



**TENDER NO KP3/9A/PT/15/16-18 FOR
PRE-QUALIFICATION FOR PROVISION OF MOBILE TOILET
SERVICES**

MARCH 2016

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

(TENDER DOCUMENT FOR PREQUALIFICATION FOR SERVICES
(E-PROCUREMENT OPEN TENDER SYSTEM))

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SECTION I - INVITATION TO TENDER

DATE: MARCH 2016

**PRE-QUALIFICATION FOR PROVISION OF MOBILE TOILET SERVICES TENDER
NO KP3/9A/PT/15/16-18**

- 1.1 The Kenya Power & Lighting Company Ltd (KPLC) intends to pre-qualify eligible Candidates for **Provision of mobile toilet services tenders no KP3/9A/PT/15/16-18**. Interested eligible Candidates may obtain further information from the General Manager Supply Chain, The Kenya Power & Lighting Company Ltd at Stima Plaza, 3rd Floor, Kolobot Road, P.O. Box 30099 – 00100 Nairobi, Kenya.
- 1.2 Tender documents detailing the requirements may be viewed at KPLC E-Procurement Web Portal found on the KPLC Website (www.kplc.co.ke) beginning on 16th March 2016.
- 1.2.1 **Prospective bidders should download the tender document from KPLC's website (www.kenyapower.co.ke) free of charge.**
- 1.3 Completed Pre-qualification Tenders are to be saved as PDF documents marked **KP1/9AA-3/PT/15/16-18 Provision Of Mobile Toilet Services tender No KP3/9A/PT/15/16-18** and be submitted in the KPLC E-Procurement Web Portal found on the KPLC Website (www.kplc.co.ke) so as to be received on or before 29th March 2016 at 10:00 a.m and thereafter to be opened at 10:30 a.m
- 1.4 Prequalification Tenders will be opened promptly thereafter in the presence of the Candidates or their representatives who choose to attend in KPLC Auditorium at Stima Plaza, Kolobot Road, Parklands, Nairobi.
- 1.5 All Candidates whose applications will have been received before the closing date and time will be advised in due course, of the results of their applications. Only Candidates pre-qualified under this prequalification process will be invited to tender.

SECTION II - TENDER SUBMISSION CHECKLIST

This order and arrangement shall be considered as the Tender Format. Candidates shall tick against each item indicating that they have provided it.

SECTION II - TENDER SUBMISSION CHECKLIST

This order and arrangement shall be considered as the Tender Format. Candidates shall tick against each item indicating that they have provided it.

No.	Item	Tick Where Provided
1	Letter of Application.	
2	Confidential Business Questionnaire (CBQ)	
3	Declaration 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 a Valid trade license	
8	Proof of existence of Office/Premises	
9	Valid and current ISO Certificates or for locally manufactured or produced goods, valid Standardization Mark Certificates from the Kenya Bureau of Standards (KEBS) and any other Product Quality Certificates (Where Applicable)	
10	Public health certificate	
11	<p>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.</p> <p><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></p> <p>OR</p> <p>Certified copies of bank statements covering a period of at least six months prior to the date of the prequalification document.</p>	
12	Any other document or item required by the Prequalification Document. (The Candidate shall specify such other documents or	

items it has submitted)	
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***NOTES TO CANDIDATES**

1. Valid Tax Compliance Certificate shall be one issued by the relevant tax authorities and valid for at least up to the tender closing date. All Kenyan registered Tenderers must provide a valid Tax Compliance Certificate.
2. All Kenyan registered Tenderers must provide the Personal Identification Number Certificate (PIN Certificate).
3. Foreign Tenderers must provide equivalent documents from their country of origin as regards Tax Compliance and PIN certificates OR statements certifying that the equivalent documentation is not issued in the Tenderer's country of origin. The Statement(s) that equivalent documentation is not issued by the Tenderer's country should be original and issued by the Tax authorities in the Tenderer's country of origin.

SECTION III - INSTRUCTIONS TO CANDIDATES

3.1 Definitions

In this tender, 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 Tender Document” shall begin with the first day and end on the last day of the month appearing on the cover page of the Prequalification document.*
- 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) *“PPOA” wherever appearing means The Public Procurement Oversight Authority or its successor(s) and assign(s) where the context so admits.*
- f) *Reference to “the tender” or the “Tender Document” or the Pre-qualification tender document” includes its appendices and documents mentioned hereunder and any reference to this tender 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 Candidate” 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 “Candidate”, 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.*

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

2.1 Our Company- “Lighting Up Your World”

- 2.1.1 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.
- 2.1.2 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, 2005 and the Regulations made thereunder.
- 2.1.3 Our Vision is “To provide world class power that delights our customers.”
- 2.1.4 Our Mission is “Powering people for better lives”
- 2.1.5 Our Core Business is to provide electrical energy and related customer services throughout Kenya.
- 2.1.6 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

3.3 Description of the Goods for Pre-qualification

KPLC intends to pre-qualify Suppliers for goods, equipment and ancillary materials thereto. The details of the description are provided at Section IV Detailed Description of Items.

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 KPLC's employees, committee members, board members and their relatives (spouse(s) and children) are not eligible to participate in the tender.
- 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 tender.
- 3.2.4 Candidates shall not be under a declaration of ineligibility for corrupt and fraudulent practices.
- 3.2.5 Tenderers shall not be under declarations as prescribed at Section VIII.

3.3 Post – Qualification

- 3.3.1 KPLC will from time to time issue tenders 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 tender for future contracts to supply the goods, equipment and ancillary services.
- 3.3.3 The tenders 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 Tendering

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

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) *Tender 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) *Manufacturer's Authorization Form*
- n) *Notification of pre-qualification.*
- q) *Technical Specifications*
 - (i) *General Requirements*
 - (ii.) *Detailed Technical Specifications.*

3.5.2 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 tender 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 Tender.

3.6 Clarification of Documents

3.6.1 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 Tenders, 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 Tender Document.

3.6.2 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 Tender.

3.6.3 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 tenders or ignoring it.

3.7 Amendment of Documents

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

3.8 Language of Tender

The Tender prepared by the Candidate, as well as all correspondence and documents relating to the tender, 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 Tender, 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 Tender and stamped with the Candidate's stamp.

3.9 Documents Comprising the Tender

The Tender 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 tender.*

3.10 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 tender for and their country of origin if pre-qualified, amongst other information required.

3.13 Candidate's Eligibility and Qualifications

- 3.13.1 Pursuant to paragraph 3.2, the Candidate shall furnish, as part of its Tender, documents establishing the Candidate's eligibility to tender and its qualifications to be pre-qualified.

- 3.13.2 The documentary evidence of the Candidate's eligibility to tender shall establish to KPLC's satisfaction that the Candidate, at the time of submission of its Tender, is eligible Candidate as defined under paragraph 3.2.
- 3.13.3 The documentary evidence of the Candidate's qualifications to be pre-qualified if its Tender 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 Tender 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 tenderer upon actual award of a subsequent tender.*

3.17 Validity of Tenders

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

3.18 Number of Sets of and Tender Format

- 3.18.1 The Candidate shall prepare two complete sets of its Tender, identifying and clearly marking the "ORIGINAL TENDER" and "COPY OF TENDER" as appropriate. Each set shall be properly bound. The copy shall be a replica of the Original. The copy will be deemed to contain the same information as the Original.
- 3.18.2 Notwithstanding the contents of sub-paragraph 3.19.1, where there is any discrepancy between the Original and the Copy of the Candidate's documents, the Original shall govern.

- 3.18.3 The Tender shall be bound and divided clearly in descending order as listed in the Tender Submission Checklist. The divisions are for clear identification and marking of the respective documents or information that are serially numbered in the Checklist.
- 3.18.4 The order and arrangement as indicated in the Tender Submission Checklist will be considered as the Tender Format.
- 3.18.6 Any Tender not prepared and signed in accordance with this paragraph, may be rejected by KPLC as non-responsive, pursuant to paragraph 3.28.

3.21 Preparation and Signing of the Tender

- 3.21.1 The Original and the copy of the Tender shall be typed or written in indelible ink. They shall be signed by the Candidate or a person or persons duly authorized to bind the Candidate.
- 3.21.2 The authorization shall be indicated by a written Power of Attorney granted by the Tenderer to the authorized person before any of the following persons:-
- a) *For local Tenderers, a Commissioner of Oaths or a Notary Public or a Magistrate of the Kenyan Judiciary.*
 - b) *For foreign Tenderers, a Notary Public in the country of the Tenderer.*
- In either case above, the Power of Attorney shall accompany the Tender.
- 3.21.3 All pages of the Tender, including un-amended printed literature, shall be initialed by the person or persons signing the Tender and serially numbered.
- 3.21.4 The Tender 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 Tender.
- 3.21.5 KPLC will assume no responsibility whatsoever for the Candidate's failure to comply with or observe the entire contents of this paragraph 3.21.
- 3.21.6 Any Tender not prepared and signed in accordance with this paragraph may be rejected by KPLC as non-responsive, pursuant to paragraph 3.28.

3.22 Sealing and Outer Marking of Tenders

- 3.22.1 The Candidate shall seal the Original and the copy of the Tender in separate envelopes or packages, duly marking the envelopes or packages as "ORIGINAL" and "COPY OF TENDER". The envelopes or packages shall then be sealed in outer envelopes or packages.
- 3.22.2 The inner and outer envelopes or packages shall -
- a) *be addressed to KPLC at the address given in the Invitation to Tender,*
 - b) *bear the tender number and name as per the Invitation to Prequalification and the words, "DO NOT OPEN BEFORE 29/3/2016 see invitation to tender Section I as specified in the Invitation for Prequalification."*

- 3.22.4 All inner envelopes or packages shall also indicate the name and full physical, telephone, e-mail, facsimile and postal contacts of the Tenderer to enable the Tender to be returned unopened in circumstances necessitating such return including where Tenders are received late, procurement proceedings are terminated before tenders are opened or the Tender does not qualify for further financial evaluation in accordance with the Summary of Evaluation Process set out in the Tender Document.
- 3.22.5 If the envelopes or packages are not sealed and marked as required by this paragraph, KPLC will assume no responsibility whatsoever for the Tender's misplacement or premature opening. A tender opened prematurely for this cause will be rejected by KPLC and promptly returned to the Tenderer.

3.23 Deadline for Submission of Tenders

- 3.23.1 Tenders must be received by KPLC by the time and at the place specified in the Invitation for Prequalification.
- 3.23.2 KPLC may, at its discretion, extend this deadline for submission of Tenders 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.

3.23 Modification and Withdrawal of Tenders

- 3.23.1 The Candidate may modify or withdraw its Tender after it has submitted it, provided that written notice of the modification, including substitution or withdrawal of the Tender is received by KPLC prior to the deadline prescribed for submission of tenders.
- 3.23.2 The Candidate's modification or withdrawal notice shall be prepared, sealed, marked, and dispatched in accordance with the provisions of paragraphs 3.19, 3.20 and 3.21. A withdrawal notice may also be sent by facsimile, electronic mail, cable or telex but followed by an original signed confirmation copy, postmarked not later than the deadline for submission of Tenders.
- 3.23.3 No Tender may be modified after the deadline for submission of Tenders.

3.24 Opening of Tenders

- 3.24.1 KPLC shall open all Tenders 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.
- 3.24.2 The Candidate's names, tender modifications or withdrawals and such other details as KPLC, at its discretion, may consider appropriate, will be announced at the opening.
- 3.24.3 KPLC will prepare Minutes of the tender opening.

3.25 Clarification of Tenders

- 3.25.1 To assist in the examination, evaluation and comparison of Tenders KPLC may, at its discretion, ask the Candidate for a clarification of its Tender. The request for clarification and the response shall be in writing, and no change in the substance of the Tender shall be sought, offered, or permitted.
- 3.25.2 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.

3.15 Inspection

- 3.151 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.
- 3.16.2 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.
- 3.16.3 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.

3.26 Tender Evaluation

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

3.27 Process to be Confidential

- 3.27.1 After the opening of tenders, information relating to the examination, clarification, evaluation and comparisons of tenders 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.

- 3.27.2 Any effort by a Candidate to influence KPLC or any of its staff members in the process of examination, evaluation and comparison of tenders and information or decisions concerning award of Contract may result in the rejection of the Candidate's tender.

3.29 Minor Deviations, Errors or Oversights

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

3.31 Tender Evaluation Period

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

3.32 Debarment of a Candidate

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

3.35 Confirmation of Qualification for Appointment on the Standing List

- 3.35.1 KPLC may confirm to its satisfaction whether the Candidate that is identified is qualified for appointment.
- 3.35.2 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.
- 3.35.3 An affirmative confirmation will be a prerequisite for appointment to the Standing List. A negative confirmation will result in rejection of the Candidate's tender.

3.36 Approval of Pre-qualification

- 3.36.1 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 Tender and inspection when conducted.
- 3.36.2 Approval shall be for all Candidates who meet the prequalification requirements as prescribed in the Appendix to Instructions to Candidates.
- 3.36.3 KPLC shall invite tenders as and when it requires from only the Candidates who have been pre-qualified, subject to applicable thresholds.

3.36 Termination of Procurement Proceedings

- 3.36.1 KPLC may at any time terminate prequalification proceedings before approval and shall not be liable to any person for the termination.
- 3.36.2 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.

3.37 Notification of Appointment

- 3.37.1 Prior to the expiration of the period of tender validity, KPLC shall notify the successful Candidate(s) in writing that its Tender has been approved.
- 3.37.2 The notification of appointment shall not constitute the formation of the contract.
- 3.37.3 Simultaneously, on issuance of Notification of Appointment to the successful Candidate(s), KPLC shall notify each unsuccessful Candidate.

3.38 Acceptance of Pre-qualification

- 3.38.1 At the same time as KPLC notifies the approved Candidate that its Tender 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.
- 3.38.2 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.
- 3.38.4 Failure of the successful Candidate(s) to sign and return the copy of the Notification of Appointment, the Appointment shall stand nullified.

3.40 Corrupt or Fraudulent Practices

- 3.40.1 KPLC requires that Candidates observe the highest standard of ethics during the procurement process and execution of contracts. When used in the present regulations, the following terms are defined as follows: -
 - a) *“Corrupt practice” means the offering, giving, receiving or soliciting of any thing of value to influence the action of public official in the procurement process or in contract execution;*
 - b) *“Fraudulent practice” means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of KPLC, and includes collusive practice among Candidates (prior to or after Tender submission) designed to establish tender prices at artificial non-competitive levels and to deprive KPLC of the benefits of free and open competition.*
- 3.40.2 KPLC will reject a tender if it determines that the Candidate recommended for approval has engaged in corrupt or fraudulent practices in competing for the pre-qualification.

3.40.3 Further, a Candidate who is found to have indulged in corrupt or fraudulent practices risks being debarred from participating in public procurement in Kenya.

APPENDIX TO INSTRUCTIONS TO CANDIDATES

The following information regarding the particulars of the tender 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.

ITC Reference Clause	Particulars of Appendix
3.2.1 Eligible Candidates	<i>This Invitation to Tender is open to local suppliers/ service providers</i>
3.9 (b) Documentary evidence of Candidate's eligibility to qualify	<i>Public health certificate</i>
3.13.3 (b) Documentary evidence of financial capability	<i>* Last Two Financial Years audited financial statements and Last Two Financial Year's Annual Tax Returns.</i>
3.35.2 Mode of Award	<i>Attainment of 80% and above marks</i>
3.21 Preparation and Signing of the Tender	<i>There will be only one document Submitted on the E procurement Portal. Bidders shall ensure that they upload all the required documents into the Portal</i>
3.20.1 Number of Sets of the Tender Format	<i>For the purpose of this Tender ,this is not applicable as the Tender is being submitted electronically</i>
3.22 Sealing and outer Marking of the Tenders	<i>For the purpose of this Tender, this is not applicable as the Tender is being submitted electronically</i>
Duration of Prequalification	<i>2 years</i>

*NOTES

1. Valid Tax Compliance Certificate shall be one issued by the relevant tax authorities and valid for at least up to the tender closing date. All Kenyan registered Tenderers must provide a valid Tax Compliance Certificate.
2. All Kenyan registered Tenderers must provide the Personal Identification Number Certificate (PIN Certificate).
3. Foreign Tenderers must provide equivalent documents from their country of origin as regards Tax Compliance and PIN certificates OR statements certifying that the equivalent documentation is not issued in the Tenderer's country of origin. The Statement(s) that equivalent documentation is not issued by the Tenderer's country should be original and issued by the Tax authorities in the Tenderer's country of origin.

SECTION IV – DETAILED DESCRIPTION OF ITEMS

Part A - Brief Schedule of Details on Proposed Provision of Mobile Toilet Services tender no KP3/9A/PT/15/16-18

NO.	BRIEF DESCRIPTION OF SUPPLY CATEGORY/ RANGE OF GOODS	PROPOSED DELIVERY POINT	CANDIDATE, PLEASE TICK WHERE INTERESTED
1	MOBILE TOILET SERVICES	AS, WHEN AND WHERE REQUIRED	

***NOTES:**

1. All Candidates must indicate their interest by saying “Yes” or “√” Ticking or “Not Applicable (N/A) or “X” Crossing against the item.
2. Please note that where a Candidate leaves a blank space it will be deemed and evaluated on the basis that the Candidate is not interested in that item i.e. N/A.
3. Candidate, please note that KPLC intends to tender and procure the above items from time to time over the period prescribed in the Appendix to Instructions to Candidates.

SECTION V - SUMMARY OF EVALUATION PROCESS

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

Evaluation of duly submitted prequalification tenders will be based on submission of below items,

No.	Item	Maximum Score	Score Awarded
1	Letter of Application fully completed and signed	5	
2	Declaration Form fully filled and signed	5	
3	Copy of Company or Firm's Registration Certificate	7	
4	Personal Identification Number Certificate (PIN Certificate).	5	
5	Valid Tax Compliance Certificate (shall be one issued by the relevant tax authorities and valid for at least up to the tender closing date).	7	
6	Copy of CR12 Certificate of equivalent	10	
7	Confidential Business Questionnaire Fully filled	3	
8	Four Letters of recommendation from your current corporate clients /organizations (2.5mark each).	10	
9	Evidence of physical address and premises or (lease agreement/Title)	6	
10	Copies of Utility Bills i.e electricity, water bills	6	
11	County Government Business Permit	10	
12	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. <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.	8	
13	Public health certificate	15	

14	Catalogues and or Brochures	3	
	TOTAL	100	

***NOTES ON EVALUATION PROCESS:-**

1. For Foreign Candidates please give the VAT Registration Certificate or its equivalent in the country of Candidate or a statement from the tax authorities in the Candidate's country of origin indicating that such certificate or its equivalent is not issued.

SECTION VI - LETTER OF APPLICATION

Date:

Tender 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 Tender for a **period of.....days (Candidate please indicate validity of your tender)** from the date fixed for tender 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 tender 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 tender document are complete, true, and correct in every detail.

Yours sincerely,

Name of Candidate

Name and Capacity of authorized person signing the Application

Signature of authorised person signing the Tender

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.

<p>Part 1 – General</p> <p>Business Name.....</p> <p>Location of business premises.....</p> <p>Plot No.Street/ Road</p> <p>Postal Address Postal Code</p> <p>Tel No.....</p> <p>Facsimile.....</p> <p>Mobile and CDMA No.....</p> <p>E-mail:.....</p> <p>Nature of your business</p> <p>Registration Certificate No.....</p> <p>Maximum value of business which you can handle at any time KSh.....</p> <p>Name of your BankersBranch.....</p> <p>*Names of Candidate’s contact person(s)</p> <p>Designation/ capacity of the Candidate’s contact person(s)</p> <p>Address, Tel, Fax and E-mail of the Candidate’s contact person(s)</p> <p>.....</p> <p>.....</p>
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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 KSh.

Total Issued KSh.

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 Tenderer

Capacity of the duly authorized person.....

Signature of the duly authorized person.....

***NOTES TO THE TENDERERS 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 tender.*

2. *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 Tenderer 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 Tenderers) of the Instruction to Tenderers.
- 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 Tenderer participating in this Tender.
- f) That I/We do hereby confirm that all the information given in this tender is accurate, factual and true to the best of our knowledge.

Yours sincerely,

 Name of Tenderer

 Signature of duly authorised person signing the Tender

 Name and Capacity of duly authorised person signing the Tender

 Stamp or Seal of Tenderer

X - THE TECHNICAL SPECIFICATIONS

Technical specifications describe the basic requirements for goods. In addition to the information and documentation in the Prequalification document regarding the technical aspects of this tender, all Candidates shall comply with the following -

PART A - GENERAL REQUIREMENTS (WHERE APPLICABLE)

1. Technical documentation shall be in English language. The specific items of interest shall be marked clearly for the goods under prequalification.
2. Candidates should note that the Detailed Technical Specifications are a guide on KPLC's requirements for the goods under prequalification.
3. Detailed contact information including title, e-mail, facsimile, telephone or any other form of acceptable communication of the testing and standards body used shall be provided.
4. Where Type Test Certificates and their Reports and or Test certificates and their Reports are translated into English, all pages of the translations must be signed and stamped by the testing authority.
5. A Copy of the manufacturer's valid quality management system certification i.e. ISO 9001 shall be submitted for evaluation. For locally manufactured goods this requirement is not mandatory but all Test Reports and Certificates shall be certified by the Kenya Bureau of Standard (KEBS) or its appointed agent(s), in which case a letter of Accreditation will be submitted.
6. In all cases where the level of galvanizing and painting is not specifically stated in the detailed Technical Specifications, the general requirement shall be for a uniform coating of thickness not less than 80 microns.