2 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.

C. Submission of Applications

13 Sealing and Marking of Applications

- 13.1 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.
- 13.2 The Procuring Entity will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above

14 Deadline for Submission of Applications

- 14.1 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**.
- 14.2 The Procuring Entity may, at its discretion, extend the deadline for the submission of Applications by amending the registration 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.

15 Late Applications

- 15.1 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.

D. Procedures for Evaluation of Applications

21 Confidentiality

- 21.1 Information relating to the Applications, their evaluation and results of the registration shall not be disclosed to Applicants or any other persons not officially concerned with the registration process until the notification of registration 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 registration in accordance with ITA 28, any Applicant that wishes to contact the Procuring Entity on any matter related to the registration 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 registration 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.

24 Nominated Subcontractors

- 24.1 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”).
- 24.2 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(i.e.) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

E. Evaluation of Applications and Prequalification of Applicants

25 Evaluation of Applications

- 25.1 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.
- 25.2 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 qualification of the Applicant for the purpose of the evaluation. Unless the Applicant has been determined registered 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.
- 25.3 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 register 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.
- 25.4 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.
- 25.5 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.

26 Procuring Entity's Right to Accept or Reject Applications

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

27 Registration of Applicants

- 27.1 All Applicants whose applications substantially meet or exceed the specified qualification requirements will

be registered by the Procuring Entity. The Procuring Entity shall notify all Applicants in writing of the names of those Applicants who have been registered or conditionally registered. In addition, those Applicants who have been disqualified will be informed separately.

28.32 Applicants that have not been registered 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 registration the Procuring Entity shall invite Tenders from all the Applicants that have been registered or conditionally registered.

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

29.1 Any change in the structure or formation of an Applicant after being registered 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 register 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.

30 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 – REGISTRATION DATA SHEET (PDS)

ITT Reference	Particulars Of Appendix to Instructions to Tenders
A. General	
ITT 1.1	The reference number of the Invitation for Tenders is: ... KICC/12/2025-2027 The Procuring Entity is: Kenyatta International Convention Centre The name of the Contract is: PREQUALIFICATION FOR LEGAL SERVICES. The number and identification of lots (contracts) comprising this Invitation for Tenders is: INDICATE CATEGORY NUMBER(S):
ITT 1.2(a)	Electronic –Procurement System The Procuring Entity shall use the following electronic-procurement system to manage this Tendering process: <i>N/A</i> The electronic-procurement system shall be used to manage the following aspects of the Tendering process: <i>N/A</i>
ITT 2.3	The Information made available on competing firms is as follows: <i>N/A</i> <u>The firms that provided consulting services for the contract being tendered for are: <i>N/A</i></u>
ITT 3.1	Maximum number of members in the Joint Venture (JV) shall be: <i>N/A</i>
ITT 3.7	A list of debarred firms and individuals is available on the PPRA’s website: www.ppra.go.ke
ITT 3.11	Registration is open to all firms
B. Contents of Tendering Document	
ITT 6.1	(a) Address where to send enquiries is supplychain@kicc.co.ke , to reach the Procuring Entity. (b) The Procuring Entity publish registration list on the website (www.kicc.co.ke)
ITT 6.2	A pre-tender conference will not be held
ITT 6.3	The questions to reach the Procuring Entity. -
ITT 6.5	The Minutes of the Pre-Tender meeting shall be published on the at the website; <i>N/A</i>
C. Preparation of Tenders	
ITT 10 (j)	The Tenderer shall submit the following additional documents in its Tender: <i>N/A</i>
ITT 12.1	Alternative Tenders “ <i>shall not be</i> ” considered.
ITT 13.5	Not Applicable
ITT 13.6	Prices quoted for each lot (contract) shall correspond at least to <i>[insert figure]</i> percent of the items specified for each lot (contract). - <i>N/A</i> Prices quoted for each item of a lot shall correspond at least to <i>[insert figure]</i> percent of the quantities specified for this item of a lot- <i>N/A</i>
ITT 13.8 (a) (i) and (iii)	Place of final destination: Chief Executive Officer Postal Address: 30746-00100, Nairobi Physical Address: Kenyatta International Convention Centre (KICC), 4th Floor, Harambee Avenue
ITT 13.8 (a) (iii)	Final Destination (Project Site): KICC Offices
ITT 13.8 (b) (i)	Named place of destination, in Kenya is KICC offices, Nairobi

ITT Reference	Particulars Of Appendix to Instructions to Tenders
ITT 13.8 (b) (ii)	The price for inland transportation, insurance, and other local services required to convey the Goods from the named place of destination to their final destination- N/A
13.8 (c) (iv)	The place of final destination (Project Site) is KICC offices, Nairobi
ITT 14.2	Foreign currency requirements N/A
ITT 15.4	Period of time the Goods are expected to be functioning (for the purpose of spare parts): N/A
ITT 16.2 (a)	Manufacturer's authorization is: "not required"
ITT 16.2 (b)	After sales service is: "not required"
ITT 17.1	The Tender validity period shall be: N/A
ITT 17.3	(a) The Number of days beyond the expiry of the initial tender validity period will be – N/A
ITT 18.1	A Tender Security "shall not be" required N/A A Tender-Securing Declaration "shall not be" required.
ITT 19.1	In addition to the original of the Tender, the number of copies is: Only one original shall be submitted
ITT 19.3	The written confirmation of authorization to sign on behalf of the Tenderer shall consist of: N/A
D. Submission and Opening of Tenders	
ITT 20.3	A tender package or container that cannot fit in the tender box shall be received as follows: Delivered to the office of the Supply Chain Management and recorded.
ITT 21.1	For Tender submission purposes only, the Procuring Entity's address is: Attention: Chief Executive Officer Postal Address: 30746-00100, Nairobi Physical Address: Kenyatta International Convention Centre (KICC), 4th Floor, Harambee Avenue Electronic mail address: SupplyChain@kicc.co.ke ; The electronic Tendering submission procedures shall be: AS PROVIDED BELOW ITT.24.1
ITT 24.1	The Tender opening shall take place at: Attention: Chief Executive Officer Postal Address: 30746-00100, Nairobi Physical Address: Kenyatta International Convention Centre (KICC), 4th Floor, Harambee Avenue Electronic mail address: SupplyChain@kicc.co.ke The electronic Tender opening procedures shall be: N/A
ITT 24.6	The number of representatives of the Procuring Entity to sign is at Least Three (3)
E. Evaluation and Comparison of Tenders	
ITT 29.3	The manner of rectify quantifiable nonmaterial nonconformities described below: As per PPAD Act, 2015
ITT 31.1	The currency that shall be used for Tender evaluation and comparison purposes to convert at the selling exchange rate all Tender prices expressed in various currencies into a single currency is: N/A The source of exchange rate shall be: N/A The date for the exchange rate shall be: N/A

ITT Reference	Particulars Of Appendix to Instructions to Tenders
ITT 32.3	A margin of preference and/or reservation <i>shall not</i> apply and specify the details. If a margin of preference applies, the application methodology shall be defined in Section III – Evaluation and Qualification Criteria. N/A
ITT 33.2	Price evaluation will be done for Items N/A
ITT 33.2 (d)	Additional evaluation factors are- N/A
ITT 33.6	<p>The adjustments shall be determined using the following criteria, from amongst those set out in Section III, Evaluation and Qualification Criteria: <i>[refer to Section III, Evaluation and Qualification Criteria; insert complementary details if necessary]</i></p> <p>NOTE: WHOLE SECTION NOT APPLICABLE IGNORE</p> <p>(a) Deviation in Delivery schedule: <i>[insert Yes or No. If yes insert the adjustment factor in Section III, Evaluation and Qualification Criteria]</i></p> <p>(b) Deviation in payment schedule: <i>[insert Yes or No. If yes insert the adjustment factor in Section III, Evaluation and Qualification Criteria]</i></p> <p>(c) the cost of major replacement component, mandatory spare parts, and service: <i>[insert Yes or No. If yes, insert the Methodology and criteria in Section III, Evaluation and Qualification Criteria]</i></p> <p>(d) the availability in Kenya of spare parts and after-sales services for the equipment offered in the Tender <i>[insert Yes or No. If yes, insert the Methodology and criteria in Section III, Evaluation and Qualification Criteria]</i></p> <p>(e) Life cycle costs: the costs during the life of the goods or equipment <i>[insert Yes or No. If yes, insert the Methodology and criteria in Section III, Evaluation and Qualification Criteria]</i></p> <p>(f) the performance and productivity of the equipment offered; <i>[Insert Yes or No. If yes, insert the Methodology and criteria]</i></p> <p>(g) <i>[insert any other specific criteria in Section III, Evaluation and Qualification Criteria]</i></p>
F. Award of Contract	
ITT 41.1	<p>The maximum percentage by which quantities may be increased is: N/A</p> <p>The maximum percentage by which quantities may be decreased is: N/A</p>
ITT 41.1	The Procuring Entity shall increase or decrease the quantity of Goods and Related Services by an amount not exceed _____% and without any change in the unit prices or other terms and conditions of the Tender and the tendering document. - N/A
ITT 47.3	Performance security if so, required shall be in the sum of - N/A
ITT 49.1	<p>The procedures for making a Procurement-related Complaint are detailed in the “Notice of Intention to Award the Contract” herein and are also available from the PPRA Website www.ppra.go.ke.</p> <p>If a Tenderer wishes to make a Procurement-related Complaint, the Tenderer should submit its complaint following these procedures, in writing (by the quickest means available, that is either by email or fax), to: Attention: Chief Executive Officer</p> <p>Procuring Entity: <i>Kenyatta International Convention Centre</i></p> <p>Email address: md.office@kicc.co.ke OR info@kicc.co.ke</p>

ITT Reference	Particulars Of Appendix to Instructions to Tenders
	<p>In summary, a Procurement-related Complaint may challenge any of the following:</p> <ol style="list-style-type: none"> <li data-bbox="347 210 1313 282">1. the terms of the Tendering Documents; and <li data-bbox="347 304 1313 376">2. the Procuring Entity's decision to award the contract.

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
C. Preparation of Applications	
ITA 12.1 (d)	The Applicant shall submit with its Application, the following additional documents: As per the evaluation criteria
ITA 15.2(b)	The source for determining exchange rates is N/A
ITA 16.2	In addition to the original, the number of copies to be submitted with the Application is: <i>One</i>
D. Submission of Applications	
ITA 17.1	The deadline for Application submission is: For Application submission purposes only, the Procuring Entity's address is: Attention: Chief Executive Officer Kenyatta International Convention Centre (KICC), 4th Floor, Harambee Avenue, P.O. Box 30746 00100 Nairobi. Tel: +254-020-2247277 Email address: supplychain@kicc.co.ke Applicants SHALL NOT have the option of submitting their Applications electronically.
ITA 18.1	Late Applications will be returned unopened to the Applicants.
ITA 19.1	The Procuring Entity will not accept late applications.
ITA 20.1	The opening of the Applications shall be at KICC Offices .
ITA 20.2	The electronic Application opening procedures shall be: NOT APPLICABLE
E. Procedures for Evaluation of Applications	
ITA 24.1	A margin of preference SHALL NOT APPLY
ITA 25.1	At this time the Procuring Entity [<i>insert "intends" or "does not intend"</i>] to execute certain specific parts of the Works by sub-contractors selected in advance. <i>[If the above states "intend" list the specific parts of the works and the respective sub-contractors] DOES NOT INTEND – N/A</i>
ITA 25.2	The parts of the Works for which the Procuring Entity permits Applicants to propose Specialized Subcontractors are designated as follows: N/A

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
	<p>_____</p> <p>_____</p> <p>For the above-designated parts of the Works that may require Specialized Subcontractors, the relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Applicant for the purpose of evaluation.</p>
ITA 31.1	<p>An Applicant wishes to make a Procurement-related Complaint, the Applicant should submit its complaint in writing (by the quickest means available, that is either by hand delivery or email), to:</p> <p>For the attention:</p> <p>Chief Executive Officer Kenyatta International Convention Centre (KICC), 4th Floor, Harambee Avenue, P.O. Box 30746 00100 Nairobi. Tel: +254-020-2247277</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

1. This section contains all the methods, criteria, and requirements that the Procuring Entity shall use to evaluate Applications, all in one Form “Eligibility and Qualification Criteria”. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the Form.
2. The Procuring Entity shall insert one Form for each Lot or Contract in case of multiple contracts.
3. This form is generic and refers to works and construction. In case of Supply of Goods or Non-Consulting Services, the form shall be amended to read Goods or Non-Consulting Services as appropriate.

EVALUATION AND QUALIFICATION CRITERIA

	Mandatory Eligibility criteria	compliant	Noncompliant	Remarks
1	Attach copies of incorporation certificate, registration certificate or partnership deeds.			
2	Duly filled and signed Applicant Information Form (Form ELI-1.1) in the format provided			
3	Duly filled, Signed Application submission letter in the format provided.			
4	Historical Contract Non-Performance, and Pending Litigation and Litigation History (Form CON 2) in the format provided			
5	Attach company profile detailing the firm's history, areas of specialization and notable achievements			
6	Attach Valid Tax Compliance Certificate			
7	Attach National ID of the proprietors of the Firm			
8	Valid Practicing Certificates for the Advocates for the year 2025, together with relevant valid certificates for professionals within the Firm.			
9	Team Composition: Profiles of key personnel, including qualifications and experience.			
11	Experience: Relevant experience in corporate and commercial law, litigation and ADR, employment and labor laws, intellectual property law, regulatory compliance and other related facets of the law, together with a list of similar assignments handled, including client reference letters			
12	Adequate Staffing and Resources to handle KICC's Legal matters			
13	Fee Structure; Proposed billing rates and any other applicable charges			
<p>Note: Non-compliance with any MANDATORY requirement will automatically result in disqualification</p> <p>Evaluation shall be on a Yes / No Criteria.</p>				

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 registered for the referenced ITT and declare that:

- a) No reservations: We have examined and have no reservations to the Registration 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: - **NOT APPLICABLE**
 [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:

16

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
--------------------------	----------------	---------------	---------------

[insert full name for each occurrence] [insert street/ number/city/country] [indicate reason] [specify amount Currency, value, exchange rate and KENYA SHILLING equivalent]

SECTION NOT APPLICABLE

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[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 registration process at any time and that you are neither bound to accept any Application that you may receive nor to invite the registration Applicants to Tender for the contract subject of this registration 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 Joint Venture (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 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 st January [insert year] specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 st January [insert year] 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, change rate and KENYA SHILLING equivalent)
[insert year]	[insert amount and percentage]	Contract Identification: [indicate complete contract name/number, and any other identification] Name of Procuring Entity: [insert full name] Address of Procuring Entity: [insert street/city/country] Reason(s) for nonperformance: [indicate main reason(s)]	[insert amount]
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)
[insert year]	[insert amount]	Contract Identification: [indicate complete contract name, number, and any other identification] Name of Procuring Entity: [insert full name] Address of Procuring Entity: [insert street/city/country] Matter in dispute: [indicate main issues in dispute] Party who initiated the dispute: [indicate "Procuring Entity" or "Contractor"] Status of dispute: [Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]	[insert amount]
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] Name of Procuring Entity: <i>[insert full name]</i> Address of Procuring Entity: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate "Procuring Entity" or "Contractor"]</i> Reason(s) for Litigation and award decision <i>[indicate main reason(s)]</i></p>	<i>[insert amount]</i>
----------------------	----------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------

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 ofdated the...day of20.....in the matter of Tender No.....of20.... for(Tender description).

REQUEST FOR REVIEW

I/We....., the above-named Applicant(s), of address: Physical addressP. 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/order that:

- 1.
- 2.

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

FOR OFFICIAL USE ONLY Lodged with the Secretary Public Procurement Administrative Review Board onday of20.....

SIGNED

Board Secretary

