



Kenya Power

INVITATION FOR PERQUALIFICATION (IFQ) NO. KP1/1/3A/4/1/OT/003/18-19: PREQUALIFICATION OF SUPPLIERS OF INTERNET ACCESS AND GLOBAL IP TRANSIT SERVICES.

DATE: JANUARY 2019

**ALL CANDIDATES ARE ADVISED TO READ CAREFULLY THIS
PREQUALIFICATION DOCUMENT IN ITS ENTIRETY BEFORE MAKING ANY BID**

(DOCUMENT FOR PREQUALIFICATION OF SERVICES)

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**SECTION I - INVITATION FOR PRE-QUALIFICATION (IFPO) NO.
KPI/1/3A/4/1/OT/003/18-19: PREQUALIFICATION OF SUPPLIERS OF INTERNET
ACCESS AND GLOBAL IP TRANSIT SERVICES**

The Kenya Power & Lighting Company Ltd (KPLC) intends to pre-qualify eligible Candidates for provision of internet access and global IP transit services. Interested eligible Candidates may obtain further information from the INSTITUTE OF ENERGY STUDIES & RESEARCH UTALII LANE - OFF THIKA ROAD, P.O. BOX 10355-00100, NAIROBI, KENYA.

DESCRIPTION OF THE KENYA POWER & LIGHTING COMPANY LIMITED AND OUR CORE BUSINESS.

- 1.1.1 Our Company- “Lighting Up Your World”
- 1.1.2 The Kenya Power & Lighting Company Limited (KPLC) is a limited liability company registered under the Companies Act, Chapter 486 of the Laws of Kenya. It was incorporated in 1922 as the East African Power & Lighting Company Limited. KPLC was listed on the Nairobi Stock Exchange (NSE) in 1954. The Company changed to its present name in 1983.
- 1.1.3 Our shareholders include the Government of Kenya (GoK), institutional investors and individual shareholders. KPLC is a public company with GoK holding the largest block of shares. We are subject to the State Corporations Act, Chapter 442 of the laws of Kenya and the laws governing procurement by public bodies, mainly the Public Procurement and Disposal Act, 2015 and the Regulations made thereunder.
- 1.1.4 Our Vision is “To provide world class power that delights our customers.”
- 1.1.5 Our Mission is “Powering people for better lives”
- 1.1.6 Our Core Business is to provide electrical energy and related customer services throughout Kenya.
- 1.1.7 Our Core Values were developed to support the Company’s purpose of powering the Nation to grow from our efforts. These include: -
 - a) Customer First
 - b) One Team
 - c) Passion

- d) Integrity
- e) Excellence

1.1.8 Description of the Services for Pre-qualification

A pre-qualification procedure is a basic procedure prior to adopting an alternative procurement method other than open tender for the purpose of identifying the best few qualified firms for the subject procurement.

1.1.9 KPLC intends to pre-qualify service whose details of the description are provided at Section IV Detailed Description of the Service.

1.1.10 All Candidates whose applications will have been received before the closing and time will be advised in due course, of the results of their applications.

1.2 Obtaining tender documents.

1.2.1 Tender documents detailing the requirements may be obtained from the KPLC E-Procurement Portal.

1.2.2 Tender documents detailing the requirements may be obtained from the KPLC E-Procurement Portal **found on** KPLC's website (www.kplc.co.ke) beginning on **Tuesday 22nd January, 2019.**

1.3 Submission of Tender documents

Completed Tenders are to be **saved as PDF** document marked **TENDER NO.**

KP1/1/3A/4/1/OT/003/18-19 INVITATION FOR PREQUALIFICATION OF SUPPLIERS OF INTERNET ACCESS AND GLOBAL IP TRANSIT SERVICES and submitted in electronic format on the KPLC's E-procurement portal on the due date and time published on the portal. Tenderers are required to visit the portal from time to time for revised closing dates and addendums. The Tender is to be submitted **ONLINE** on or before the submission date and time indicated on the **KPLC tendering portal. i.e. Thursday 7th February, 2019 at 10.00am**

1.4 Opening of submitted Tenders

Tenders will be opened promptly thereafter in the presence of the Tenderer's or their representatives who choose to attend in the Lower Conference room located at IES&R , Ruaraka next to Utalii College on **7th February 2019 at 10.00 am.**

SECTION II - PREQUALIFICATION SUBMISSION CHECKLIST

This order and arrangement shall be considered as the Prequalification Format.

Candidates shall tick against each item indicating that they have provided it.

No.	Item	Tick Where Provided
1	Company Profile	
2	Filled Confidential Business Questionnaire (CBQ)	
3	Filled ,signed and stamped Declaration Form and letter of Application form	
4	Copy of PIN Certificate	
5	Copy of Valid Tax Compliance Certificate	
6	Copy of Company or Firm’s Registration Certificate	
7	Copy of Application Service Provider (ASP) license issued by Communication Authority of Kenya.	
8	Curriculum Vitae of key technical and management personnel detailing their qualification, certification and experience in provisioning and management of Internet services .	
9	Network coverage map/drawing. The network diagram should include ISP’s main internet pick-up points (Point-of-presences) in Kenya.	
10	Financial Statements. The audited financial statements required must be those that are reported within eighteen (18) calendar months of the date of this prequalification document. <i>(For companies or firms that are registered or incorporated within the last one calendar year of the Date of the Prequalification Document, they should submit certified copies of bank statements covering a period of at least six months prior to the date of the Prequalification document. The copies should be certified by the Bank issuing the statements. The certification should be original).</i> OR Certified copies of bank statements covering a period of at least six months prior to the date of the prequalification document.	
11	Names with full contact as well as physical addresses of previous customers of similar Internet access and/ or global IP transit services and reference letters from at least four (4) previous customers (The youth, persons with disabilities and women to provide the four referees from their manufacturers/suppliers)	
12	Any other document or item required by the Prequalification Document. (The Candidate shall specify such other documents or items it has submitted)	

***NOTES TO CANDIDATES**

- Valid Tax Compliance Certificate shall be one issued by the relevant tax authorities and valid for at least up to the Prequalification closing date. All Kenyan registered companies must provide a valid Tax Compliance Certificate.

2. All Kenyan registered companies must provide the Personal Identification Number Certificate (PIN Certificate).

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SECTION III - INSTRUCTIONS TO CANDIDATES

3.1 Definitions

In this Prequalification, unless the context or express provision otherwise requires:

- a) *Any reference to any Act shall include any statutory extension, amendment, modification, re-amendment or replacement of such Act and any rule, regulation or order made there-under.*
- b) *“Date of Prequalification Document” shall be **start date** specified on the KPLC Prequalification portal.*
- c) *“Day” means calendar day and “month” means calendar month.*
- d) *“KEBS” wherever appearing means the Kenya Bureau of Standards or its successor(s) and assign(s) where the context so admits.*
- e) *“PPRA” wherever appearing means The Public Procurement Regulatory Authority or its successor(s) and assign(s) where the context so admits.*
- f) *Reference to “the Prequalification ” or the “Prequalification Document” or the Pre-qualification Prequalification document” includes its appendices and documents mentioned hereunder and any reference to this Prequalification or to any other document includes a reference to the other document as varied supplemented and/or replaced in any manner from time to time.*
- g) *“The Procuring Entity” means The Kenya Power and Lighting Company Limited or its successor(s) and assign(s) where the context so admits (hereinafter abbreviated as KPLC).*
- h) *“The Prequalification” means the person(s) submitting its application for the pre-qualification for the supply, installation and commissioning (where applicable) of the goods, equipment and ancillary services in response to the Invitation for Pre-qualification.*
- i) *Where there are two or more persons included in the expression the “Prequalification”, any act of default or omission by the Candidate shall be deemed to be an act, default or omission by any one or more of such persons.*
- j) *Words importing the masculine gender only, include the feminine gender or (as the case may be) the neutral gender.*
- k) *words importing the singular number only include the plural number and vice-versa and where there are two or more persons included in the expression the “Candidate” the covenants, agreements and obligations expressed to be made or performed by the Candidate shall be deemed to be made or performed by such persons jointly and severally.*
- l) *KPLC’s “authorised person” shall mean its MD & CEO who is designated by the PPAD Act 2015 to exercise such power, authority or discretion as is required under the Prequalification and any contract arising therefrom, or such other KPLC staff delegated with such authority.*

- m) *Citizen contractors-means a person/firm wholly owned and controlled by person(s) who are citizens of Kenya.*
- n) *Local contractors- a firm shall be qualified as a local contractor if it is registered in Kenya.*
- o) *SRM (Supplier Relationship Management means KPLC e- procurement portal.*
- p) *"candidate" means a person who has obtained the tender documents from a public entity pursuant to an invitation notice by a procuring entity;*

3.2 Eligibility for Pre-Qualification

- 3.2.1 This Invitation to Prequalify is open to all Candidates eligible as described in the Appendix to Instructions to Candidates.
- 3.2.2 a pre-qualification procedure as a basic procedure prior to adopting an alternative procurement method other than open requalification for the purpose of identifying the best few qualified firms for the subject
- 3.2.2 Notwithstanding any other provisions of this prequalification, the following are not eligible to participate in the Prequalification: -
 - a) KPLC's employees, its Board or any of its committee members.
 - b) Any Public/State Officer of the Government of the Republic of Kenya (GoK).
 - c) Any member of a Board or Committee or any department of GoK.
 - d) Any person appointed to any position by the President of Kenya.
 - e) Any person appointed to any position by any Cabinet Secretary of GoK.
 - f) Any Prequalification submitting false, inaccurate or incomplete information about their qualifications
- 3.2.3 Candidates shall provide the qualification information statement that the Candidate (including all members of a joint venture and subcontractors) is not associated, or have been associated in the past, directly or indirectly, with a firm or any of its affiliates which may be or have been engaged by KPLC to provide consulting services for the preparation of the design, specifications, and other documents to be used for the procurement of the goods under the ensuing Prequalification.
- 3.2.4 Candidates shall not be under a declaration of ineligibility for corrupt and fraudulent practices.
- 3.2.5 A candidate shall not be under declarations as prescribed at Section VIII.

3.3 Post – Qualification

- 3.3.1 KPLC will from time to time issue prequalification invitations for the actual supply of the goods, equipment and ancillary services.
- 3.3.2 Only successful identified pre-qualified candidates who are in KPLC's Standing List may be invited to Prequalification for future contracts to supply the goods, equipment and ancillary services.
- 3.3.3 The Prequalifications for future contracts to be issued will be over a period as prescribed in the Appendix to Instructions to Candidates from the date of appointment

or as otherwise may be extended. After this period KPLC may conduct another pre-qualification for the goods, works and services.

3.4 Fresh Pre-Qualification

- 3.4.1 At the end of the pre-qualification period, KPLC may conduct another pre-qualification process at which the existing Standing List will automatically expire.
- 3.4.2 At the fresh pre-qualification, all pre-qualified candidates in the Standing List shall be required to re-apply if they so wish to be in the new Standing List.

3.5 Cost of Prequalification

- 3.5.1 The Candidate shall bear all costs associated with the preparation and submission of its Prequalification, and KPLC will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the Prequalification process.
- 3.5.2 The Prequalification Document shall be free of charge and will be accessed

3.6 Contents of the Prequalification Document

- 3.6.1 The Prequalification Document comprises the documents listed below and Addendum (where applicable) issued in accordance with clause 3.7 of these Instructions to Candidates: -
 - a) *Invitation for Prequalification*
 - b) *Prequalification Submission Checklist*
 - c) *Instructions to Candidates*
 - d) *Appendix to Instructions to Candidates*
 - e) *Description of goods for pre-qualification.*
 - g) *Summary of the Evaluation Process*
 - j) *Letter of application.*
 - k) *Confidential Business Questionnaire Form*
 - m) *Notification of pre-qualification.*
 - n) *Technical Specifications*
 - (i) *General Requirements*
 - (ii.) *Detailed Technical Specifications.*
- 3.6.2 The Candidate is expected to examine all instructions, forms, provisions, terms and specifications in the Prequalification Document. Failure to furnish all information required by the Prequalification Document or to submit a Prequalification not substantially responsive to the Prequalification Document in every respect will be at the Candidate's risk and shall result in the rejection of its Prequalification.

3.7 Clarification of Documents

- 3.7.1 A prospective Candidate requiring any clarification of the Prequalification Document may notify the Procurement Manager in writing or by post at KPLC's address indicated in the Invitation for Prequalification. KPLC will respond in writing to any request for clarification of the Prequalification documents, which it receives not later than seven (7) days prior to the deadline for the submission of Prequalification s, prescribed by KPLC. Written copies of KPLC's response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective Candidates that have duly received the Prequalification Document.
- 3.7.2 KPLC shall reply to any clarifications sought by the Candidate within three (3) days of receiving the request to enable the Candidate make timely submission of its Prequalification.
- 3.7.3 If a prospective Candidate sends an inquiry after the stated days or the inquiry is received by KPLC after the stated days, KPLC shall have the option of responding to the inquiry and extension of the date of submission of Prequalification s or ignoring it.

3.8 Amendment of Documents

- 3.8.1 At any time prior to the deadline for submission of Prequalification s, KPLC, for any reason, whether at its own initiative or in response to a clarification requested by a prospective Candidate, may modify the Prequalification documents by amendment.
- 3.8.2 All prospective Candidates that have received the Prequalification documents will be notified of the amendment(s) (hereinafter referred to or otherwise known as addendum) which will be posted in the KPLC website.
- 3.8.3 In order to allow prospective Candidates reasonable time in which to take the amendment into account in preparing their Prequalification s, KPLC, at its discretion, may extend the deadline for the submission of Prequalification s.

3.9 Language of Prequalification

The Prequalification prepared by the Candidate, as well as all correspondence and documents relating to the Prequalification , exchanged between the Candidate and KPLC, shall be written in English language, provided that any printed literature furnished by the Candidate may be written in another language provide they are accompanied by an accurate English translation of the relevant passages in which case, for purposes of interpretation of the Prequalification , the English translation shall govern. The English translation shall be on the Candidate's letterhead and shall be signed by the duly authorized signatory signing the Prequalification and stamped with the Candidate's stamp.

3.10 Documents Comprising the Prequalification

The Prequalification prepared and submitted by the Candidates shall include but not be limited to all the following components: -

- a) *Letter of Application completed in accordance with paragraphs 3.10, 3.11 and 3.12 below.*
- b) *Documentary evidence established in accordance with paragraph 3.13 that the Candidate is eligible and qualified to Prequalification.*

3.11 Letter of Application

The Candidate shall complete the Letter of Application and all other documents furnished in the Prequalification Document attaching all documents required noting to include originals where necessary. The Candidate should also indicate the items they can Prequalification for and their country of origin if pre-qualified, amongst other information required.

3.12 Candidate's Eligibility and Qualifications

- 3.12.1 Pursuant to paragraph 3.2, the Candidate shall furnish, as part of its prequalification, documents establishing the Candidate's eligibility to Prequalification and its qualifications to be pre-qualified.
- 3.12.2 The documentary evidence of the Candidate's eligibility to Prequalification shall establish to KPLC's satisfaction that the Candidate, at the time of submission of its Prequalification, is eligible Candidate as defined under paragraph 3.2.
- 3.12.3 The documentary evidence of the Candidate's qualifications to be pre-qualified if its Prequalification is accepted shall be established to KPLC's satisfaction –
 - a) *where applicable, in the case of a Candidate offering to supply goods, equipment and ancillary services upon pre-qualification which the Candidate does not manufacture or otherwise produce, the Candidate has been duly authorized by the goods' manufacturer or producer to supply the goods. The authorization shall strictly be in the form and content as prescribed in the Manufacturer's Authorization Form in the Prequalification Document*
 - b) *that the Candidate observes financial discipline by operating distinct accounts for the business. The Candidate shall be required to provide the documents as specified in the Appendix to Instructions to Candidates.*
 - c) *where applicable, that the Candidate has the technical and production capability necessary to produce the items upon pre-qualification.*
 - d) *that the Candidate has the capability necessary to supply the items if and when the candidate becomes the successful Prequalification er upon actual award of a subsequent Prequalification .*

3.13 Validity of Prequalification

- 3.13.1 Prequalification s shall remain valid for one hundred and twenty (120) days after the date of Prequalification opening as specified in the Invitation for Pre-qualification or as otherwise may be prescribed by KPLC, pursuant to paragraph 3.23. A Prequalification that is valid for a shorter period shall be rejected by KPLC as non-responsive.
- 3.13.2 In exceptional circumstances, KPLC may extend the Prequalification validity period. The extension shall be made in writing. A Candidate shall not be required nor permitted to modify its Prequalification during the extended period.

3.14 Number of Sets of and Prequalification Format

- 3.13.1 This being an E-procurement tender, all responses will be done in the E-portal. Willing candidates are advised to register in **KPLC E-portal, Institute of Energy Studies Research** found on KPLC Website (www.kplc.co.ke)

3.15 Preparation and Signing of the Prequalification

- 3.15.1 All pages of the Prequalification, including un-amended printed literature, shall be initialed by the person or persons signing the Prequalification and serially numbered.
- 3.15.2 The Prequalification shall have no interlineations, erasures, or overwriting except as necessary to correct errors made by the Candidate, in which case such corrections shall be initialed by the person or persons signing the Prequalification
- 3.15.3 KPLC will assume no responsibility whatsoever for the Candidate's failure to comply with or observe the entire contents of this paragraph 3.21.
- 3.15.4 Any Prequalification not prepared and signed in accordance with this paragraph may be rejected by KPLC as non-responsive, pursuant to paragraph 3.28.

3.16 Deadline for Submission of Prequalification

- 3.16.1 Prequalification s must be received by KPLC by the time and at the place specified in the Invitation for Prequalification.
- 3.16.2 KPLC may, at its discretion, extend this deadline for submission of Prequalification s by amending the pre-qualification documents in accordance with paragraph 3.7, in which case all rights and obligations of KPLC and the Candidate's previously subject to the initial deadline, will therefore be subject to the deadline as extended.

3.17 Modification and Withdrawal of Prequalifications

- 3.17.1 The Candidate may modify or withdraw its Prequalification after it has submitted it, resubmit in the portal before the tender opening date and time. i.e. prior to the deadline prescribed for submission of Prequalification.
- 3.17.3 No Prequalification may be modified after the deadline for submission of Prequalification.

3.18 Opening of Prequalifications

- 3.18.1 KPLC shall electronically open all Prequalifications promptly after the close of submission at the location specified in the Invitation for Prequalification or as may otherwise be indicated. The Candidates or their representatives may attend the opening and those present shall sign a register evidencing their attendance.
- 3.18.2 The Candidate's names, such other details as KPLC, at its discretion, may consider appropriate, will be announced at the opening.
- 3.18.3 KPLC will prepare Minutes of the Prequalification opening.

3.19 Clarification of Prequalification

- 3.19.1 To assist in the examination, evaluation and comparison of Prequalification s KPLC may, at its discretion, ask the Candidate for a clarification of its Prequalification. The request for clarification and the response shall be in writing, and no change in the substance of the Prequalification shall be sought, offered, or permitted.
- 3.19.2 Failure to provide timely clarification or substantiation of the information that is essential for effective evaluation of the Candidate's qualifications shall result in the Candidate's disqualification.

3.20 Inspection

- 3.20.1 KPLC or its representative(s) shall have the right to inspect the Candidate's capacity, equipment, premises, and to confirm their conformity to the pre-qualification requirements. This shall include the quality management system. KPLC's representative(s) retained for these purposes shall provide appropriate identification at the time of such inspection.
- 3.20.2 KPLC shall meet its own costs of the inspection. Where conducted on the premises of the Candidate(s), all reasonable facilities and assistance, shall be furnished to the inspectors at no charge to KPLC.
- 3.20.3 Inspection Report shall be completed upon conclusion of the inspection. This Report will be considered at time of evaluation and or approval as pre-qualified.

3.21 Prequalification Evaluation

- 3.21.1 KPLC will determine the responsiveness of each Prequalification. For purposes of this pre-qualification, a responsive Prequalification is one that conforms to all the requirements of the Evaluation. KPLC's determination of a Prequalification's responsiveness is to be based on the contents of the Prequalification itself without recourse to extrinsic evidence.
- 3.21.2 If a Prequalification is not responsive, it will be rejected at the earliest stage of evaluation by KPLC and cannot subsequently be made responsive by the Candidate by correction of any non-conformity.
- 3.21.3 Pre-qualification will be based on meeting the requirements to pass in the criteria set out in the Summary of Evaluation Process.

3.22 Process to be Confidential

- 3.22.1 After the opening of Prequalification s, information relating to the examination, clarification, evaluation and comparisons of Prequalification and recommendations arising there-from shall not be disclosed to a Candidate or other person(s) not officially concerned with such process until conclusion of that process.
- 3.22.2 Any effort by a Candidate to influence KPLC or any of its staff members in the process of examination, evaluation and comparison of Prequalification s and information or decisions concerning award of Contract may result in the rejection of the Candidate's Prequalification.

3.23 Minor Deviations, Errors or Oversights

- 3.23.1 KPLC may waive any minor deviation in a Prequalification that does not materially depart from the requirements set out in the Prequalification Document.
- 3.23.2 KPLC may waive errors and oversights that can be corrected without affecting the substance of the Prequalification.

3.24 Prequalification Evaluation Period

The Prequalification evaluation committee shall evaluate the Prequalification within the validity period of the Prequalification.

3.25 Debarment of a Candidate

A Candidate who gives false information in the Prequalification about its eligibility or qualification shall be considered for debarment from participating in future public procurement.

3.26 Confirmation of Qualification for Appointment on the Standing List

- 3.26.1 KPLC may confirm to its satisfaction whether the Candidate that is identified is qualified for appointment.
- 3.26.2 The confirmation will take into account the Candidate's technical, and production capabilities. It will be based upon an examination of the documentary evidence of the Candidate's qualifications submitted by the Candidate, pursuant to paragraph 3.13 as well as confirmation of such other information as KPLC deems necessary and appropriate. This may include factory and other facilities inspection and audits.
- 3.26.3 An affirmative confirmation will be a prerequisite for appointment to the Standing List. A negative confirmation will result in rejection of the Candidate's Prequalification.

3.27 Approval of Pre-qualification

- 3.27.1 The approval of pre-qualification will be either pass or fail regarding the Candidate's general and particular experience, capabilities and financial position as demonstrated by the Candidate's response to this Prequalification and inspection when conducted.

- 3.27.2 Approval shall be for all Candidates who meet the prequalification requirements as prescribed in the Appendix to Instructions to Candidates.
- 3.27.3 KPLC shall assign repair works as and when it requires from only the Candidates who have been pre-qualified, subject to applicable thresholds.

3.28 Termination of Procurement Proceedings

- 3.28.1 KPLC may at any time terminate prequalification proceedings before approval and shall not be liable to any person for the termination.
- 3.28.2 KPLC shall give prompt notice of the termination to the Candidates and, on request from any Candidate, give its reasons for termination within fourteen (14) days of such request.

3.29 Notification of Appointment

- 3.29.1 Prior to the expiration of the period of Prequalification validity, KPLC shall notify the successful Candidate(s) in writing that its Prequalification has been approved.
- 3.29.2 The notification of appointment shall constitute the formation of the contract for repairs services as and when required basis.
- 3.29.3 Simultaneously, on issuance of Notification of Appointment to the successful Candidate(s), KPLC shall notify each unsuccessful Candidate.

3.30 Acceptance of Pre-qualification

- 3.30.1 At the same time as KPLC notifies the approved Candidate that its Prequalification has been approved, KPLC will send the Candidate a copy of the Notification of Appointment together with any other necessary documents incorporating all agreements between the Parties.
- 3.30.2 Within Seven (7) days of the date of notification of appointment, the successful Candidate(s) shall sign and stamp (where applicable) the copy of notification of appointment and all other documents, if any, and return them to KPLC.
- 3.30.3 Failure of the successful Candidate(s) to sign and return the copy of the Notification of Appointment, the Appointment shall stand nullified.

APPENDIX TO INSTRUCTIONS TO CANDIDATES

The following information regarding the particulars of the Prequalification shall complement and or amend the provisions of the Instructions to Candidates *hereinafter abbreviated as ITC*. Wherever there is a conflict between the provisions of the ITC and the Appendix, the provisions of the Appendix herein shall prevail over those of the ITC.

No.	ITC Reference Clause	Particulars of Appendix
1.	3.2.1 Eligible Candidates	<i>This tender is open to registered Internet Service Providers (ISPs) in Kenya with Valid Application Service Provider (ASP) license issued by the Communications Authority of Kenya</i>
2	3.3 3 Post – Qualification	<i>Only successful identified pre-qualified Internet Service Providers)ISPs will be considered for Provision of internet access and global IP transit services. Due diligence will be carried out to establish potential and quality of the Prequalified service providers.</i>
2.	3.12. Documentary evidence of Candidate’s eligibility to qualify	<i>Bidders shall be required to provide evidence of ownership of a Telecommunications network with pick-up points in various towns in Kenya, Certificates, employment contracts , testimonials of their staff and documentary evidence of previous customers for similar Internet access and IP transit services</i>
3.	3.12.3 (b) Documentary evidence of financial capability	<i>Audited Financial Statements. The audited financial statements required must be those that are reported within eighteen (18) calendar months of the date of the prequalification document or certified copies of bank statements covering a period of at least six months prior to the date of the prequalification document. The copies should be certified by the Bank issuing the statements. The certification should be original).</i>
4.	3.29.2 Notification of Appointment	<i>All firms that meet the criteria for prequalification shall be invited to quote for the services on as and when required basis.</i>

SECTION IV – DETAILED DESCRIPTION OF REQUIREMENTS

MINIMUM TECHNICAL REQUIREMENTS FOR INTERNET ACCESS AND GLOBAL IP TRANSIT SERVICES

Kenya power seeks to pre-qualify Internet Service Providers (ISPs) for supply of wholesale internet access and global IP transit services. It is intended that the ISP should be able to provide internet access, assignment of public IP addresses for KPLC use and offer global IP transit services.

Minimum Technical Requirements

The Internet Service Provider should meet the following stated re minimum technical requirements.

1. **Registration:** Duly registered in Kenya by the Office of Attorney General and comply with all statutory provisions of a limited company.
2. **Licenses:** The ISP should comply with all regulatory and licensing requirements of Communication Authority of Kenya to offer global IP transit and internet services in Kenya. The ISP should have valid Application Service Provider (ASP) license.
3. **Category:** The provider should have direct purchase agreements with multiple upstream Tier - 1/backbone ISPs
4. **Network redundancy and resiliency:** The ISP should provide proof of traffic protection mechanisms. The ISP should have at least two redundant links to their upstream providers.
5. **Local Exchange:** The provider should have peering arrangements with other local ISPs at Kenya Internet Exchange Point (KIXP) and hence lowest latencies to the country's local content.
6. **Network Operational Center:** The ISP should have fully operational all-time Network Operational Center (NOC) for monitoring of internet services and SLA (Service Level Agreement) parameters. The ISP should be able to provide partial view of all parameters of the offered services, including performance and real-time bandwidth utilization of the link.
7. **Ticketing system:** The ISP should have ticketing system for tracking and referencing of all incidences.

SECTION V - SUMMARY OF EVALUATION PROCESS

Evaluation of duly submitted prequalification s will be conducted along the following lines and scores given against each criterion: -

a) MANDATORY PRELIMINARY REQUIREMENTS

No.	Item
1	Copy of Company or Firm's Registration Certificate
2	Copy of PIN Certificate
3	Copy Of Valid tax compliance certificate
4	Submission of valid copy of Application Service Provider (ASP) license issued by Communication Authority of Kenya.
5	Submission of Audited Financial Statements. The audited financial statements required must be those that are reported within eighteen (18) calendar months of the date of the prequalification document or certified copies of bank statements covering a period of at least six months prior to the date of the prequalification document. The copies should be certified by the Bank issuing the statements. The certification should be original).
6	Letter of Application fully completed and signed
7	Declaration form duly completed and signed
8	Confidential Business Questionnaire (CBQ) is fully filled and details correspond to the related information in the prequalification.
9	Certificate of Confirmation of Directors and Shareholding (C.R. 12) or equivalent (for foreign tenderers)
10	Names with full contacts as well as physical, telephone and email addresses of four (4) current and previous customers for the requested internet access and/or global IP transit services.
11	Curriculum Vitae of key technical, financial, operation and management personnel including their qualification, certification and experience in the internet services industry. <ol style="list-style-type: none"> 1. Management – 3 <ol style="list-style-type: none"> I. Finance Manager (or equivalent position) II. Technical Manager and or Operation manager (or equivalent position) III. Project Manager (or equivalent position). 2. Network engineers - 4 3. System administrators - 2 4. Technicians - 2.
-	-

(b) TECHNICAL EVALUATION

The ISP shall be considered upon submission of the following information with evidence.

NO.	EVALUATION CRITERIA	STATUS	MAX. SCORE	SCORE
1	Peering agreements with local ISPs at Kenya Internet Exchange Points in Africa (IXP). (Provide proof)		20	
2	Valid Internet transit purchase agreements with multiple upstream Tier-1/backbone ISPs.(Provide proof)		20	
3	Network redundancy and resiliency mechanisms. Provide Proof of redundant links to upstream providers. The ISP should also have at least two (2) internet gateway devices at separate locations in Kenya. (Evidence in form of network diagram or drawings)		20	
4	Network support – All-time operational Network Operational Center for monitoring of internet access and IP global transit services. The provider should give brief description of its incident management and tracking system. (Provide proof)		20	
5	Experience of the ISP in offering similar service. Provide evidence of current and previous customers for the requested internet access and/or global IP transit services. Give details of at least four (4) customers. <i>(5 for each reference).</i>		20	
	TOTAL		100	

Pass mark is 70 %

SECTION VI - LETTER OF APPLICATION

Date:
Prequalification No.

To:
The Kenya Power & Lighting Company Limited,
Stima Plaza,
Kolobot Road, Parklands,
P.O Box 30099 – 00100,
Nairobi, Kenya.

Ladies and Gentlemen,

1. Having read, examined and understood all of the pre-qualification information provided in the Prequalification Document, the receipt of which is hereby duly acknowledged, we, the undersigned Candidate, hereby apply to be prequalified by yourselves as a potential bidder for the item(s) as indicated by us in Section IV Detailed Description of Items.
2. We agree to abide by this Prequalification for a **period of.....days (Candidate please indicate validity of your Prequalification)** from the date fixed for Prequalification opening as per the Prequalification Document, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.
3. This application, together with your written appointment thereof, shall not constitute a contract between us nor commit KPLC to any actual Prequalification or amount of contract.
4. We understand that you are not bound to accept any application you may receive.
5. We declare that the statements made and the information provided in our prequalification document are complete, true, and correct in every detail.

Yours sincerely,

Name of Candidate

Name and Capacity of authorised person signing the Application

Signature
of authorised person signing the Prequalification

Stamp or Seal of Candidate

NOTES:-

1. KPLC requires a validity period of at least one hundred and twenty (120) days.
2. This form must be duly signed, stamped and/or sealed.

SECTION VII- CONFIDENTIAL BUSINESS QUESTIONNAIRE FORM

All Candidates are requested to give the particulars indicated in Part 1 and either Part 2 (a), 2 (b) or 2 (c) whichever applies to your type of business. Candidates are advised that it is a serious offence to give false information on this form.

Part 1 – General

Business Name.....

Location of business premises.....

Plot No.Street/ Road

Postal Address Postal Code

Tel No.....

Facsimile.....

Mobile and CDMA No.....

E-mail:.....

Nature of your business

Registration Certificate No.....

Maximum value of business which you can handle at any time Kshs.....

Name of your BankersBranch.....

*Names of Candidate’s contact person(s)

Designation/ capacity of the Candidate’s contact person(s)

Address, Tel, Fax and E-mail of the Candidate’s contact person(s)

.....
.....

Part 2 (a) Sole Proprietor

Your name in full

NationalityCountry of origin

Part 2 (b) Partnership

Give details of partners as follows: -

Names	Nationality	Shares (%)
1.....		
2.....		
3.....		
4.....		
5.....		

Part 2 (c) Registered Company

Private or Public

State the nominal and issued capital of company-Nominal
KShs.

Total Issued KShs.

Give details of all directors as follows

Name	Nationality	Shares (%)
1.....		
2.....		
3.....		
4.....		
5.....		

Name of duly authorized person to sign for and on behalf of the Prequalificationner
.....

Capacity of the duly authorized person.....

Signature of the duly authorized person.....

***NOTES TO THE PREQUALIFICATION FORMS ON THE QUESTIONNAIRE**

1. *The address and contact person of the Candidate provided above shall at all times be used for purposes of this pre-qualification.*
2. *The details on this Form are essential and compulsory for all Candidates. **Failure to provide all the information requested shall lead to the Candidate's disqualification.***
3. *For foreign Candidates please give the details of nominal and issued share capital in the currency of the country of origin of the Candidate.*

SECTION VIII - DECLARATION FORM

Date _____

To:

The Kenya Power & Lighting Company Limited,
P.O Box 30099 – 00100,
Stima Plaza, Kolobot Road, Parklands,
Nairobi,
KENYA.

Ladies and Gentlemen,

The Prequalification er i.e. (full name and complete physical and postal address) _____
_____ declare the following: -

- a) That I/ We have not been debarred from participating in public procurement by anybody, institution or person.
- b) That I/ We have not been involved in and will not be involved in corrupt and fraudulent practices regarding public procurement anywhere.
- c) That I/We or any director of the firm or company is not a person within the meaning of paragraph 3.2 of ITT (Eligible Prequalification ers) of the Instruction to Prequalification ers.
- d) That I/ We are not insolvent, in receivership, bankrupt or in the process of being wound up and is not the subject of legal proceedings relating to the foregoing.
- e) That I/ We are **not** associated with any other Prequalification er participating in this Prequalification.
- f) That I/We do hereby confirm that all the information given in this Prequalification is accurate, factual and true to the best of our knowledge.

Yours sincerely,

Name of Prequalification er

Signature of duly authorised person signing the Prequalification

Name and Capacity of duly authorised person signing the Prequalification

Stamp or Seal of Prequalification

SECTION IX – ISP SUPPLIER’S AUTHORIZATION FORM

(To Be Submitted On Manufacturer’s Letterhead)

To:

The Kenya Power & Lighting Company
Limited, Stima Plaza, Kolobot Road, Parklands,
P.O Box 30099 – 00100, Nairobi, Kenya.

WHEREAS WE (*name of the manufacturer*) who are established and reputable manufacturers of
(*name and description of the goods*) having factories at (*full address and physical location of factory(ies) where goods to be supplied are manufactured*) do hereby confirm that
(*name and address of Supplier*) is authorized by us to transact in the goods required against your Prequalification (*insert reference number and name of the Prequalification*) in respect of the above goods manufactured by us.

DATED THIS..... DAY OF.....20.....

Signature of duly authorised person for and on behalf of the Manufacturer.

Name and Capacity of duly authorised person signing on behalf of the Manufacturer

NOTES TO PREQUALIFICATION ERS AND MANUFACTURERS

Only a competent person in the service of the Manufacturer should sign this letter of authority.

Yours Faithfully For: KENYA POWER & LIGHTNING CO.LTD.

**ENG. DANIEL KINITI
AG: DIRECTOR, KENYA POWER INTERNATIONAL**