

KONZA TECHNOPOLIS
DEVELOPMENT AUTHORITY

**TENDER DOCUMENT FOR THE PREQUALIFICATION OF ELIGIBLE CONTRACTORS FOR
THE PROPOSED CONSTRUCTION OF JITUME CENTRES IN ALL THE 47 COUNTIES IN
KENYA**



Tender No.

KoTDA/JITUMEHUBS/192/2023-2024

OPEN TENDER

MARCH 2024

1) NAME AND CONTACT ADDRESSES OF PROCURING ENTITY

Name: Konza Technopolis Development Authority

Address: P.O. Box 1-90150, Konza Technopolis

Email address: ceo@konza.go.ke

2) Invitation to Tender (ITT) No. KoTDA/JITUMEHUBS/192/2023-2024

3) Tender Name PREQUALIFICATION OF ELIGIBLE CONTRACTORS FOR THE PROPOSED CONSTRUCTION OF JITUME CENTRES IN ALL THE 47 COUNTIES IN KENYA

(ISO 9001 – 2015 Certified Institution)

7TH MARCH 2024

INVITATION TO APPLY FOR PREQUALIFICATION

Konza Technopolis Development Authority (KoTDA) is the implementing agency under the Ministry of Information Communication and Digital Economy (MOIC&DE) for the Proposed Jitume Digital Hubs. MOIC&DE through Konza Development Technopolis Development Authority(KoTDA); and in line with Government's Bottom-up Economic Transformation Agenda (BETA),initiated the implementation of the Jitume Digital Enablement Programme. The programme seeks to establish high end computer hubs (Jitume Digital Hubs) in all the Technical and Vocational Education Training Institutes (TVETs) in Kenya. It further aims to set-up 1450 Jitume Digital Hubs in all the Wards (Villages). MOIC&DE through KoTDA invites interested and eligible bidders for the proposed pilot phase. This will involve the tender for the Construction of the Model Hubs in all the 47 Counties:

No.	DESCRIPTION	TENDER NO.	Category	Closing Date
1	PREQUALIFICATION OF ELIGIBLE CONTRACTORS FOR THE PROPOSED CONSTRUCTION OF JITUME CENTRES IN ALL THE 47 COUNTIES IN KENYA	KoTDA/JITUMEHUBS/192/2023-2024	Open	Thursday 21 st March 2024 at 2:00pm

Interested eligible bidders (Contractors) may obtain a set of tender documents from the KoTDA website www.konza.go.ke from **Thursday 7th March 2024** to **Thursday 21st March 2024**. Bidders who download the tender document from the website will be required to email their detailed contact information to procurement@konza.go.ke for recording, further clarifications, addenda, and security clearance to facilitate site access.

All questions/clarifications regarding the project or offer of submission including requests for site visit, should be sent by email to procurement@konza.go.ke and copied to ceo@konza.go.ke by **Thursday 14th March, 2024 at 1700hrs local Kenyan time**.

No other email addresses shall be used for this tender and KoTDA shall not be liable if bidders choose to send their information and/or enquiries to other email addresses.

Tenderers shall submit **One Original** and **One Soft Copy** in a Flash drive of all tender documents in plain sealed envelopes, with the Tender Number Clearly marked on the right-hand side corner and bearing no indication of the tenderer's name and addressed to:

The Chief Executive Officer
Konza Technopolis Development Authority
P.O. Box 1 - 90150,
KONZA TECHNOPOLIS, KENYA.
E-Mail; procurement@konza.go.ke and ceo@konza.go.ke
Tel; +254-20-4343013/4

and placed in the KoTDA Tender Box on the **7th Floor of Konza Complex, Konza Technopolis, located along Nairobi-Mombasa Road near Malili Township** to reach the above address not later than **21st March 2024 at 1400hrs** local time.

Submitted bids will be opened publicly at the same venue shortly thereafter in the presence of the tenderers or their representatives who choose to attend.

Prices quoted must remain valid for One Hundred and Eighty (180) days from the date of Tender opening.

Any form of canvassing will lead to automatic disqualification.

PART 1 - APPLICATION PROCEDURES

SECTION I - INSTRUCTIONS TO APPLICANTS (ITA)

A. General

1 Scope of Application

1.1 The name of the Procuring Entity inviting for applications is defined in the **PDS**. The particular type of contract (works, goods or Non-Consulting Services required) and its name and description of the contract(s) and its reference number are defined in the **PDS**. 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 Non-Consulting 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 agents (where declared or not), subcontractors, sub consultants, service providers, suppliers, and their personnel, to permit the Public Procurement Regulatory Authority (PPRA) to inspect all accounts, records and other documents relating to any initial selection process, prequalification process, tender submission (in case 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 The Procuring Entity requires compliance with the provisions of the Competition Act 2010, regarding collusive practices in contracting. Any applicant found to have engaged in collusive conduct shall be disqualified and criminal and/or civil sanctions may be imposed. To this effect, applicants shall be required to complete and sign a Certificate of Independent Tender Determination annexed to the Form of applicant.

5 Eligible Applicants

5.1 Applicants shall meet the eligibility criteria as per this ITA and ITA 5.1 and 5.2. An Applicant may be a firm that is a private entity, a state-owned enterprise or institution subject to ITA 5.9 or any combination of such entities in the form of 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 prequalification 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 Sister. 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 prequalification both individually, and as part of a joint venture, or participate as a subcontractor. If prequalified, 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 prequalification 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 An 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 prequalification. 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 prequalification 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, prequalified 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 prequalify, 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 ineligible 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 of ITA 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.
- 6.3 Any goods, works and production processes with characteristics that have been declared by the relevant national environmental protection agency or by other competent authority as harmful to human beings and to the environment shall not be eligible for procurement.

B. Contents of the Prequalification Documents

7 Sections of Prequalification Document

- 7.1 This Prequalification Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with IT A8.

PART 1 - Prequalification Procedures

- i) Section I- Instructions to Applicants (ITA)
- ii) Section II - Prequalification Data Sheet (PDS)
- iii) Section III - Qualification Criteria and Requirements
- iv) Section IV- Application Forms

PART 2 - Works, Goods, or Non-Consulting Services Requirements

- i) Section VII- Scope of Works, Goods, or Non-Consulting Services

- 7.2 Unless obtained directly from the Procuring Entity, the Procuring Entity accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Prequalification Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Procuring Entity shall prevail.
- 7.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its application all information or documentation as is required by the Prequalification Document.

8 Clarification of Prequalification Documents, site visit(s) and Pre-Application Meeting

- 8.1 An Applicant requiring any clarification of the Prequalification Document shall contact the Procuring Entity in writing at the Procuring Entity's address indicated in the **PDS**. The Procuring Entity will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. The Procuring Entity shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Document directly from the Procuring Entity, including a description of the inquiry but without identifying its source. If so indicated in the **PDS**, the Procuring Entity shall also promptly publish its response at the webpage identified in the **PDS**. Should the Procuring Entity deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 8. And in accordance with the provisions of ITA 17.2.
- 8.2 The Applicant, at the Applicant's own responsibility and risk, is encouraged to visit and examine and inspect the Site of the required contracts and obtain all information that may be necessary for preparing the application. The costs of visiting the Site shall be at the Applicant's own expense. The Procuring Entity shall specify in the **PDS** if a pre-application meeting will be held, when and where. The Procuring Entity shall also specify in the **PDS** if a pre-arranged Site visit will be held and when. The Applicant's designated representative is invited to attend a pre- application meeting and a pre-arranged site visit. The purpose of the meetings will be to clarify issues and to answer questions on any matter that may be raised at that stage.
- 8.3 The Applicant is requested to submit any questions in writing, to reach the Procuring Entity not later than the period specified in the **PDS** before the submission date of applications.
- 8.4 Minutes of a pre-arranged site visit and those of the pre-application meeting, if applicable, including the text of the questions asked by Applicants and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all Applicants who have acquired the prequalification documents. Minutes shall not identify the source of the questions asked.
- 8.5 The Procuring Entity shall also promptly publish anonymized (*no names*) Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page identified **in the PDS**. Any modification to the Prequalification Documents that may become necessary as a result of the pre-arranged site visit and those of the pre-application meeting shall be made by the Procuring Entity exclusively through the issue of an Addendum pursuant to PDS 8 and not through the minutes of the pre-application meeting. Non-attendance at the pre- arranged site visit and the pre-tender meeting will not be a cause for disqualification of a Tenderer.

9 Amendment of Prequalification Document

- 9.1 At any time prior to the deadline for submission of Applications, the Procuring Entity may amend the Prequalification Document by issuing an Addendum.
- 9.2 Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all Applicants who have obtained the Prequalification Document from the Procuring Entity. The Procuring Entity shall promptly publish the Addendum at the Procuring Entity's webpage identified in the PDS.
- 9.3 To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the Procuring Entity may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

C. Preparation of Applications

10 Cost of Applications

- 10.1 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 prequalification process.

11 Language of Application

- 11.1 The Application as well as all correspondence and documents relating to the prequalification 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.

12 Documents Comprising the Application

- 12.1 The Application shall comprise the following:
- a. Application Submission Letter, in accordance with ITA 13.1;
 - b. Eligibility: documentary evidence establishing the Applicant's eligibility, in accordance with ITA 14.1;
 - c. Qualifications: documentary evidence establishing the Applicant's qualifications, in accordance with ITA 15; and
 - d. Any other document required as specified in the PDS.
- 12.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.

13 Application Submission Letter

- 13.1 The Applicant shall complete an Application Submission Letter as provided in Section IV (Application Forms). This Letter must be completed without any alteration to its format.

14 Documents Establishing the Eligibility of the Applicant

- 14.1 To establish its eligibility in accordance with ITA 4, 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).

15 Documents Establishing the Qualifications of the Applicant

- 15.1 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).
- 15.2 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.

15.3

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.

15.4 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.

15.5 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 information on its ownership and control.

15.6 The Applicant shall provide further documentary proof, information or authorizations that the Procuring Entity may request in relation to ownership and control which information on any changes to the information which was provided by the Applicant under ITT 6.3. The obligations to require this information shall continue for the duration of the procurement process and contract performance and after completion of the contract, if any change to the information previously provided may reveal a conflict of interest in relation to the award or management of the contract.

15.7 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.

15.8 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.

15.9 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,

15.10 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.

15.11 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.

16 Signing of the Application and Number of Copies

16.1 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.

16.2 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.

D. Submission of Applications

17 Sealing and Marking of Applications

17.1 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.

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

18 Deadline for Submission of Applications

18.1 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**.

18.2 The Procuring Entity may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification 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.

19 Late Applications

19.1 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.

E. Procedures for Evaluation of Applications

21 Confidentiality

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

25 Nominated Subcontractors

- 25.1 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").
- 25.2 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(ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

F. Evaluation of Applications and Prequalification of Applicants

26 Evaluation of Applications

- 26.1 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 minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.
- 26.2 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 qualifications of the Applicant for the purpose of the evaluation. Unless the Applicant has been determined prequalified 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.
- 26.3 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 prequalify 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.
- 26.4 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.
- 26.5 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.

27 Procuring Entity's Right to Accept or Reject Applications

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

28 Prequalification of Applicants

- 28.1 All Applicants whose Applications substantially meet or exceed the specified qualification requirements will be prequalified by the Procuring Entity. The Procuring Entity shall notify all Applicants in writing of the names of those Applicants who have been prequalified or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately.
- 28.32 Applicants that have not been prequalified may write to the Procuring Entity to request, in writing, the ground on which they were disqualified.

28 Invitation to Tender

- 28.1 Promptly after the notification of the results of the prequalification, the Procuring Entity shall invite Tenders from all the Applicants that have been prequalified or conditionally prequalified.
- 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

- 30.1 Any change in the structure or formation of an Applicant after being prequalified 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 prequalify 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.

31 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 - PREQUALIFICATION DATA SHEET (PDS)

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITA 1.1	<p>The Procuring Entity is: KONZA TECHNOPOLIS DEVELOPMENT AUTHORITY, P.O. Box 1 – 90150, Konza Technopolis.</p> <p>The identification of the Invitation for Prequalification is:</p> <p style="text-align: center;">KoTDA/JITUMEHUBS/192/2023-2024</p> <p>The particular type of contract is on <i>Non-Consulting Services</i></p> <p>The application is for PREQUALIFICATION OF ELIGIBLE CONTRACTORS FOR THE PROPOSED CONSTRUCTION OF JITUME CENTRES IN ALL THE 47 COUNTIES IN KENYA</p> <p>Prequalification will be based on Individual Contract. Prequalified candidates shall be invited for a mini competition to bid for the subject works as per the provision of the Public Procurement and Asset Disposal Act. Bidders shall be prequalified in a maximum of three (3) Lots only. A successful tenderer (s) will be required to submit a performance security of 10% of the value of each of the works in the prescribed format.</p>
ITA 2	The Source of funds shall be Government of Kenya
ITA 5.2	Maximum number of members in the JV shall be: N/A
B. Contents of the Prequalification Document	
ITA 8.1	<p>For clarification purposes, the Procuring Entity's address is: P.O. Box 3900 – 30100 Eldoret Attention: <i>The Chief Executive Officer</i> Physical Address: <div style="text-align: center;"><i>Konza Technopolis Development Authority, P.O Box 1-90150, Konza Technopolis.</i></div> Telephone: +254-20-4343013/4 Electronic mail address: procurement@konza.go.ke and ceo@konza.co.ke Web page: www.konza.go.ke or www.tenders.go.ke</p>
ITA 8.2	<p>A pre-application meeting will be held at Not Applicable A mandatory pre-arranged Site visit will be held at Not Applicable</p>
ITA 8.3	Questions and requests for clarification made in writing or by email shall reach the Procuring Entity not later than the date specified .
ITA 8.5	Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page Not Applicable
ITT 9.2	Addendum issued shall be published at the website www.konza.go.ke or www.tenders.go.ke
ITA 8.2	Pre-Application Meeting will be held: No
C. Preparation of Applications	
ITA 12.1 (d)	The Applicant shall submit with its Application, the following additional documents:

	N/A
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: 1No. Soft copy in flash drive
D. Submission of Applications	
ITA 18.1	The deadline for Application submission is: Date: 21st March, 2024 Time: 2:00 PM
Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
	For Application submission purposes only, the Procuring Entity's address is: P.O. Box 1 – 90150, Konza Technopolis Attention: Chief Executive Officer Address: KONZA TECHNOPOLIS DEVELOPMENT AUTHORITY, Country: Kenya Telephone: +254-20-4343013/4 Email address: procurement@konza.go.ke and ceo@konza.go.ke Applicants shall not have the option of submitting their Applications electronically. The electronic Application submission procedures shall be: N/A
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 Konza Technopolis Development Authority 7th Floor, Konza Complex P.O. Box 1-90150, Konza Technopolis Date: same as the submission deadline indicated in 18.1. Time: 14:00 East African Time
ITA 20.2	The electronic Application opening procedures shall be: N/A

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.

BIDDERS TO USE THE PREQUALIFICATION CRITERIA AS STATED BELOW

PREQUALIFICATION FOR BUILDING & CIVIL ENGINEERING WORKS CONTRACTORS

Description of the project

Konza Technopolis Development Authority intends to construct 100 Jitume Centres in each of the 47 Counties of Kenya. The project will comprise of 47 Centers of Excellence and 47 standard digital hubs.

Status of the 100 Pilot Jitume Digital Hubs

Background

The Government of Kenya through the Ministry of Information Communication and The Digital Economy (MIC-DE) recognizes the importance of technology in driving Kenya's digital economic transformation.

The Ministry, in collaboration with the public, private and the diplomatic players has over the years emphasized the role of the digital economy in promoting economic growth and creating jobs for young people through a universally accessible on-demand digital skilling, mentorship and jobs linkages in the Global Business Services Space i.e., Business Processing Outsourcing (BPOs), IT Enabled Services (ITES), e-commerce, digital entrepreneurship and the digital creative economy.

It is against this backdrop that In December 2022, the Ministry through Konza Technopolis Development Authority (KoTDA); and in line with Government's Bottom-up Economic Transformation Agenda (BETA), initiated the implementation of the high socio-economic impact Jitume Digital Enablement Programme. The programme seeks to establish high end computer hubs (Jitume Digital Hubs) in all the Technical and Vocational Education Training Institutes (TVETs) in Kenya and further set-up 1450 Jitume Digital Hubs in all the wards (Villages).

The 1450 Jitume Digital Hubs will be destinations in wards with ready access to digital infrastructure complete with high-speed internet connectivity necessary for practical digital skills training, research and digital opportunities access in remote areas.

The hubs are expected to unlock the benefits of ICT to underserved areas, access to BPOs/ITES jobs, eCommerce, Digital government services, creative economy, innovation incubation for Kenyans in the TVETS and remote villages.

By establishing digital infrastructure, providing training and education, and fostering local innovation, the program aims to transition learners to instant earners, empower rural, peri-urban and urban communities, improve livelihoods, and enhance socio-economic development.

Specifically, the program seeks to:

- a) Position Kenya as a talent hub.
- b) Create employment opportunities for over 1,000,000 Kenyan youth in 3-5 years
- c) Enable 1 million learners graduating from the program in 3 years.
- d) Provide access to digital infrastructure, skills and job opportunities for the talented youth at the ward level.
- e) Provide access to digital government services to the village wards.
- f) Spur business process outsourcing (BPO)/Information Technology Enabled Services (ITES) through partnership and collaboration with major industry players in the digital space.
- g) Showcase the concept of smart communities and available opportunities.
- h) Strengthen the economic, social and environmental resilience of rural communities.
- i) Act as a driver to the creative economy and innovation/knowledge sharing at the ward level.
- j) Boost access of Kenyan products and services to the wider global market through ecommerce platforms.

The programme seeks to implement three (3) models of the Jitume Digital Hubs i.e. Basic, Standard and Center of Excellence (CoE). Of the three models, the Ministry through Konza intends to pilot 50 Standard Model (at least 1 every county) and 47 CoE model (at least 1 every county).

DETAILED INFORMATION ON THE PROJECT

Project Title	Jitume Digital Hub
Ministry	Ministry of Information Communication & Digital Economy
Implementing Agency	Konza Technopolis Development Authority (KoTDA)
Address	Nairobi-Mombasa Road – Konza Technopolis P. O. Box 1 – 90150 Konza Technopolis, Kenya
Contact Persons	Mr. John Paul Okwiri Chief Executive Officer Konza Technopolis Development Authority ceo@konza.go.ke
Date	March 2024



Situational Analysis

The Government of Kenya understands the importance of technology in driving the country's economic transformation, particularly in the Digital Economy. It has emphasized the role of the digital economy in promoting economic growth and creating jobs for young people. As a result, the government is focused on building a strong ICT-driven economy, supported by ICT infrastructure that meets the demands of the 21st century.

To achieve this, the government has set an ambitious plan to ensure that everyone has access to the internet and broadband solutions by establishing an additional 100,000km of fiber under the 'Digital Superhighway' program and establish 1450 Jitume Digital Hubs, one in each ward, to enhance access to digital opportunities. Additionally, the government is dedicated to improving last mile connectivity and implementing strategies to make low-cost internet-ready devices more accessible to all Kenyans, enabling them to participate in the Digital Economy.

Furthermore, the government has made significant investments in the development of the Silicon Savanna, which serves as Africa's technological gateway. This is made possible through the Konza Technopolis, a smart city, science park, national data center and innovation hub. The Konza Technopolis is expected to contribute 2% of the country's GDP and is designed to drive Kenya's development in the Knowledge Economy and Innovation by accelerating its impact through establishment and coordination of science parks and innovation hubs in the country.

Despite the Government's substantial investments in enhancing connectivity to all Government offices, enabling the efficient delivery of various services such as voice, internet, and e-Government applications, most of Kenya's population is underserved as they have limited access to the ICT infrastructure. Kenyans in remote villages still must travel long distances to access government services through Huduma Centers. Kenya's population is majorly young with an average age of 20 years yet over 70% of this population is unemployed. The government has since shifted focus on exploring the digital space as an avenue of providing the youth with digital jobs and digital entrepreneurship opportunities through digital skills training and digital jobs linkages. These efforts are still limited by the fact that access to digital devices and digital skills training are easily accessible to the youth in urban areas compared to their counterparts in the villages.

Additionally, while Kenya is ripe for Business Processing Outsourcing (BPO) and IT Enabled Services /Global Business Services, the talent pool and infrastructural set up for expansion in the villages remain a huge hurdle in unlocking the potential the BPO sector harbors for the youth countrywide. The global IT outsourcing market was valued at USD 333.7 billion in 2019, the market was valued at USD 526.6 billion in 2021, and it is expected to reach USD 682.3 billion by 2027, registering a CAGR of 4.13% during the 2022-2027 period.

The Jitume Digital Hubs under the Jitume Digital Enablement Programme therefore aims to bring the benefits of information and communication technology to underserved areas by providing digital connectivity, services, products, skills training and digital jobs linkages while unlocking access to BPOs/ITES jobs to Kenyans in the remote areas. This program recognizes the importance of bridging the digital divide and ensuring that all communities have real-time access to the resources and opportunities provided by the digital age. By establishing digital infrastructure, providing training and education, and fostering local innovation, the program aims to empower rural, peri-urban, and urban communities, improve livelihoods, and enhance socio-economic development.

Problem Statement

The lack of digital infrastructure in underserved and unserved areas of the country has created a significant digital divide. This divide is a barrier to development and progress, especially in rural communities, as it limits their access to information, public services, education, healthcare, digital jobs, entrepreneurship opportunities and economic opportunities.

As a result, these areas face the following challenges:

1. **Limited Connectivity:** Rural areas often have inadequate or no internet access, making it difficult for residents to access online resources, communicate effectively, and use digital tools for personal and professional growth.
2. **Digital Illiteracy:** Many people in rural communities lack the necessary skills to navigate the digital world. This prevents them from accessing and utilizing digital services, participating in online platforms, and taking advantage of educational and economic opportunities provided by technology.
3. **Educational Disadvantage:** The absence of digital infrastructure in rural schools prevents students from accessing quality educational resources, e-learning platforms, and digital tools. This educational disadvantage can perpetuate the cycle of poverty and limit students' potential for personal and professional growth.
4. **Limited Economic Opportunities:** The lack of digital connectivity and skills in rural areas restricts access to online markets, digital jobs, e-commerce platforms, and entrepreneurial opportunities. This hinders the

growth of local businesses and limits economic development and job creation within these communities.

5. Inadequate Healthcare Services: Rural communities face challenges in accessing healthcare services due to geographical barriers. The absence of digital connectivity and telemedicine facilities exacerbates these difficulties, preventing individuals from receiving timely and quality medical assistance.

It is essential to address these challenges and bridge the digital divide in rural areas to ensure equal access to opportunities, empower communities, foster economic development, improve healthcare outcomes, and promote sustainable economic growth practices.

The Jitume Digital Hubs aims to tackle these issues by implementing digital infrastructure, providing Digital Skills training and education, providing access to digital job opportunities and services, fostering local innovation, and promoting inclusive and sustainable development.

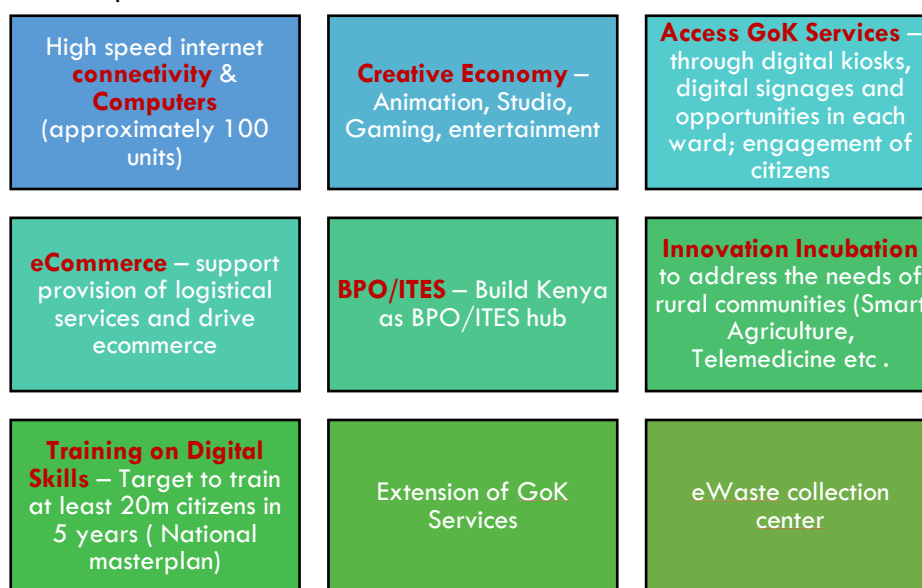
Relevance of Project Idea

The establishment of Jitume Digital Hubs through a collaboration between KoTDA and partners will:

- a) Position Kenya as a talent hub.
- b) Create employment opportunities for over 1,000,000 Kenyan youth in 3-5 years.
- c) Enable 1 million learners graduating from the program in 3 years.
- d) Provide access to digital infrastructure, skills, and job opportunities for the talented youth at the ward level.
- e) Provide access to digital government services to the village wards.
- f) Spur business process outsourcing (BPO)/Information Technology Enabled Services (ITES) through partnership and collaboration with major industry players in the digital space.
- g) Showcase the concept of smart communities and available opportunities.
- h) Strengthen the economic, social, and environmental resilience of rural communities.
- i) Act as a driver to the creative economy and innovation/knowledge sharing at the ward level.
- j) Boost access of Kenyan products and services to the wider global market through ecommerce platforms.

Features

The illustration below outlines the key features of Jitume Digital Hubs and highlights the value proposition and impact that the hubs will have.



Logical Framework

Goal	To power the growth of Kenya’s digital economy from the bottom-up through access digital skills training, digital jobs and entrepreneurship opportunities occasioned by access to digital infrastructure
Proposed Project Outcomes	1. Digitally empowered local communities: The program will equip local communities near the hubs with digital skills and expertise. It will offer training programs that will enable local residents to harness technology for personal and economic growth.

	<ol style="list-style-type: none"> 2. Enhancing adjacent socio-economic sectors: The program will address emerging digital needs of adjacent socio-economic sectors such as education, health, agriculture, financial services, tourism, the creative economy, and energy. 3. Providing greater access to government digital services (Mini huduma centers): The program will bring digitized government services closer to local communities, improving accessibility to these digital services. 4. Providing infrastructure to power business process outsourcing (BPO), Information Technology-Enabled Services (ITES) and access to Digitally Enabled Jobs (DEJ): The program will provide the necessary infrastructure to power BPO and ITES at the ward level. This will result in rich economic benefits. 5. Supporting local entrepreneurship and digital creative economy: The program will support and advance local innovation, digital creativity, and entrepreneurship by connecting entrepreneurs to untapped markets through the digital sphere.
Key Project Activities	<ol style="list-style-type: none"> i. Project Preparation (Designs, Budget, Procurement) ii. Construction and commissioning of the 1450 Jitume Digital Hubs iii. Installation of Jitume digital hub IT and network infrastructure iv. Official launches of Jitume Digital hubs upon completion of infrastructural setup v. Commencement of comprehensive digital skills training for cohorts of trainees on a rolling bi-annual training calendar. vi. Conducting awareness campaigns, workshops, and community engagement activities to promote the adoption and utilization of digital technologies and attract talent to the digital hubs for training and for work opportunities. vii. Establishment of monitoring and evaluation mechanisms to track project progress, measure impact, and gather feedback from the community. viii. Building partnerships with other government agencies, private sector organizations, and community stakeholders to leverage resources, expertise, and support for the successful implementation of the Jitume Digital Hub program. ix. Implementation of entrepreneurship development programs, including digital business innovation incubation, and access to finance, to support local entrepreneurs and promote digital business initiatives in the villages. x. Regular documentation and reporting on project milestones, lessons learned, and project outcomes to facilitate best practices and knowledge transfer in other community digital hubs.

Institutional Framework

a. Ministry of Information, Communications and The Digital Economy

The Mandate of the Ministry of Information, Communication and the Digital Economy as derived from Presidential Executive Order No.1/2023 of January 2023 comprises the formulation of policies and laws that regulate standards and services in the Information, Communication and Technology (ICT) sector, Telecommunications and the Media industry. It is also charged with the responsibility of developing and administering ICT standards, building capacity of mass media and ICT.

b. National Government Constituencies Development Fund (NG-CDF)

The National Government Constituencies Development Fund (NG-CDF) formerly Constituencies Development Fund (CDF), is a fund established in 2003 through an Act of Parliament, the CDF Act 2003. The Act was later reviewed by the CDF (Amendment) Act 2007 and repealed by CDF Act 2013 which was subsequently succeeded by the current NG-CDF (Amendment) Act 2016.

The main purpose of the fund is to enhance infrastructural and socio-economic development at the grass root level in order to reduce poverty by dedicating a minimum of two and half per cent (2.5%) of all National Government's share of annual revenue towards community projects identified at constituency level by the communities.

c. Parliament (National Assembly)

Article 95 of the Constitution establishes that the National Assembly shall consist of the following: -Two hundred and ninety members, each elected by the registered voters of single member constituencies; Forty-seven women representatives, each elected by the registered voters of the counties, each county constituting a single member constituency;

Twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90, to represent special interests including the youth, persons with disabilities and workers; and The Speaker, who is an ex officio member.

d. Konza Technopolis Development Authority

KoTDA is a State Corporation established through Legal Notice No. 23 of 5th April 2012 to develop Konza Technopolis as a globally competitive smart city by creating an enabling environment through utilization of ICT for socio-economic development.

The vision of Konza Technopolis is to be a leading global technology and innovation hub to be realized through developing a sustainable smart city and an innovation ecosystem, contributing to Kenya's knowledge-based economy. The Technopolis is a Vision 2030 flagship project that will create high value jobs, boost the country's GDP by focusing on Research, Development and Entrepreneurship in the Science Technology and Innovation (ST&I) Sector. This will position Kenya as a global center for innovation and Africa's technology hub.

e. ICT Authority

The Information and Communication Technology (ICT) Authority is a State Corporation under the Ministry of Information Communication and Technology.

The corporation was established in August 2013 and is tasked with rationalizing and streamlining the management of all Government of Kenya ICT functions such as enforcing ICT standards in Government and enhancing the supervision of its electronic communication.

f. TVET Authority

The Technical and Vocational Education and Training Authority (TVETA) is a public corporate agency established under the Technical and Vocational Education and Training (TVET) Act No. 29 of 2013 to regulate and coordinate training in the country through licensing, registration and accreditation of programs, institutions and trainers. Section 7 of the Act, 2013 gives the powers and functions of the Authority to regulate and coordinate training; inspect, license and register and accredit training institutions; accredit and inspect Programs and courses; promote access and relevance of training Programs; determine the national technical and vocational training objectives; assure quality and relevance in Programs of training among other functions.

g. Management of the Project

The two institutions have put in place a project management framework for all its projects that will ensure successful implementation of the project. Part of this framework includes the Joint Project Implementation Team (PIT) comprising of all technical stakeholders including the User departments, ICT Manager, Planners and Procurement experts who work as the multi - disciplinary PIT to ensure that the secondary data center is delivered as planned. The implementation plan of the project will involve:

- Formulation of specifications
- Preparation of tender documents, Tender evaluation, award, notification of award and contract signing
- Inspection and acceptance procedures
- Formation of Project Implementation teams
- Supply, delivery, installation, testing and commissioning of the cloud data center solution
- Training of users and technical teams
- Develop the enterprise cloud support and maintenance plan

h. Monitoring and Evaluation

The Joint Project Implementation Team (JPIT) will develop a monitoring and evaluation plan for the project that will track all planned activities and outputs while identifying and managing gaps in implementation. This will include;

- Physical implementation monitoring which addresses whether activities and initiatives have taken place in line with the timelines and set targets. This will entail the projects consultants carrying out regular supervision on site and holding monthly meetings.
- Financial implementation monitoring and evaluation which tracks whether budgets are available and have been released and spent in line with approved allocations,
- Outputs, outcomes and impact monitoring that traces whether objectives are being met during implementation and post implementation.

The membership of JPIT will be drawn from;

Actor	Role
<p>Key GoK Ministries</p> <ul style="list-style-type: none"> a) Ministry of Information, Communication & Digital Economy b) Ministry of Education c) Ministry of Foreign and Diaspora Affairs d) Ministry of Interior and Internal Security e) Ministry of Health f) Ministry of Labour and Social Protection g) Ministry of Youth h) National Treasury i) Ministry of Energy 	<p>Program Steering Committee</p> <p>Provide overall program strategic co-ordination and stewardship.</p>
MIC-DE	<ul style="list-style-type: none"> • Policy framework ad operational guideline • Provide technical staff • M&E
Parliament	<ul style="list-style-type: none"> • Collaboration in funding and administration of the project • Provide the physical location • Mobilisation of trainees • Stakeholder sensitization and management • Oversight setup and operationalization of the labs • Review and alignment of the NG-CDF Act
NG –CDF	<ul style="list-style-type: none"> • Construction/renovation of the digital hubs • Infrastructure development • Utilities and maintenance • M&E
KoTDA	<ul style="list-style-type: none"> • Project implementing Agency providing overall coordination • Project design (3 models) • Development guidelines and standards • Establishment of the • Provide equipment, • Setting up of the labs
ICTA	<ul style="list-style-type: none"> • Internet connectivity

Industry Partners (BPO centers, Technology partners)	<p>The Project will engage the Technology partners drawn from the country level and Global level tech players in the implementation of the program. The industry players will enable job sourcing and a pipeline that will provide decent jobs to the youth.</p> <p>Some of the partners identified include, CCI, Cloud Factory, Majorel, Google, Microsoft, intel, Facebook, Amazon, AWS, IBM, Huawei, Oracle, African Center for Advanced Technology, LISH AI labs, Makaye Infosec among others.</p> <ul style="list-style-type: none"> • Support the establishment of Jitume Digital Hubs • Provide access to jobs (Job Contracts Sourcing, relationship management) • Provide skilling opportunities for the Youth and community
Academia partners	<p>Training (Skillset and mindset) Certification</p>
Development partners and non-state actors Innovation Hubs associations	<p>Programs implementation Youth engagement Program resourcing Among others</p>

i. Risks and Mitigation Measures

Risk	Likelihood	Impact	Mitigation
Identification of stakeholders and clear definition of roles	High	High	Objectively engage stakeholders and define roles based on areas of strength and capabilities through a stakeholder management plan and working framework
Change in government policy	Medium	High	Lobby for political goodwill Alignment with long-term government policy planning
Delays in progress of implementation works against the contracted works schedule	Medium	High	Project implementation committee in place to monitor and evaluate progress Contract provides for penalties for contractor-induced delays
Maintenance	High	High	Adequate funding and resource mobilisation
Compliance & regulatory	Medium	High	Develop and monitor project compliance and regulatory register

Low Project funding	High	High	<ul style="list-style-type: none"> • Resource Mobilization activities • Partners engagement • Phasing of the project
Supplier performance risk	Low	High	<ul style="list-style-type: none"> • Due diligence before contract • Performance security • Monitoring & evaluation • Legally binding contracts
Litigation	Low	Medium	<p>Proper stakeholder involvement</p> <p>Standardize specifications</p>
Supply cost variations	Low	Medium	<p>Legally binding contacts</p> <p>Involvement of professionals in initial project costing</p>
Digital hub design inconsistency	Medium	High	<p>Strick adherence to the blueprint</p> <p>Quality assurance</p>

j. Stakeholder Management Matrix

Responsibility Matrix: Government Ministries

Stakeholder	Responsibilities
Ministry of Information, Communication & Digital Economy	Overall policy direction for digital hubs project
Ministry of Education	Integration of digital skills training into the education system Providing a Training Curriculum
Ministry of Foreign and Diaspora Affairs	Promoting international partnerships and collaboration
Ministry of Health	Integration of healthcare services and telemedicine initiatives
Ministry of Labour and Social Protection	Promoting employment opportunities and job training programs
Ministry of Youth	Youth empowerment, awareness and engagement in the project
National Treasury	Budget allocation and financial oversight
Ministry of Energy	Ensuring reliable power supply to the digital hubs

Stakeholder	Responsibilities
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Konza Technopolis Development Authority (KOTDA)	Project coordination, implementation, and oversight Provision of Datacenter Cloud Services
Parliament	Legislative support and advocacy for the digital hubs project
National Government - Constituency Development Fund	Funding support for the establishment of digital hubs in constituencies
ICT Authority	Provide connectivity Technical support and guidance for digital infrastructure
Ministry of Energy	Provision of energy infrastructure for the digital hubs
Technical and Vocational Educational and Training Authority	Skills training and capacity building for vocational education
Kenya Medical Training College	Healthcare training and support for telemedicine initiatives
Postal Corporation of Kenya	Provision of postal and courier services for e-commerce
National Industrial Training Authority (NITA)	Skills training and certification for digital jobs
Council of Governors	Coordination and support at the county level
Religious Institutions	Community engagement and outreach
Office of the Data Protection Commissioner	Data protection and privacy oversight

Responsibility Matrix: Institutions

Responsibility Matrix: Partners

Stakeholder	Responsibilities
Industry Partners (Google, Microsoft, Intel, Facebook, Amazon, etc.)	Technology support, funding, and expertise for digital hubs
African Center for Advanced Technology	Research, development, and innovation support
LISH AI Labs	Artificial intelligence expertise and collaboration
Makaye Infosec	Cybersecurity and data protection support

Development Partners (MFC, UNDP, GIZ, World Bank, EU, KEPSA, BPOs, UN Women, etc.)	Funding, capacity building, and partnership opportunities
Telkom Kenya	Telecommunication infrastructure, connectivity, and mobile services support

The above responsibility matrix outlines the key stakeholders and their respective responsibilities in the implementation of the digital hubs project across all the wards in Kenya. The government ministries, institutions, and partners identified have distinct roles, ranging from policy direction, funding, infrastructure provision, skills training, and collaboration support. This matrix serves as a guideline for effective coordination, collaboration, and accountability among stakeholders, ensuring the successful establishment of digital hubs that promote digital jobs, training, access to government services, e-commerce, and innovation across the entire country.

Project Readiness

- The ICT strategy has been developed
- Digital Economy Blueprint Developed
- Existing government Network infrastructure (GCCN)
- Konza National Tier III Cloud Data Center Developed (to host the Digital Hub platform)

Proposed Models/Designs

The following model have been proposed for the implementation of the Jitume digital hubs

1. Basic model
2. Standard model
3. Center of Excellence
4. Renovation of existing facilities

a. Basic Model

This model will involve building a Digital Hub from scratch will all the necessary facilities, Electrical, mechanical, and structured cable and Air conditioning installations, Furniture supply and all labor costs, equipping of the labs with internet and devices.

The basic model will have the following attributes.

- Learning center = 30pax
- Kazi/Creative = 100pax
- Admin office = 2pax
- Store
- ICT room
- Washrooms
- Public Wi-Fi zone
- Area - 175 SQM

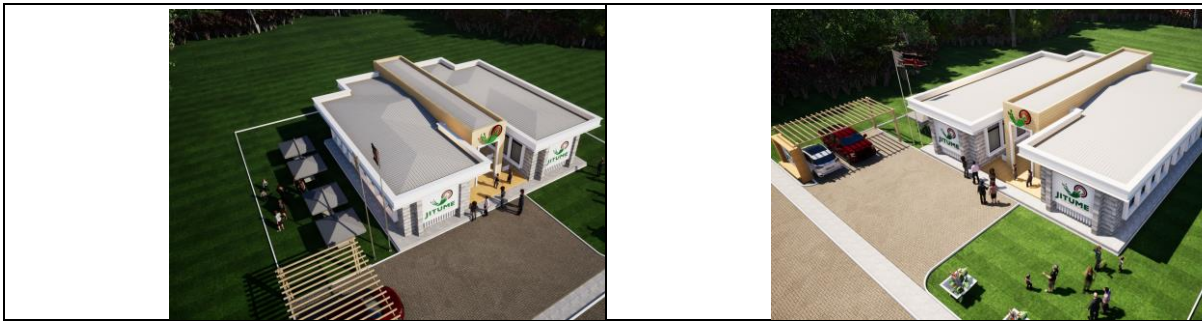


b. Standard Model

This model will involve building a Digital Hub from scratch will all the necessary facilities, Electrical, mechanical, and structured cable and Air conditioning installations, Furniture supply and all labor costs, equipping of the labs with internet and devices.

The standard model will have the following attributes.

- Learning center = 30pax
- Kazi = 100pax
- Creative/Tech hub = 30 pax
- Admin office = 3pax
- Store
- ICT room
- Washrooms
- Public Wi-Fi zone
- Area - 237 SQM



c. Center of Excellence (CoE)

This model will involve building a Digital Hub from scratch with all the necessary facilities, Electrical, mechanical, and structured cable and Air conditioning installations, Furniture supply and all labor costs, equipping of the labs with internet and devices.

The CoE model will have the following attributes.

- Learning center = 50pax
- Kazi/BPO = 100pax
- Creative hub = 50 pax
- Shared working space = 5pax
- Admin office = 4pax
- Boardroom = 30pax
- Kitchenet = 2NOs
- Baraza = 50pax
- Huduma center
- Store
- Washrooms
- e-commerce fulfilment
- ICT room
- Public Wi-Fi zone
- Area - 750SQM



NB/

For the purposes of this prequalification, the Authority is intending to tender for 47 Centers of excellence and 50 Standard models as a pilot for all the 1450 centers to be constructed in every ward in the country. .

The basic model will not be part of the pilot facilities.

d. Renovation of existing facilities

Renovating existing building to install the digital hub through leasing or use of existing facilities such as youth innovation centers or constituency innovation hubs. For this model, KoTDA shall develop guidelines/standards (Renovation guide) that will help contractors renovate existing facilities to ensure the final structure is able to support the optimal functioning of Jitume Digital Hubs.

Some of the centers that will be considered for this model include.

- Leased building
- Constituency innovation Hubs (CIH)
- Youth empowerment centers
- County/Sub County HQs
- Chiefs Camps etc
- KMTC
- TTI
- Fulfilment centers

Sustainability model of Jitume Digital Hubs

The following are sustainability features of the Jitume digital hubs.

- ❖ Renewable energy. The use of solar panels to generate solar energy is adopted to make the model more efficient.
- ❖ Sun Shading. The use of horizontal timber fins to shade the windows from direct sunlight.
- ❖ Rainwater Harvesting. The angled roof allows rainwater to be funneled into the gutters and harvested to sustain the development.

Sustainability Model

The digital hubs have the potential to generate revenue and create jobs through various mechanisms and activities. This will be achieved as indicated below:

Revenue Generation:

1. **Co-Working Spaces:** By providing co-working spaces within the digital hubs, businesses, entrepreneurs, and freelancers can rent workstations and pay a fee, generating consistent revenue.
2. **Value-Added Services:** Offering specialized training programs, mentorship, and consultancy services can attract individuals and businesses willing to pay for these services, thus generating revenue.
3. **Event Hosting:** Organizing events, workshops, seminars, and conferences related to the digital economy can attract participants, sponsors, and partners. Revenue can be generated through ticket sales, sponsorships, and partnerships.
4. **Service Partnerships:** Collaborating with technology companies or e-commerce platforms can create revenue-sharing models, earning the digital hubs a share of generated revenue through commissions or service fees.
5. **Grants and Sponsorships:** Seeking grants and sponsorships from governmental organizations, development partners, and private corporations interested in supporting digital inclusion can provide financial support for the operations and activities of the digital hubs.

Job Creation:

1. **Digital Skills Training:** Providing training programs and workshops within the digital hubs will create jobs for trainers, instructors, and facilitators who will deliver the training sessions.
2. **Hub Management and Administration:** The digital hubs will require staff for managing operations, including roles such as hub managers, administrators, receptionists, and support staff.
3. **Technical Support and Maintenance:** To ensure smooth functioning of digital infrastructure, technical support professionals will be needed for handling IT issues, networking, software

maintenance, and hardware troubleshooting.

4. **Entrepreneurship Support:** Creating job opportunities for business coaches, mentors, consultants, and industry experts who will support aspiring entrepreneurs in developing their ideas and scaling their businesses.

5. **Content Creation and Digital Marketing:** Digital marketing roles, including content writers, graphic designers, video & audio recording platforms, social media managers, and digital marketers, can be created to help businesses establish their online presence and drive growth.

6. **Event Management:** Hosting events, workshops, and conferences will require event management professionals for logistics coordination, registrations, and overall event operations.

7. **Incubation and Startup Support:** Providing incubation services for startups will generate job opportunities for incubation managers, business advisors, mentors, and experts who will guide and support the growth of these startups.

8. **E-commerce Support:** Facilitating e-commerce initiatives within the hubs can create jobs in areas such as product photography, catalog management, logistics coordination, customer support, and online marketing.

By combining revenue-generating strategies with the creation of job opportunities, the digital hubs project can establish a sustainable ecosystem that supports economic growth, digital skills development, and entrepreneurship within the community.

The Jitume Digital Hub Technology Platform

The technology platform for the digital hubs will comprise of several components such as:

1. Jitume training
2. Job management
3. Employee management
4. Access to government services
5. Digital hub services
 - Co-working space booking
 - Event management
 - Notices and information update
 - Revenue aggregation and reporting

Justification for Prequalification

The Procuring Entity preference for prequalification of contractors for the above referred works is due to its size and complexity. Therefore, the need to ensure a process that will vet for competent and experienced contractors who then be invited to bid for the works.

Important Notes to Applicants

1. The purpose of this document is to assist the procuring entity Konza Technopolis Development Authority in the identification and evaluation of potential Contractors who may subsequently be invited to tender for the said works.
2. Interested applicants will be selected in accordance with the procedures set out by the procuring entity.
3. All documents must be submitted in English language.
4. Konza Technopolis Development Authority reserves the right to verify the accuracy of the information provided herein. The interested applicants may be asked to clarify the information provided after close of the submission deadline.

5. This prequalification does not amount to any contractual obligation on the part of Konza Technopolis Development Authority and that the procuring entity is not obliged to invite tenders/quotation from any or all who express interest by responding to this prequalification process.
6. Applicants will meet all cost associated with preparation and submission of their applications.
7. The applicants must register with the procuring entity by sending an email to procurement@konza.go.ke and copy ceo@konza.go.ke indicating the contact person, official email address and telephone number.
8. The interested applicants are advised to regularly check the Authority's website www.konza.go.ke or Public Procurement Information Portal (PIIP) www.tenders.go.ke for any updates, amendments or clarifications.
9. Interested applicants shall submit 1 original and 1 soft copy of the completed prequalification document.
10. Any prequalification documents received by the Procuring Entity after the deadline shall be declared late and rejected, and promptly returned unopened.
11. Sealing and marking of the prequalification documents.
 - i. The Prequalification document shall be delivered in a single sealed envelope or package, or in a single sealed container bearing the following details:
 - ii. Tender name and tender number
 - iii. The name and address of the Employer.
 - iv. A warning: 'DO NOT OPEN BEFORE **14:00PM Thursday 21st March, 2024** (the time and date for the Prequalification closing).
12. The completed document shall not be submitted electronically.
13. No Consortium or joint venture (between two Contractors) shall be allowed to participate in this prequalification.
14. Interested applicants may request for additional information or clarifications from the procuring entity through procurement@konza.go.ke and copy ceo@konza.go.ke not later than the date specified.
15. Bidders/Firms in the category of AGPO/Special groups are encouraged to apply.
16. The works are specified and divided into 9 LOTS. The LOTS are regional blocks of the Country. Bidders are encouraged to quote for prequalification in at most three (3) lots. **Bidders who quote more than three lots shall be disqualified.**

The LOTS are as per below details;



LOTS	S/NO	COUNTIES	NO	TYPE OF TOPOLOGY
LOT 1	1	Marsabit	1	COE
			1	Standard
	2	Samburu	1	COE
			1	Standard
	3	Isiolo	1	COE
			1	Standard
	4	Meru	1	COE
			1	Standard
	5	Tharaka Nithi	1	COE
			1	Standard
	6	Embu	1	COE
			1	Standard
LOT 2	1	Kitui	1	COE
			1	Standard
	2	Machakos	1	COE
			1	Standard
	3	Makueni	1	COE
			1	Standard
	4	Kajiado	1	COE
			1	Standard
	5	Nairobi	1	COE
			1	Standard
LOT 3	1	Turkana	1	COE
			1	Standard
	2	West Pokot	1	COE
			1	Standard
	3	Baringo	1	COE
			1	Standard
	4	Trans Nzoia	1	COE
			1	Standard
	5	Uasin Gishu	1	COE
			1	Standard
	6	Elgeyo Marakwet	1	COE
			1	Standard
LOT 4	1	Nakuru	1	COE
			1	Standard
	2	Kericho	1	COE
			1	Standard
	3	Bomet	1	COE
			1	Standard
	4	Narok	1	COE
			1	Standard
	5	Laikipia	1	COE
			1	Standard
LOT 5	1	Kwale	1	COE
			1	Standard
	2	Mombasa	1	COE
			1	Standard
	3	Kilifi	1	COE
			1	Standard
	4	Taita Taveta	1	COE
			1	Standard
	5	Lamu	1	COE
			1	Standard

Lot 6	1	Bungoma	1	COE
			1	Standard
	2	Kakamega	1	COE
			1	Standard
	3	Busia	1	COE
			1	Standard
4	Nandi	1	COE	
		1	Standard	
5	Vihinga	1	COE	
		1	Standard	
LOT 7	1	Siaya	1	COE
			1	Standard
	2	Kisii	1	COE
			1	Standard
	3	Nyamira	1	COE
			1	Standard
4	Kisumu	1	COE	
		1	Standard	
5	Homabay	1	COE	
		1	Standard	
6	Migori	1	COE	
		1	Standard	
LOT 8	1	Mandera	1	COE
			1	Standard
	2	Wajir	1	COE
1			Standard	
3	Garissa	1	COE	
		1	Standard	
LOT 9	1	Nyandarua	1	COE
			1	Standard
	2	Nyeri	1	COE
			1	Standard
	3	Muranga	1	COE
			1	Standard
4	Kirinyanga	1	COE	
		1	Standard	
5	Kiambu	1	COE	
		1	Standard	

Tender Evaluation Sequence

The tenders shall be evaluated in the following two (2) stages:

Stage A. Mandatory Requirements

All requirements MUST be met to proceed to Technical Evaluation.

Stage B. Technical Evaluation

Applicants who score 70% and above shall be prequalified.

Stage A: Mandatory Requirements

The interested applicant will be required to provide the following mandatory documents in response to this prequalification.

1. Valid Copy of Certificate of Incorporation/ Registration.
2. Valid current Tax Compliance Certificate-Statement of tax compliance from bidding company.
3. Valid copy of National Construction Authority (NCA) Categories 1 or 2 registration Certificate for Building Works-KoTDA will verify the certificates and shall take necessary action for bidders who submit fake certificates.
4. Current Annual Contractors Practicing License from NCA.
5. Submission of valid CR12 form showing the list directors /shareholding (issued within the last 3Months).
6. A duly signed sworn statement or declaration that : -
 - a. The firm has not been debarred from participating in any public procurement by PPRA.
 - b. Code ethics- The firm has not been engaged in any unethical, corrupt, collusive or fraudulent activities in public procurement matters.
 - c. Declaration that the firm will not engage in any corrupt or fraudulent practice.
 - d. Written declaration that the bid documents are authentic. Any falsified information discovered will automatically lead to disqualification.
7. The Bidders are required to serialize all the pages of the bid document submitted including any addendum, appendixes and attachment and must be tape bound, spiral bounds or loosely bound bid documents shall be disqualified.
8. Application of a max of three (3) Lots as per the instructions.
9. Duly completed Confidential Business Questionnaire in the format provided in this tender document.
10. Documentary evidence of liquid assets and/or availability of credit facilities of a value of at least Kshs.50,000,000 Million (Attach copies of certified bank statements for the last six months OR letter of credit line from a financial institution registered by Central Bank of Kenya. The documents so provided may be verified for authenticity).

NB

Applicants who do not meet any of the above will be disqualified and shall not be evaluated further.

Stage B: Technical Evaluation

Applicants will be required to provide documents/information based on the following technical and general requirements in response to this prequalification exercise. The award of points for the Technical Evaluation will be as follows: -

No	CRITERIA	MAX POINTS
1	Neatness of documents as per Tender Format i.e. i) Proper binding and paginating of all documents without any breaks ii) Clarity of information iii) Proper labelling of contents iv) Proper referencing of contents v) Relevance of attached documents in conformity with the requested information in tender document (5 marks broken down into 1 mark for each parameter)	5
2	Experience of the Contractor in the similar construction field of at least 5 years. i) Five Years and Above – 5 marks ii) Four Years – 4 marks iii) Three Years – 3 marks iv) Two Years – 2 marks v) One Year and below – 1 marks vii) Evidence of Works of Similar Magnitude (300 Million and above) – 5 marks.	10
3	A statement of work methods (Methodology). Include charts, pictures, drawings and brief description in your illustrations. (marks for each concept on safety, method, execution, material testing and day work units) The bidder shall provide a clear methodology for execution Jitume centres in the LOTS applied.	10
4	Evidence of financial capabilities to mobilize in all the lots if awarded simultaneously without advance payments. Provide a writeup (Bidders to provide written commitments to mobilize in all the LOTS if awarded simultaneously without request for advance payments-	10
5	Qualified technical staff in the company relevant to the building construction industry who will actively be involved in the proposed project. Provide employment/ appointment letters, contract of the key personnel including length of service and termination dates, CV, Academic and professional certificates and evidence of registration with relevant professional bodies and telephone contacts. i) Building or Civil or Engineer or Quantity Surveyor – 5 marks ii) Project Manager with Degree and above in Building or Civil or Quantity Surveyor – 3 marks iii) Project Manager with Diploma in Building or Civil or Quantity Surveyor – 2 marks (Bidders can only qualify in i or ii and iii to get maximum 10 marks)	10
6	Number of years of experience of key staff 1. Project Manager i) 8 years and above 8 years – 6 marks ii) Below 8 years– 3marks 2. Project Engineer i) 5 years and above 5 years – 5 marks ii) Less than 5 years – 2 marks 3. General Foreman	20

	<p>i) 5 years and above 3 years – 4 marks ii) Less than 5 years – 1 marks</p> <p>4. Safety officer i) 5 years and above – 2 marks ii) Less than 5 years – 1 marks</p> <p>5. Office Fitout Foreman i) 5 years and above – 3marks ii) Less than 5 years – 1 marks</p>	
7	<p>Schedules of appropriate equipment, tools and transport in good working condition. i) Key equipment/tools – 6 marks ii) Transport (vehicles) – 4 marks iii) No means of transport and equipment – 0 mark Attach PROOF OF OWNERSHIP for each specific relevant equipment required in the construction work being tendered.</p>	10
8	<p>Provide a list of at least five (5) clients with references (names and telephone of contact persons) to which the company has undertaken similar Construction Works especially each valued at KShs.200,000,000 and above in the last 5years. The Authority may undertake due diligence on the list. Note: Bidder to provide copies of contract agreements or completion certificates and/or a letter from the client confirming execution of the contract, physical Location and amount. (3 Marks each)</p>	15
9	<p>Audited Financial Statements for the last Three (3) consecutive years. (2021, 2022 and 2023) certified by a certified auditor. The evaluation committee will consider annual turnover i) 5 marks for average annual turnover of 500 Million and above ii). 4 marks for average annual turnover of 300 Million and below 250 Million iii). 2 marks for average annual turnover of 240 Million and below 160 Million iv). No mark for average annual turnover of below 150 Million</p>	5
10	<p>Litigation History i. Has had no construction-related litigation or arbitration case in the last five years (5 Marks) ii. Has not more than two construction-related litigation or arbitration cases in the last five years (2 Marks) iii. Has more than two construction-related litigation or arbitration cases in the last five years (0 Marks)</p>	5

Only applicants who score 70 points and above in this Technical Evaluation shall be prequalified in their respective lots applied.

Shortlisting of Qualified Candidates to be invited to Tender

Upon successful completion of the technical evaluation, the Evaluation Committee will shortlist all the successful candidates in each LOT and will be ranked from the candidate attaining the highest score. All the candidates shall be invited for the purposes of Bidding for the tender for the Construction of the Jitume digital hubs.

Qualification criteria is as stated above. Therefore, the criteria below is Not Applicable

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT Not Applicable							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
1. Eligibility							
1.1	Nationality	Nationality in accordance with ITA 5.6	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.2	Conflict of Interest	No conflicts of interest in accordance with ITA 5.7	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.3	Eligibility	Not declared ineligible by not meeting any of the conditions in ITA 5 and 6.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.4	State-owned Entity in Kenya	Applicant required to meet conditions of ITA 5.9	Must meet requirement	Must meet requirement	Must meet requirement	N / A	Forms ELI -1.1 and 1.2, with attachments
1.5	United Nations resolution or laws of Kenya	Not having been excluded as a result of prohibition in the laws of Kenya or official regulations against commercial relations with Kenya, or by an act of compliance with UN Security Council resolution, both in accordance with ITA 6.1 and 6.2 and Section V.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
2. Historical Contract Non-Performance							
2.1	History of Non-Performing Contracts	Non-performance of a contract ¹ did not occur as a result of contractor's default since 1 st January <i>[insert year]</i> .	Must meet requirement ¹	Must meet requirements	Must meet requirements ²	N/A	Form CON-2
2.2	Suspension Based on Execution of Tender/Proposal Securing Declaration by the Procuring Entity	Not under suspension based on execution of a Tender/Proposal Securing Declaration pursuant to ITA 5.10.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
2.3	Pending Litigation	Applicant's financial position and prospective long-term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant	Must meet requirement	N/A	Must meet requirement	N/A	Form CON – 2
2.4	Litigation History	No consistent history of court/arbitral award decisions against the Applicant ³ since 1 st January <i>[insert year]</i>	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form CON – 2
3. Financial Situation and Performance							
3.1	Financial Capabilities	(i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as <u> </u> <i>[insert amount in KENYA SHILLINGS]</i> for the subject contract(s) net of the Applicant's other commitments (ii) The Applicant shall also demonstrate, to the satisfaction of the Procuring Entity, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and	Must meet requirement Must meet requirement	Must meet requirement Must meet requirement	N/A N/A	N/A N/A	Form FIN – 3.1, with attachments

¹ Nonperformance, as decided by the Procuring Entity, shall include all contracts where (a) nonperformance was not challenged by the contractor, including through referral to the

dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Nonperformance shall not include contracts where Procuring Entity's decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the applicant have been exhausted.

² This requirement also applies to contracts executed by the Applicant as JV member.

³ The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Applicant or any member of a joint venture may result in rejection of the Application.

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		for future contract commitments. (iii) The audited balance sheets or, if not required by the laws of Kenya, other financial statements acceptable to the Procuring Entity, for the last <i>[insert number]</i> years shall be submitted and must demonstrate the current soundness of the Applicant's financial position and indicate its prospective long-term profitability.	Must meet requirement	N/A	Must meet requirement	N/A	
3.2	Average Annual Construction Turnover	Minimum average annual construction turnover of KENYA SHILLINGS <i>[insert amount in KENYA SHILLING equivalent in words and figures]</i> , calculated as total certified payments received for contracts in progress and/or completed within the last <i>[insert number]</i> years, divided by <i>[insert number of years in words]</i> years	Must meet requirement	Must meet requirement	Must meet <i>[insert number]</i> %, <i>[insert percentage in words]</i> of the requirement	Must meet <i>[insert number]</i> %, <i>[insert percentage in words]</i> of the requirement	Form FIN – 3.2
4. Experience							
4.1 (a)	General Construction Experience	Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last <i>[insert number]</i> years, starting 1 st January <i>[insert year]</i> .	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 4.1
4.2 (a)	Specific Construction & Contract Management Experience	(i) A minimum number of <i>[state the number]</i> similar contracts specified below that have been satisfactorily and substantially ⁴ completed as a prime contractor, joint venture member ⁵ , management contractor or subcontractor between 1 st January <i>[insert year]</i> and Application submission deadline:	Must meet requirement	Must meet requirement ⁶	N/A	Must meet the following requirements for the key activities listed below <i>[list key activities and the corresponding minimum requirements to be met by one member otherwise state: "N/A"]</i>	Form EXP 4.2(a)

⁴ Substantial completion shall be based on 80% or more works completed under the contract.

⁵ For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, and role and responsibilities shall be

considered to meet
this requirement.

⁶ In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated.

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
4.2 (b)		<p>For the above and any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or sub-contractor between 1st January [insert year] and Application submission deadline, a minimum construction experience in the following key activities successfully completed⁷: [list key activities indicating volume, number or rate of production as applicable.</p> <p><i>Under 4.2(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b) define the required capability of the Applicant to execute the Works. There shall not be any inconsistency or repetition of requirement between 4.2(a) and 4.2(b). For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12-month period in the specified period.]⁸</i></p>	<p>Must meet requirements [Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 25.2]</p>	<p>Must meet requirements [Specify activities that may be met through a Specialized Subcontractor, if permitted in accordance with ITA 25.2]</p>	N/A	<p>Must meet the following requirements for key activities listed below [if applicable, out of the key activities in the first column of this 4.2 b), list key activities (volume, number or rate of production as applicable) and the corresponding minimum requirements that have to be met by one member, otherwise this cell should state: "N/A".]</p>	Form EXP – 4.2 (b)
4.3 (a)	Specific Management Experience in supply of goods	(i) A minimum number of [state the number] similar contracts specified below that have been	<p>Must meet requirement</p>	<p>Must meet</p>	N/A	<p>Must meet the following requirements for the key activities listed below [list key activities and the corresponding minimum requirements to be met by one member otherwise state: "N/A"]</p>	Form EXP 4.3(a)

⁷ Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period.

⁸ The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise.

Eligibility and Qualification Criteria			Compliance Requirements			Document/ Form	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<p>satisfactorily and substantially⁹ completed as a prime supplier, joint venture member ¹⁰, management contractor or subcontractor between 1st January <i>[insert year]</i> and Application submission deadline:</p> <p>The similarity of the contracts shall be based on the following: <i>[Based on Section VII, Scope of goods contracts, specify the minimum key requirements in terms of physical size, complexity, construction method, technology and/or other characteristics including part of the requirements that may be met by Specialized Subcontractors, if permitted in accordance with ITA 25.2]</i></p>		requirement ¹¹			
4.3 (b)		<p>For the above and any other contracts [substantially completed and under implementation] as prime supplier, joint venture member, or sub-contractor between 1st January <i>[insert year]</i> and Application submission deadline, a minimum construction experience in the following key activities successfully completed¹²: <i>[list key activities indicating volume, number or rate of production as applicable.</i></p> <p><i>Under 4.3(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b) define the required capability of the Applicant to execute the Works. There shall not be any</i></p>	<p>Must meet requirements <i>[Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 25.2]</i></p>	<p>Must meet requirements <i>[Specify activities that may be met through a Specialized Subcontractor, if permitted in accordance with ITA 25.2]</i></p>	N/A	<p>Must meet the following requirements for key activities listed below <i>[if applicable, out of the key activities in the first column of this 4.3 b), list key activities (volume, number or rate of production as applicable) and the corresponding minimum requirements that</i></p>	Form EXP – 4.2 (b)

⁹ Substantial completion shall be based on 80% or more works completed under the contract.

¹⁰ For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, and role and responsibilities shall be considered to meet this requirement.

¹¹ In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated.

¹² Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period.

Eligibility and Qualification Criteria			Compliance Requirements			Document/ Form	
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<i>inconsistency or repetition of requirement between 4.3(a) and 4.3(b). For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12-month period in the specified period.]¹³</i>				<i>have to be met by one member, otherwise this cell should state: "N/A".]</i>	

¹³ The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise.

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 prequalified for the referenced ITT and declare that:

- a) No reservations: We have examined and have no reservations to the Prequalification 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 ITA 5.9];*

- 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:

.....
[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]

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- 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:

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
<i>[insert full name for each occurrence]</i>	<i>[insert street/ number/city/country]</i>	<i>[indicate reason]</i>	<i>[specify amount currency, value, exchange rate and KENYA SHILLING equivalent]</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[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 prequalification process at any time and that you are neither bound to accept any Application that you may receive nor to invite the prequalified Applicants to Tender for the contract subject of this Prequalification 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 [insert full name]
In case of Joint Venture (JV), name of each member: [insert full name of each member in JV]
Applicant's actual or intended country of registration: [indicate country of Constitution]
Applicant's actual or intended year of incorporation: [indicate year of Constitution]
Applicant's legal address [in country of registration]: [insert street/ number/ town or city/ country]
Applicant's authorized representative informationName: [insert full name] Address: [insert street/ number/ town or city/ country] Telephone/Fax numbers: [insert telephone/fax numbers, including country and city codes] E-mail address: [indicate e-mail address]
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 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 ELI-1.2 - Applicant's JV Information Form-N/A

[The following form is additional to Form ELI-1.1., and shall be completed to provide information relating to each JV member (incase the Applicant is a JV) as well as any Specialized Subcontractor proposed to be used by the Applicant for any part of the Contract resulting from this prequalification]

Date:*[insert day, month, year]*

ITT No. and title:..... *[insert ITT number and title]*

Page..... *[insert page number]* of *[insert total number]* pages

Applicant name: <i>[insert full name]</i>
Applicant's JV Member's name: <i>[insert full name of Applicant's JV Member]</i>
Applicant's JV Member's country of registration: <i>[indicate country of registration]</i>
Applicant JV Member's year of constitution: <i>[indicate year of constitution]</i>
Applicant JV Member's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant JV Member'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 registration documents of the legal entity named above, in accordance with ITA 5.6 <input type="checkbox"/> In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and they are not under the supervision of the Procuring Entity, in accordance with ITA 5.9. 2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

4. 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, exchange 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 NetWorth	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)
<i>[insert year]</i>	<i>[insert percentage]</i>	Contract Identification: <i>[indicate completecontract name, number, and any other identification]</i> 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 indispute]</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>	<i>[insert amount]</i>

5. Form FIN – 3.1 - Financial Situation and Performance

Financial Situation and Performance

[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 Name:..... [insert full name]

ITT No. and title:.....[insert ITT number and title]

Page..... [insert page number] of [insert total number] pages

1. Financial data

Type of Financial information in (currency)	Historic information for previous <i>[insert number]</i> years, <i>[insert in words]</i> (amount in currency, currency, exchange rate*, USD equivalent)				
	Year 1	Year 2	Year 3	Year4	Year 5
Statement of Financial Position (Information from Balance Sheet)					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Cash Flow Information					
Cash Flow from Operating Activities					

* Refer ITA 14 for the exchange rate

5.2 Sources of Finance

[The following table shall be filled in for the Applicant and all parties combined in case of a Joint Venture]

Specify sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.

No.	Source of finance	Amount (Kenya shilling equivalent)
1		
2		
3		

5.3 Financial documents

The Applicant and its parties shall provide copies of financial statements for *[number]* years pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

- a) reflect the financial situation of the Applicant or in case of JV member, and not an affiliated entity (such as parent company or group member).
 - b) Be independently audited or certified in accordance with local legislation.
 - c) Be complete, including all notes to the financial statements.
 - d) Correspond to accounting periods already completed and audited.
- Attached are copies of financial statements¹ for the *[number]* years required above; and complying with the requirements

¹If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, the reason for this should be justified.

6 Form FIN - 3.2 - Average Annual Construction or Supply Contracts Turnover

[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 Name: *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page..... *[insert page number]* of *[insert total number]* pages Table A (Complete if Contractor)

Annual turnover data (construction only)			
Year	Amount Currency	Exchange rate*	USD equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Construction Turnover **	

* Refer ITA 14 for date and source of exchange rate.

** Total Kenya shilling equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, 3.2.

Table B (Complete if Supplier)

Annual turnover data (Supply contracts)			
Year	Amount Currency	Exchange rate*	USD equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Construction Turnover **	

Refer ITA 15 for date and source of exchange rate.

** Total Kenya shilling equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, 3.2.

**7 Form EXP - 4.1 - General Construction or Supply or service Contract Experience
(Select one)**

[The following table shall be filled in for the Applicant and in the case of a JV Applicant, each Member]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title.....*[insert ITT number and title]*

Page..... *[insert page number]* of *[insert total number]* pages

[Identify contracts that demonstrate continuous construction work over the past [number] years pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 4.1. List contracts chronologically, according to their commencement (starting) dates.]

Starting Year	Ending Year	Contract Identification	Role of Applicant
<i>[indicate year]</i>	<i>[indicate year]</i>	Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KENYA SHILLING equivalent*]</i> Name of Procuring Entity: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KENYA SHILLING equivalent*]</i> Name of Procuring Entity: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and Kenya shillings equivalent*]</i> Name of Procuring Entity: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>

* Refer ITA 15 for date and source of exchange rate.

8 Form EXP - 4.2(a) - Specific Construction and Contract Management Experience or Supplier service Contract Experience (Select one)

[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]

Applicant's Name:.....*[insert full name]*

Date:..... *[insert day, month, year]*

Joint Venture Member Name:*[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page..... *[insert page number]* of *[insert total number]* pages

Similar Contract No. <i>[insert number]</i> of <i>[insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		KENYA SHILLING <i>[insert Exchange rate and total contract amount in KENYASHILLING equivalent] *</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in KENYASHILLING equivalent] *</i>	
	<i>[insert roles and responsibilities]</i>			
Procuring Entity's Name:	<i>[insert full name]</i>			
Address:	<i>[indicate street / number / town or city / country]</i>			
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>			
E-mail:	<i>[insert e-mail address, if available]</i>			

9 Form EXP - 4.2(a) (cont.) - Specific Construction and/or Contract Management Experience (cont.)

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information
Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III:	
1. Amount	<i>[insert amount in local currency, exchange rate, KENYA SHILLING in words and in Figures]</i>
2. Physical size of required works items	<i>[insert physical size of items]</i>
3. Complexity	<i>[insert description of complexity]</i>
4. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
5. Construction rate for key activities	<i>[insert rates and items]</i>
6. Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Works]</i>

10 Form EXP - 4.2(b) - Construction Experience or Supply or service contract in Key Activities (select one)

Applicant's Name:..... [insert full name]

Date:.....[insert day, month, year]

Applicant's JV Member's Name: [insert full name]

Sub-contractor's Name(as per ITA 24.2 and 24.3): [insert full name]

ITT No. and title: [insert ITT number and title]

Page.....[insert page number] of [insert total number] pages

All Sub-contractors for key activities must complete the information in this form as per ITA 24.2 and 24.3 and Section III, Qualification Criteria and Requirements, 4.2.

1. Key Activity No. One: [insert brief description of the Activity, emphasizing its specificity]
Total Quantity of Activity under the contract: _____

	Information			
Contract Identification	[insert contract name and number, if applicable]			
Award date	[insert day, month, year, e.g., 15 June, 2015]			
Completion date	[insert day, month, year, e.g., 03 October, 2017]			
Role in Contract [check the appropriate box]	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	[insert total contract amount in contract currency(ies)]		KENYA SHILLING [insert exchange rate and total contract amount in KENYA SHILLING equivalent]	
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year [Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]	Total quantity in the contract (i)	Percentage participation (ii)		Actual Quantity Performed (i) x (ii)
Year 1				
Year 2				
Year 3				
Year 4				
Procuring Entity's Name:	[insert full name]			

Address: Telephone/fax number E-mail:	<i>[indicate street / number / town or city / country] [insert telephone/fax numbers, including country and city area codes] [insert e-mail address, if available]</i>
--	--

2. Activity No. Two

3.

	Information
Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III:	
	<i>[insert response to inquiry indicated in left column]</i>

(a) **TENDERER'S ELIGIBILITY-CONFIDENTIAL BUSINESS QUESTIONNAIRE**

Instruction to Tenderer

Tender is instructed to complete the particulars required in this Form, *one form for each entity if Tender is a JV*. Tenderer is further reminded that it is an offence to give false information on this Form.

(a) Tenderer's details

	ITEM	DESCRIPTION
1	Name of the Procuring Entity	
2	Reference Number of the Tender	
3	Date and Time of Tender Opening	
4	Name of the Tenderer	
5	Full Address and Contact Details of the Tenderer.	1. Country 2. City 3. Location 4. Building 5. Floor 6. Postal Address 7. Name and email of contact person.
6	Current Trade License Registration Number and Expiring date	
7	Name, country and full address (<i>postal and physical addresses, email, and telephone number</i>) of Registering Body/Agency	
8	Description of Nature of Business	
9	Maximum value of business which the Tenderer handles.	
10	State if Tenders Company is listed in stock exchange, give name and full address (<i>postal and physical addresses, email, and telephone number</i>) of state which stock exchange	

General and Specific Details

(b) Sole Proprietor, provide the following details.

Name in full _____ Age _____
Nationality _____ Country of Origin _____
Citizenship _____

(c) Partnership, provide the following details.

	Names of Partners	Nationality	Citizenship	% Shares owned
1				
2				
3				

(d) Registered Company, provide the following details.

I) Private or public Company _____

ii) State the nominal and issued capital of the Company_____

Nominal Kenya Shillings (Equivalent).....

Issued Kenya Shillings (Equivalent).....

iii) Give details of Directors as follows.

	Names of Director	Nationality	Citizenship	% Shares owned
1				
2				
3				

(e) DISCLOSURE OF INTEREST - Interest of the Firm in the Procuring Entity.

i) Are there any person/persons in.....(*Name of Procuring Entity*) who has/have an interest or relationship in this firm? Yes/No.....

If yes, provide details as follows.

	Names of Person	Designation in the Procuring Entity	Interest or Relationship with Tenderer
1			
2			
3			

(iii) Conflict of interest disclosure

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
1	Tenderer is directly or indirectly controls, is controlled by or is under common control with another tenderer.		
2	Tenderer receives or has received any direct or indirect subsidy from another tenderer.		
3	Tenderer has the same legal representative as another tenderer		
4	Tender has a relationship with another tenderer, directly or through common third parties, that puts it in a position to influence the tender of another tenderer, or influence the decisions of the Procuring Entity regarding this tendering process.		
5	Any of the Tenderer's affiliates participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of the tender.		
6	Tenderer would be providing goods, works, non-consulting services or consulting services during implementation of the contract specified in this Tender Document.		
7	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who are directly or indirectly involved in the preparation of the		

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
	Tender document or specifications of the Contract, and/or the Tender evaluation process of such contract.		
8	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who would be involved in the implementation or supervision of the such Contract.		
9	Has the conflict stemming from such relationship stated in item 7 and 8 above been resolved in a manner acceptable to the Procuring Entity throughout the tendering process and execution of the Contract.		

Certification

On behalf of the Tenderer, I certify that the information given above is complete, current and accurate as at the date of submission.

Full Name _____

Title or Designation _____

(Signature)

(Date)

b) CERTIFICATE OF INDEPENDENT TENDER DETERMINATION

I, the undersigned, in submitting the accompanying Letter of Tender to the _____
_____ [Name of Procuring Entity] for:
_____ [Name and number of tender] in
response to the request for tenders made by: _____ [Name of Tenderer] do hereby
make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of _____ [Name of Tenderer] that:

1. I have read and I understand the contents of this Certificate;
2. I understand that the Tender will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am the authorized representative of the Tenderer with authority to sign this Certificate, and to submit the Tender on behalf of the Tenderer;
4. For the purposes of this Certificate and the Tender, I understand that the word "competitor" shall include any individual or organization, other than the Tenderer, whether or not affiliated with the Tenderer, who:
 - a) Has been requested to submit a Tender in response to this request for tenders;
 - b) could potentially submit a tender in response to this request for tenders, based on their qualifications, abilities or experience;
5. The Tenderer discloses that [check one of the following, as applicable]:
 - a) The Tenderer has arrived at the Tender independently from, and without consultation, communication, agreement or arrangement with, any competitor;
 - b) the Tenderer has entered into consultations, communications, agreements or arrangements with one or more competitors regarding this request for tenders, and the Tenderer discloses, in the attached document(s), complete details thereof, including the names of the competitors and the nature of, and reasons for, such consultations, communications, agreements or arrangements;
6. In particular, without limiting the generality of paragraphs (5)(a) or (5)(b) above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - a) prices;
 - b) methods, factors or formulas used to calculate prices;
 - c) the intention or decision to submit, or not to submit, a tender; or
 - d) the submission of a tender which does not meet the specifications of the request for Tenders; except as specifically disclosed pursuant to paragraph (5)(b) above;
7. In addition, there has been no consultation, communication, agreement or arrangement with any competitor regarding the quality, quantity, specifications or delivery particulars of the works or services to which this request for tenders relates, except as specifically authorized by the procuring authority or as specifically disclosed pursuant to paragraph (5)(b) above;
8. The terms of the Tender have not been, and will not be, knowingly disclosed by the Tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening, or of the awarding of the Contract, whichever comes first, unless otherwise required by law or as specifically disclosed pursuant to paragraph (5)(b) above.

Name _____
Title _____
Date _____

Signature.....

[Name, title and signature of authorized agent of Tenderer and Date]

(c) **SELF-DECLARATION FORMS**

FORM SD1

SELF DECLARATION THAT THE PERSON/TENDERER IS NOT DEBARRED IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015.

I,, of Post Office Box being a resident of..... in the Republic of do hereby make a statement as follows: -

1. THAT I am the Company Secretary/ Chief Executive/Managing Director/Principal Officer/Direct or of (*insert name of the Company*) who is a Bidder in respect of **Tender No.** for (*insert tender title/description*) for..... (*insert name of the Procuring entity*) and duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its Directors and subcontractors have not been debarred from participating in procurement proceeding under Part IV of the Act.
3. THAT what is deponed to here in above is true to the best of my knowledge, information and belief.

.....
(Title)

.....
(Signature)

.....
(Date)

Bidder Official Stamp

FORM SD2

SELF DECLARATION THAT THE PERSON/TENDERER WILL NOT ENGAGE IN ANY CORRUPT OR FRAUDULENT PRACTICE.

I,of P.O. Box.....being a resident of
..... in the Republic of do hereby make a statement as follows: -

1. THAT I am the Chief Executive/Managing Director/Principal Officer/Director of
(insert name of the Company) who is a Bidder in respect of **Tender No.....** for
..... (*insert tender title/description*) for.....(*insert name of the Procuring entity*) and
duly authorized and competent to make this statement.

2. THAT theafore said Bidder, its servants and/oragents/subcontractorswillnotengageinanycorruptorfraudulent
practice and has not been requested to pay any inducement to any member of the Board, Management, Staff
and/or employees and/or agents of (*insert name of the Procuring entity*) which is the
procuring entity.

3. THAT the aforesaid Bidder, its servants and/or agents /subcontractors have not offered any inducement to any
member of the Board, Management, Staff and/or employees and/or agents of.....(*name of the
procuring entity*).

4. THAT the aforesaid Bidder will not engage /has not engaged in any corrosive practice with other bidders
participating in the subject tender

5. THAT what is deponed to here in above is true to the best of my knowledge information and belief.

.....
(Title)

.....
(Signature)

.....
(Date)

Bidder's Official Stamp

DECLARATION AND COMMITMENT TO THE CODE OF ETHICS

I (person) on behalf of (*Name of the Business/ Company/Firm*)
.....declare that I have read and fully understood the contents of the
Public Procurement & Asset Disposal Act, 2015, Regulations and the Code of Ethics for persons participating in
Public Procurement and Asset Disposal and my responsibilities under the Code.

I do here by commit to abide by the provisions of the Code of Ethics for persons participating in Public Procurement
and Asset Disposal.

Name of Authorized signatory.....

Sign.....

Position.....

Office address..... Telephone.....

E-mail.....

Name of the Firm/Company.....

Date.....

(Company Seal/ Rubber Stamp where applicable)

Witness

Name.....

Sign.....

Date.....

(d) APPENDIX 1 - FRAUD AND CORRUPTION

(Appendix 1 shall not be modified)

1. Purpose

1.1 The Government of Kenya's Anti-Corruption and Economic Crime laws and their sanction's policies and procedures, Public Procurement and Asset Disposal Act (*no. 33 of 2015*) and its Regulation, and any other Kenya's Acts or Regulations related to Fraud and Corruption, and similar offences, shall apply with respect to Public Procurement Processes and Contracts that are governed by the laws of Kenya.

2. Requirements

2.1 The Government of Kenya requires that all parties including Procuring Entities, Tenderers, (applicants/proposers), Consultants, Contractors and Suppliers; any Sub-contractors, Sub-consultants, Service providers or Suppliers; any Agents (whether declared or not); and any of their Personnel, involved and engaged in procurement under Kenya's Laws and Regulation, observe the highest standard of ethics during the procurement process, selection and contract execution of all contracts, and refrain from Fraud and Corruption and fully comply with Kenya's laws and Regulations as per paragraphs 1.1 above.

2.2 Kenya's public procurement and asset disposal act (*no. 33 of 2015*) under Section 66 describes rules to be followed and actions to be taken in dealing with Corrupt, Coercive, Obstructive, Collusive or Fraudulent practices, and Conflicts of Interest in procurement including consequences for offences committed. A few of the provisions noted below highlight Kenya's policy of no tolerance for such practices and behavior:

- 1) A person to whom this Act applies shall not be involved in any corrupt, coercive, obstructive, collusive or fraudulent practice; or conflicts of interest in any procurement or as set disposal proceeding;
- 2) A person referred to under subsection (1) who contravenes the provisions of that sub-section commits an offence;
- 3) Without limiting the generality of the subsection (1) and (2), the person shall be: -
 - a) disqualified from entering into a contract for a procurement or asset disposal proceeding; or
 - b) if a contract has already been entered into with the person, the contract shall be voidable;
- 4) The voiding of a contract by the procuring entity under subsection (7) does not limit any legal remedy the procuring entity may have;
- 5) An employee or agent of the procuring entity or a member of the Board or committee of the procuring entity who has a conflict of interest with respect to a procurement: -
 - a) Shall not take part in the procurement proceedings;
 - b) shall not, after a procurement contract has been entered into, take part in any decision relating to the procurement or contract; and
 - c) shall not be a subcontractor or for the tender to whom was awarded contract, or a member of the group of tenderers to whom the contract was awarded, but the subcontractor appointed shall meet all the requirements of this Act.
- 6) An employee, agent or member described in subsection (1) who refrains from doing anything prohibited under that subsection, but for that subsection, would have been within his or her duties shall disclose the conflict of interest to the procuring entity;
- 7) If a person contravenes subsection (1) with respect to a conflict of interest described in subsection (5)(a) and the contract is awarded to the person or his relative or to another person in whom one of them had a direct or indirect pecuniary interest, the contract shall be terminated and all costs incurred by the public entity shall be made good by the awarding officer. Etc.

3. In compliance with Kenya's laws, regulations and policies mentioned above, the Procuring Entity:

- a) Defines broadly, for the purposes of the above provisions, the terms set forth below as follows:
- i) “corrupt practice” is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
 - ii) “fraudulent practice” is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;
 - iii) “collusive practice” is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party; “coercive practice” is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
 - iv) “obstructive practice” is:
 - Deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede investigation by Public Procurement Regulatory Authority (PPRA) or any other appropriate authority appointed by Government of Kenya into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
 - acts intended to materially impede the exercise of the PPRA's or the appointed authority's inspection and audit rights provided for under paragraph 2.3 e. below.
- b) Defines more specifically, in accordance with the above procurement Act provisions set forth for fraudulent and collusive practices as follows:
- "fraudulent practice" includes a misrepresentation of fact in order to influence a procurement or disposal process or the exercise of a contract to the detriment of the procuring entity or the tenderer or the contractor, and includes collusive practices amongst tenderers prior to or after tender submission designed to establish tender prices at artificial non-competitive levels and to deprive the procuring entity of the benefits of free and open competition.
- c) Rejects a proposal for award¹ of a contract if PPRA determines that the firm or individual recommended for award, any of its personnel, or its agents, or its sub-consultants, sub-contractors, service providers, suppliers and/ or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;
 - d) Pursuant to the Kenya's above stated Acts and Regulations, may recommend to appropriate authority(ies) for sanctioning and debarment of a firm or individual, as applicable under the Acts and Regulations;
 - e) Requires that a clause be included in Tender documents and Request for Proposal documents requiring (i) Tenderers (applicants/proposers), Consultants, Contractors, and Suppliers, and their Sub-contractors, Sub-consultants, Service providers, Suppliers, Agents personnel, permit the PPRA or any other appropriate authority appointed by Government of Kenya to inspect² all accounts, records and other documents relating to the procurement process, selection and/or contract execution, and to have them audited by auditors appointed by the PPRA or any other appropriate authority appointed by Government of Kenya; and
 - f) Pursuant to Section 62 of the above Act, requires Applicants/Tenderers to submit along with their Applications/Tenders/Proposals a “Self-Declaration Form” as included in the procurement document declaring that they and all parties involved in the procurement process and contract execution have not engaged/will not engage in any corrupt or fraudulent practices.

¹For the avoidance of doubt, a party's in eligibility to be awarded a contract shall include, without limitation, (i) applying for pre-qualification, expressing interest in a consultancy, and tendering, either directly or as a nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.

²Inspections in this context usually are investigative (i.e., forensic) in nature. They involve fact-finding activities undertaken by the Investigating Authority or persons appointed by the Procuring Entity to address specific matters related to investigations/audits, such as evaluating the veracity of an allegation of possible Fraud and Corruption, through the appropriate mechanisms. Such activity includes but is not limited to: accessing and examining a firm's or individual's financial records and information, and making copies thereof as relevant; accessing and examining any other documents, data and information (whether in hard copy or electronic format) deemed relevant for the investigation/audit, and making copies thereof as relevant; interviewing staff and other relevant individuals; performing physical inspections and site visits; and obtaining third party verification of information.

**PART 2 - WORKS, GOODS OR NON -
CONSULTING SERVICES REQUIREMENTS**

(select one)

SECTION V - SCOPE OF WORKS, Goods or Non-Consulting Services required

1. Description of the Works or Supply contract.
 2. Construction Period or Goods Supply Period or Non-Consulting Services Contract period.
 3. Site and Other Data.
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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 address..... P. 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/orders that:1.

2.

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

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

SIGNED

Board Secretary