



**KONZA TECHOPOLIS DEVELOPMENT AUTHORITY**

**PREQUALIFICATION OF A PANEL OF LAW FIRMS FOR PROVISION OF LEGAL SERVICES TO  
KONZA TECHNOPSIS DEVELOPMENT AUTHORITY FOR FINANCIAL YEARS 2026 TO 2029**

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**DATE OF NOTICE: 5<sup>th</sup> May 2026**

**CLOSING DATE: 19<sup>TH</sup> MAY 2026 2:00PM AT 7<sup>TH</sup> FLOOR KONZA COMPLEX IN KONZA  
TECHNOPOLIS**

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## KONZA TECHNOPOLIS DEVELOPMENT AUTHORITY (KOTDA)

### INVITATION NOTICE

#### PREQUALIFICATION OF A PANEL OF LAW FIRMS FOR PROVISION OF LEGAL SERVICES TO KONZA TECHNOPOLIS DEVELOPMENT AUTHORITY FOR FINANCIAL YEARS 2026 TO 2029

#### 1. INVITATION TO NOTICE

Konza Technopolis Development Authority (the Procuring Entity), the implementing agency under the Ministry of ICT, Innovation and Youth Affairs hereby invites tenders from interested bidders for the following tender: -

No.	Reference	Description	Tender Security Kes	Category	Closing Date
1.	KoTDA/PREQ/035/2026-2029	PREQUALIFICATION OF A PANEL OF LAW FIRMS FOR PROVISION OF LEGAL SERVICES TO KONZA TECHNOPOLIS DEVELOPMENT AUTHORITY FOR FINANCIAL YEARS 2026 TO 2029.	Nil	Open	19 <sup>th</sup> May, 2026 at 2:00pm

Tender document with detailed information may be viewed and downloaded from [www.konza.go.ke](http://www.konza.go.ke) website free of charge from **5<sup>th</sup> May 2026** to **19<sup>th</sup> May 2026**. Bidders who download the tender document from the website will be required to email their detailed contact information to [procurement@konza.go.ke](mailto:procurement@konza.go.ke) for recording, further clarifications and addenda.

All questions/clarifications should be sent via email to [procurement@konza.go.ke](mailto:procurement@konza.go.ke) and copied to [ceo@konza.go.ke](mailto:ceo@konza.go.ke) by **8<sup>th</sup> May 2026** at **1700hrs** Kenya time. No other email addresses shall be used and the Procuring Entity shall not be liable if bidders choose to send their information and/or enquiries to other email addresses.

All interested service providers (**Both Current and New**) shall submit **Soft Copy** registration documents in PDF format via email to [registration@konza.go.ke](mailto:registration@konza.go.ke) on or before **19<sup>th</sup> May 2026 at 2.00pm**.

## REGISTRATION INSTRUCTIONS

### 2.1 Introduction

The KONZA TECHNOPOLIS DEVELOPMENT AUTHORITY would like to invite interested legal firms who meet the set criteria provided in this registration tender document to perform the contract of Provision of Legal Services for Konza Technopolis Development Authority on need basis.

### 2.2 Definitions

For purposes of the Tender Document, the following terms shall have the meanings set out below.

- **“Authority”** or **“Procuring Entity”** means Konza Technopolis Development Authority.
- **“Bidder”** or **“Tenderer”** where appropriate means an advocate and or law firm applying for prequalification under this Registration.
- **“Registration”** means the prequalification and registration process set out in the Registration Document and these Specifications.
- **“Panel”** means the list of prequalified law firms admitted by The Procuring Entity to provide legal services on an as-needed basis during the Panel Period.
- **“Practising Certificate”** means a current practising certificate issued under the Advocates Act for the year of submission, and which must be maintained as current throughout the Panel Period for each advocate engaged on the Procuring Entity’s matters.
- **“Professional Indemnity Cover”** means an in force professional indemnity insurance cover issued by a licensed insurer and valid throughout the Panel.
- **“Panel Period”** means the period commencing **1<sup>st</sup> July 2026** and ending **30<sup>th</sup> June 2029**.
- **“Services”** means the legal services and associated consultancy services for which KOTDA is inviting applications under this Registration.

### 2.3 Pre-Qualification objective

The objective of this process is to prequalify a Panel of Law Firms to provide legal services to the Procuring Entity on an as needed basis during the Panel Period. Inclusion on the Panel is not a retainer, does not guarantee instructions, and does not create a binding engagement for any assignment unless and until the Procuring Entity issues written instructions and the parties execute the applicable engagement documentation in accordance with the Law of Contract Act (Cap 23).

## **2.4 Invitation to Pre-qualification**

Eligible bidders shall be law firms legally capable of offering legal services in Kenya, and duly registered under applicable Kenyan law, including the *Companies Act, 2015* where incorporated, or registered as partnerships, sole proprietorships, or limited liability partnerships as applicable, and duly regulated under the *Advocates Act*.

## **2.5 Experience**

Prospective suppliers/firms must have carried out successful services of similar nature to Government/Corporation/institutions of similar size and complexity **except for Youth, Women and Persons with Disabilities companies**.

Bidders must demonstrate good standing with the Law Society of Kenya and evidence of full compliance with all mandatory statutory, regulatory, and applicable professional requirements.

All potential suppliers/firms must demonstrate a willingness and commitment to meet the registration criteria.

## **2.6 Registration Document**

This document includes questionnaire forms and documents required by prospective suppliers.

## **2.7 Consideration**

To be considered for registration, prospective suppliers must submit all the information herein requested.

## **2.8 Questions Arising from Documents**

All questions/clarifications regarding the Supplier Registration process can be sent by email address as indicated below not later than 8<sup>th</sup> May 2026 at 1700hrs through [registration@konza.go.ke](mailto:registration@konza.go.ke). No other email addresses shall be used and the Procuring Entity shall not be liable if bidders choose to send their information and/or enquiries to other email addresses.

## **2.9 Additional Information**

The Procuring Entity may request submission of additional information from prospective bidders when need arises, during the evaluation process for the registration.

the Procuring Entity reserves the right to verify the authenticity of documents submitted, including with the Law Society of Kenya, Kenya Revenue Authority, and any referees.

## **2.10 Invitation to Tenders/Quotations**

Bidding documents (Tenders/Quotations) will be made available only to those bidders whose qualifications are accepted by the Authority after providing all the required information/documents for citizen contractors/Suppliers/firms.

Youth, Women and Persons with Disabilities companies shall be required to submit all the relevant and applicable documents for the respective categories as listed under.

## **2.11 Submission of registration Documents**

Completed registration documents in PDF format shall be submitted electronically to [registration@konza.go.ke](mailto:registration@konza.go.ke) on or before **19<sup>th</sup> May 2026 at 2.00pm**.

**NOTE: REGISTRATION DOCUMENTS NOT SUBMITTED ELECTRONICALLY AND IN THE REQUIRED FORMAT WILL BE TREATED AS NON-RESPONSIVE**

## 2. APPENDIX TO INSTRUCTIONS TO CANDIDATES

### SECTION I: DESCRIPTION OF THE SERVICES FOR THE PROVISION OF LEGAL SERVICES (FY 2026/27 to FY 2027/28)

#### Nature and Scope of Legal Services

Ref.	Service Component	Specifications & Requirements
1.0	Core Mandate	<p>The Procuring Entity invites supplier registration to establish a panel of competent and duly qualified law firms for a <b>Three-year period</b> covering <b>FY 2026/27 to FY 2027/28, FY 2028/29</b> to provide, on an <b>on-need basis</b> and <b>upon written instructions</b> from time to time, legal and associated consultancy services aligned to the Procuring Entity’s mandate, including legal advisory, transactional support and dispute resolution services.</p>
2.0	Required Specializations	<p>Bidders must demonstrate proven specialization and capacity in <b>one or more</b> of the following practice areas.</p> <p><b>A. Public Law &amp; Governance</b></p> <ul style="list-style-type: none"> <li>• Constitutional and Administrative Law</li> <li>• Devolution and Public Policy</li> <li>• Public Procurement</li> <li>• Public Private Partnership (<b>PPP</b>) and Concession Structuring</li> </ul> <p><b>B. Corporate, Commercial &amp; Property</b></p> <ul style="list-style-type: none"> <li>• Company, Commercial, and Insurance Law</li> <li>• Contract Negotiation and Drafting</li> <li>• Conveyancing and Land Law</li> <li>• Debt Recovery</li> <li>• Intellectual Property (Assignment, Registration, Licensing, Technology Transfer)</li> </ul> <p><b>C. Dispute Resolution &amp; Litigation</b></p> <ul style="list-style-type: none"> <li>• Civil Litigation and Criminal Law</li> <li>• Employment and Labour Law</li> <li>• Arbitration and Alternative Dispute Resolution (ADR)</li> </ul> <p><b>D. Infrastructure &amp; Engineering</b></p> <ul style="list-style-type: none"> <li>• Construction and Engineering Law</li> <li>• Complex Infrastructure Contracting (EPC, EPCF, and Turnkey Projects)</li> <li>• Contract Administration</li> </ul>

Ref.	Service Component	Specifications & Requirements
		<ul style="list-style-type: none"> <li>• Occupational Health and Safety (OHS)</li> </ul> <p><b>E. Technology, Data &amp; Cybersecurity</b></p> <ul style="list-style-type: none"> <li>• IT and Technology Contracting (Cloud, SaaS, Licensing, Escrow, SLAs)</li> <li>• Data Protection &amp; Privacy (Compliance under <i>Data Protection Act, 2019</i>)</li> <li>• Cybersecurity Incident Advisory (Investigations, Notifications, Risk Allocation)</li> </ul>
3.0	Specific Deliverables	<p>The scope includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• Provision of expert legal advice and opinions on specific cases, transactions, and projects.</li> <li>• Conducting statutory searches locally and abroad (Land and Company Registries).</li> <li>• Liaising with relevant government bodies, regulators, and authorities on behalf of the Procuring Entity. <ul style="list-style-type: none"> <li>• Conveyancing - registration of Leases, licences</li> <li>• Dispute Management - Legal representation in court or any other judicial body including Alternative Dispute Resolution.</li> </ul> </li> </ul>
4.0	Reporting & Collaboration	<p>Legal personnel shall work closely with government agencies relevant to the Procuring Entity's mandate, as well as any other departments or institutions assigned</p>

## **SECTION 11: PANEL OPERATING FRAMEWORK, GOVERNANCE, AND CONFLICTS MANAGEMENT**

- 3.1.** The Procuring Entity shall allocate work to Panel firms using one or a combination of the following approaches, subject to applicable procurement requirements and internal approvals: rotation, direct instruction based on specialisation and risk category, or request for quotations among suitable Panel firms for a specific assignment. the Procuring Entity shall apply the approach fairly and transparently consistent with Article 227 of the Constitution of Kenya, 2010 and the *Public Procurement and Asset Disposal Act, 2015*.
- 3.2.** Prior to accepting any instruction, a Panel firm shall conduct a conflict check and provide a written confirmation of independence, including conflicts involving the Procuring Entity's contractors, bidders, consultants, financiers, affiliates, and related parties. Any actual or potential conflict shall be disclosed immediately. the Procuring Entity may decline to issue instructions or may reassign work where a conflict is identified.
- 3.3.** Each Panel firm shall maintain strict confidentiality over the Procuring Entity information and documents and shall implement reasonable administrative, physical, and technical safeguards appropriate for public sector and infrastructure-related legal work. Any unauthorised disclosure shall be grounds for removal from the Panel and any other lawful action.
- 3.4.** Where a Panel firm processes personal data on behalf of the Procuring Entity, the firm shall comply with the Data Protection Act, 2019 and shall implement appropriate safeguards. The firm shall promptly notify the Procuring Entity upon becoming aware of any actual or suspected personal data breach affecting the Procuring Entity data handled by the firm.
- 3.5.** Panel firms shall comply with all applicable anti-corruption and integrity laws, including the *Bribery Act, 2016* and the *Anti-Corruption and Economic Crimes Act, 2003*. Any canvassing remains prohibited and may result in disqualification.
- 3.6.** The Procuring Entity may suspend or remove a firm from the Panel for cause, including poor performance, breach of confidentiality, conflict of interest, professional misconduct, submission of false or misleading information, loss of practising status, lapse of professional indemnity cover, tax non-compliance, or other material breach of Panel obligations, subject to fair administrative action
- 3.7.** The selected lawyers will also be expected to provide timely, up to date informed responses and recommendations to queries from the Department.

- 3.8. The Registration and enlisting on the Authority's Panel shall not constitute a retainer.
- 3.9. The Authority does not bind itself to request for provision of any service but shall endeavour to ensure that empanelled lawyers will be treated equitably.

#### 4. *Professionalism and Experience*

- 4.1. The Tenderer shall demonstrate adequate professional competence and substantial relevant experience commensurate with the scope of the Services and shall maintain sufficient capacity to promptly render the Services and associated consultancy required by the Procuring Entity.
- 4.2. The Tenderer shall, throughout the period of registration, any instruction, and any engagement, conduct itself in a manner consistent with the best interests of the Procuring Entity, including maintaining professional integrity, confidentiality of the Procuring Entity information, avoidance and disclosure of conflicts of interest, and timely, accurate communications.
- 4.3. The Tenderer shall provide evidence of sound credentials and proven experience in handling relevant Kenyan and international legal matters, including advisory work, dispute resolution, litigation strategy, and transactional support where applicable to the Services.
- 4.4. The Tenderer shall, as an added advantage, demonstrate national reach through operational presence, affiliations, or reliable networks in major towns in Kenya to support timely service delivery where matters arise outside Nairobi.
- 4.5. The Tenderer shall demonstrate capability to conduct presentations, briefings, and or staff training for the Procuring Entity personnel on relevant legal, regulatory, and governance matters within the Tenderer's fields of practice, as may be required by the Procuring Entity from time to time.

#### 5. *Requirements, Reports and Schedules*

- 5.1. Upon prequalification and where issued with instructions, the Tenderer shall engage with the Procuring Entity to agree on a practical approach, timelines, and action plan for the assigned matter or workstream, aligned to the Procuring Entity's objectives, risk posture, and internal approval processes.
- 5.2. The Procuring Entity operates a performance management framework. Accordingly, the Tenderer shall be required, as a **condition precedent** to appointment to the Panel and or receipt of instructions, to execute the Procuring Entity's **Service Level Agreement (SLA)** in the form prescribed by the Procuring Entity.

- 5.3. Execution of the Service Level Agreement (SLA) and any related engagement documentation required by the Procuring Entity shall be a mandatory requirement for admission to the Panel and for retention on the Panel. Any refusal to sign, or any qualified acceptance that materially departs from the Procuring Entity's prescribed form without the Procuring Entity's written approval, shall render the Tenderer nonresponsive.
- 5.4. A Tenderer that has previously been removed from the Procuring Entity Panel or has had any matter transferred away from the Tenderer for cause, shall not be considered under this Registration, unless the Procuring Entity, at its sole discretion and in writing, confirms reinstatement or eligibility prior to the tender submission deadline.
- 5.5. The Tenderer shall provide periodic written reports and reviews for all instructed matters, in the format, frequency, and timelines prescribed by the Procuring Entity, including updates on progress, next steps, material risks, court dates where applicable, deliverables, and any decisions required from the Authority.

**6. SECTION III-EVALUATION AND QUALIFICATION CRITERIA**

**The Evaluation and Selection Process**

- 6.1. The Authority shall evaluate and select Tenderers in accordance with the procedures set out in the Registration Document and applicable law, including the principles of fairness, equity, transparency, competitiveness, and cost effectiveness under Article 227 of the Constitution of Kenya, 2010 and the Public Procurement and Asset Disposal Act, 2015 and will be conducted largely along the following lines:-

<b>Evaluation Component</b>	<b>Description</b>
<b>Preliminary Evaluation</b>	Mandatory Requirement: compliance check (Registration, Tax Compliance, LSK Practicing Certificates).
<b>Technical Evaluation</b>	Assessment of Firm experience, key personnel competence, and specialization against the Scope of Services.

- 6.2. Participation in this Registration shall constitute the Tenderer's acceptance of the evaluation process and the Authority's right to apply the stated criteria, undertake due

diligence, and seek clarifications in accordance with the Registration Document and applicable procurement law.

- 6.3. The Procuring Entity may, for purposes of verification and due diligence, request access to information, premises, personnel, and facilities reasonably necessary to confirm the Tenderer's capacity, credentials, and the authenticity of submitted information. The Tenderer shall provide such reasonable access as may be requested, subject to lawful confidentiality limitations and any written directions by the Authority on process and timing.

## 7. **Confirmation and Verification of Bid Documents**

- 7.1. The Tenderer shall strictly follow and conform to the instructions, forms, and requirements contained in the Registration Document when preparing and submitting its bid.
- 7.2. Ensure that they officially verify the accuracy, authenticity and validity of all documentation, certification or information obtained from third parties e.g., *Kenya School of Law (KSL), Council of Legal Education (CLE), Law Society of Kenya (LSK), and Kenya Revenue Authority including letters from referees* that they intend to or submit to the Authority as part of their bid.
- 7.3. Any misrepresentation, falsification, forgery, materially misleading statement, or submission of invalid or unverifiable documentation shall render the Tenderer liable to disqualification at any stage of the Registration, without prejudice to any other remedy available to the Authority under applicable law.
- 7.4. The Tenderer shall maintain the highest standards of integrity, fidelity, and honesty in all information supplied to the Procuring Entity. Information shall be presented clearly, accurately, and concisely, and shall be capable of independent verification.

## 8. **Technical Evaluation**

- 8.1. A detailed assessment of each applicant will be made in the course of evaluating the application.
- 8.2. Details of the applicant's organizational structure, financial capability, annual turnover for the last two years, experience in the relevant field, available resources and references will be assessed as follows:

### 8.3. **The Firm Profile:**

- 8.3.1. The Bidder shall submit a Firm Profile. The Firm Profile is a **submission requirement** intended to confirm the Bidder's identity, organisational capacity, and

regulatory compliance. It shall not be construed as a separate evaluation criterion outside the Preliminary and Technical Evaluation set out in this document.

**8.3.2.** The Firm Profile shall include the following particulars and supporting documents:

- 8.3.2.1.** Documentary evidence of the firm's legal status and registration, including, as applicable, the Partnership Deed, Certificate of Registration of Business Name, or LLP Registration Certificate;
- 8.3.2.2.** Copies of valid practising certificates for the relevant year for all Partners and key professional staff proposed for the Procuring Entity's assignments;
- 8.3.2.3.** A current Certificate of Good Standing for the firm issued by the Law Society of Kenya.
- 8.3.2.4.** Letters from the Advocates Complaints Commission and the Disciplinary Committee on the status of partners/firm in regard to complaints.

**8.4. Experience:**

- 8.4.1.** The Bidder shall state the number of years the firm has continuously operated in the provision of legal services, supported by a brief chronology of the firm's establishment and growth. (maximum score for five years and above).
- 8.4.2.** The Bidder shall provide a list of **five** major clients served within the last **two years**, supported by reference letters. The submissions shall include the client's name, sector, nature of instructions, period of engagement, and the client contact person's details for verification.

**8.5. Physical Facilities:**

- 8.5.1.** The Bidder shall provide evidence of availability of office premises and a verifiable physical address, supported by at least one of the following: title document, lease or tenancy agreement, or a recent utility bill.

**8.6. Financial Capacity and Professional Indemnity Insurance:**

- 8.6.1.** The Bidder shall submit audited financial statements for the **two** most recently completed financial years.
- 8.6.2.** 6 months bank statements
- 8.6.3.** The Applicant shall submit a copy of a valid professional indemnity insurance cover held by the firm, indicating the insured amount, validity period, and the insured parties.
- 8.6.4.** Highlights of major civil litigation undertaken by the firm in the last 5 years.
- 8.6.5.** Provide qualifications and experience of key personnel (attach CVs) and Copies of the current practicing partners certificates of the partner.

**8.6.6.** The Applicant shall provide details of at least **Three (3)** civil litigation or dispute resolution matters handled within the last five years, indicating the nature of the dispute, the forum, the role undertaken, and the outcome or status. Where confidentiality obligations apply, the Applicant may anonymise sensitive particulars provided that the description remains verifiable on request.

## **9. Classification of Prequalified Law Firms**

**9.1.** This section does not form part of the scored Technical Evaluation. It shall apply **only after** a bidder has been found responsive at Preliminary Evaluation and has attained the minimum Technical Evaluation score.

**9.2.** The Authority may classify the firms of advocates for purposes of determination of the suitability of each firm for any particular assignment, based on the risk involved and the technical expertise required.

**9.3. Classification Categories:** The classification, as defined by the Procuring Entity, shall be as follows: -

### **9.3.1. Category A law firms – (Super-size)**

Has a Professional Indemnity Cover of not less than Kenya Shillings Two Hundred Million (Kshs. 200,000,000/=).

Has more than twelve (12) admitted lawyers.

### **9.3.2. Category B law firms – (Large)**

Has a Professional Indemnity Cover of not less than Kenya Shillings One Hundred Million (Kshs. 100,000,000/=) but not equivalent to or more than Kenya Shillings Two Hundred Million (Kshs. 200,000,000/=)

Has between eight (8) and twelve (12) admitted lawyers.

### **9.3.3. Category C law firms – (Medium)**

Has a Professional Indemnity Cover of not less than Kenya Shillings Fifty Million (Kshs. 50,000,000/=) but not equivalent to or more than Kenya Shillings One Hundred Million (Kshs. 100,000,000/=)

Has between four (4) and seven (7) admitted lawyers.

### **9.3.4. Category D law firms – (Standard)**

Has a Professional Indemnity Cover of not less than Kenya Shillings 10 million (Kshs. 10,000,000/=) but not equivalent to or more than Kenya Shillings Fifty Million (Kshs. 50,000,000/=)

Has between one (1) and three (3) admitted lawyers.

- 9.4.** For purposes of this categorization and the Registration Document: -
- 9.4.1.** '**Admitted lawyers**' shall mean qualified lawyers who have been admitted to the Bar and hold a valid year 2026 practicing certificate. It includes all Partners and Associates in the law firm.
- 9.4.2.** A law firm that substantially fits within one category shall be deemed to be within that category even though it does not strictly fully fall within the parameters described for that category as above, provided that such classification shall not be used to negate any minimum eligibility requirement or to unfairly exclude a prequalified firm from consideration for instructions it is otherwise competent to undertake.
- 9.5.** Law firms shall satisfy all relevant licensing and/or registration with LSK, the Office of the Attorney General of Kenya and the relevant County.
- 9.6.** Law firms shall provide such evidence of their continued eligibility satisfactory to the Authority as it may reasonably request.
- 9.7.** The Procuring Entity in its appointment of law firms, it shall strive to appoint at least **30%** of the firms in its panel from among **the youth, women, disabled, and minority and marginalized groups** who possess a certificate of preference and fulfil the requirements for Registration under this Tender document.

## EVALUATION CRITERIA

The evaluation of the bids shall be done in two stages: the preliminary evaluation, the technical evaluation.

### Stage 1: Preliminary Evaluation (Mandatory Requirement)

- i. Preliminary Evaluation shall be on a responsive or non-responsive basis.
- ii. Any bidder who is non-responsive to any Mandatory Requirement (MR) shall be disqualified and shall not proceed to Technical Evaluation.

MR	REQUIREMENT TO BE ATTACHED	RESPONSIVE OR NON-RESPONSIVE
MR 1	Certificate of Incorporation /Registration	
MR 2	Current Practicing certificates from LSK/Legal	
MR 3	Valid and Current Tax Compliance Certificate	
MR 4	Certificate of good standing for the firm from LSK	
MR 5	Commitment to provide a Professional Indemnity cover during appointment	
MR 6	Letters of recommendation from the bidders' (5) major clients	
MR 7	Duly filled signed and stamped bidder's declaration and integrity pact	
MR 8	Partners' Certificates of Good Standing issued by the Law Society of Kenya-2026	
MR 9	Duly, filled and stamped Business questionnaire form	
MR 10	Duly signed Power of Attorney to fill and sign the documents	

**Stage 2: Technical Evaluation**

- iii. Technical Evaluation shall be conducted only for bidders who have passed Preliminary Evaluation.
- iv. Bidders shall be awarded scores based solely on documentary evidence submitted in the bid and as required under Clause 8.
- v. Any bid who will score 80% and above will be enlisted in the procuring entity's database as the Registered legal service providers.

**TECHNICAL EVALUATION**

S/NO	CRITERIA	SCORE	BIDDER COMMENTS
1	<p><b>General experience in provision of legal services.</b></p> <p>Bidder to submit a list of 5 major institutions where, they have successfully offered legal services in the last 2 years (attach reference letters from the said institutions) The list must include names and addresses of the institutions, dates and period of engagement and the contact persons for each institution.</p> <p>o <i>Each complete submission as requested above. carries 4 points.</i></p> <p>b. Organization structure:</p> <p>Bidder to provide details including company profile - (10 marks)</p>	30	
2	<p>Specific experience of provision of legal services to state corporations/entities in the ICT &amp; Innovation sector and big infrastructure contracts (e.g., EPCF, turnkey projects etc.).</p> <p>Bidder to attach list of clients that include names and addresses of at least 5 state corporations/ entities in the ICT &amp; Innovation sector and big infrastructure contracts, dates and period of engagement and the contact persons for each client.</p> <ul style="list-style-type: none"> <li>• 4 points will be awarded for each complete submission</li> </ul>	20	
3	<p>Number of years firm has been engaged in provision of legal services.</p> <p>&lt; 5 years (20 points will be awarded)</p> <p>&lt; 5 years &gt;4 years (15 points will be awarded)</p> <p>&lt;4 years &gt; 3 years (10 points will be awarded)</p>	20	
	<p>Ten (10) major litigation brief successfully handled in terms of value and subject matter in the last five (5) year including Arbitration/Adjudication/PPP Petition/PPARB Request for Review in the format indicated <b><i>litigation history</i></b></p>	10	

	<p>Advocates Qualifications &amp; Experience: Qualifications and experience of practice of key professional staff (attach CVs for the advocates)</p> <p><b>Qualification:</b></p> <p>Current practicing certificate for all advocates-</p> <p><b>Experience</b></p> <p><b>Senior Partners</b></p> <p>-Over 15 years (10mks)</p> <p>-11-15 years (7mks)</p> <p>-Less than 10 years (5ks)</p> <p><b>Associates</b></p> <p>- Over 8 years (4mks)</p> <p>- 3-7 years (2mks)</p> <p>- Under 3 years (1mk)</p>	<p>6</p> <p>10</p> <p>4</p>	
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**PREFERRED AREAS OF PRACTICE**

Please indicate as appropriate the areas of specialization of practice where you wish to be considered for provision of legal services.

No	Areas Of Practice & Legal Knowledge	Name of Personnel attached to the area	Brief of any recent experience in an assignment of the specific nature (not more than 3 years old)
1	Judicial Review		
2	Conveyancing		
3	Company & Commercial Law		
4	Intellectual Property Law		
5	Public Private Partnership/PPP Committee Petition		
6	Insurance Claims		
7	Public Procurement & Disposal Law/PPARB Request for Review		
8	Environmental and Land Court		

9	Constitutional and Human Rights Litigation		
10	General Civil Litigation		
11	Criminal Law		
12	Adjudication/Arbitration		
13	Any relevant Law concerning Construction		

Any others: Please specify .....

Firms are free to indicate all the areas.

**DECLARATION AND COMMITMENT TO THE CODE OF ETHICS**

I.....(person) on behalf of..... (Name of the Law 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 hereby commit to abide by the provisions of the Code of Ethics for persons participating in Public Procurement and Asset Disposal.

Authorized Signature: .....

Name & Title of Signatory: .....  
(Name of person duly authorized to sign Tender)

Name of Tenderer: .....

Stamp or Seal of Tenderer: .....

Witness Name: .....

Signature: .....

## **FRAUD AND CORRUPTION**

### **1. Purpose**

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**

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.

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:

- i) 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 asset disposal proceeding;
- ii) A person referred to under subsection (1) who contravenes the provisions of that sub-section commits an offence;
- iii) 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;
- iv) The voiding of a contract by the procuring entity under subsection (7) does

not limit any legal remedy the procuring entity may have;

- v) 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 for the tenderer to whom was awarded contract, or a member of the group of tenderers of whom the contract was awarded, but the subcontractor appointed shall meet all the requirements of this Act.

vi) 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;

vii) 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.

Incompliance 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;

iv) –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;

v) –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 award<sup>1</sup>of a contract if PPR A 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 sanction or debar or 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 inspect<sup>2</sup> 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.

<sup>1</sup>For the avoidance of doubt, a party ineligibility 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 service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.

<sup>2</sup> Inspections 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 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.

REPUBLIC OF KENYA

PUBLIC PROCUREMENT REGULATORY AUTHORITY

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

IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015. (Section 62)

I, ..... of P.O. Box... ..... being a resident of..... in the Republic of Kenya 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 the aforesaid Bidder, its servants and/or agents /subcontractors will not engage in any corrupt or fraudulent 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 ..... (insert 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 hereinabove is true to the best of my knowledge information and belief.

Authorized Signature: \_\_\_\_\_

Name & Title of Signatory: \_\_\_\_\_ (Name of person duly authorized to sign Tender)

Name of Tenderer: \_\_\_\_\_

Stamp or Seal of Tenderer: \_\_\_\_\_

**CONFIDENTIAL BUSINESS QUESTIONNAIRE**

You are requested to **duly** complete the form giving the particulars indicated in Part 1; and either Part 2(a), 2(b) or 2 (c) whichever applies to your type of business; and Part 3. You are advised that it is a serious offence to give false information on this form.

**PART 1 - GENERAL**

Business Name  
.....

Location of business premises.  
.....Plot  
No..... Street/Road  
..... Postal Address ..... Tel No.  
.....Company Mobile ..... Email  
address.....Contact Person  
.....Mobile..... Nature of  
Business,.....  
Registration Certificate No.  
.....Maximum value of  
business which you can handle at any one time -KES. ....  
Name of your Bankers .....Branch.  
.....

**PART 2 (a) - SOLE PROPRIETOR**

Your name in full .....Age  
..... Nationality ..... Country of origin  
..... Citizenship details  
..... NB: *If a  
Kenya Citizen, indicate under "Citizenship Details" whether by Birth, Naturalization or Registration.*

**PART 2 (b) PARTNERSHIP**

Given details of partners as follows:

	<b>Name</b>	<b>Nationality</b>	<b>Citizenship Details</b>	<b>Shares</b>
1.	.....	.....	.....	.....
2.	.....	.....	.....	.....
3.	.....	.....	.....	.....
4.	.....	.....	.....	.....
5.	.....	.....	.....	.....

**PART 2 (c) REGISTERED COMPANY PRIVATE OR PUBLIC**

State the nominal and issued capital of company:

Nominal KES..

..... Issued

KES.

..... Given

details of all directors as follows

	<b>Name</b>	<b>Nationality</b>	<b>Citizenship Details</b>	<b>Shares</b>
1.	.....	.....	.....	.....
2.	.....	.....	.....	.....
3.	.....	.....	.....	.....
4.	.....	.....	.....	.....
5.	.....	.....	.....	.....

**PART 2 (d) ASSOCIATE FIRMS**

Indicate whether your firm associates or collaborates with any international law firms. If so, kindly indicate the name(s) of the firm(s) and their expertise. This is for informational purposes and shall not be scored.

**PART 2 (e) DEBARMENT**

I / We declare that I/ we have not been debarred from any procurement process and shall not engage in any fraudulent or corrupt acts with regard to this or any other tender by KOTDA and any other public or private institutions.

Full ..... Names:

*(Name of person duly authorized to sign Tender)*

Signature..... Dated

this.....day of ..... 2022

In the capacity of.....

Duly authorized to sign Tender for and on behalf of.....

**PART 2 (f) CRIMINAL OFFENCE**

I/We, individually or jointly have not been convicted of any criminal offence relating to professional (mis)conduct or the making of false statements or misrepresentations as to my/our qualifications to enter into a procurement contract within a period of five (5) years preceding the commencement of this Prequalification procurement.

Full Names:

.....

*(Name of person duly authorized to sign Tender)*

Signature..... Dated

this.....day of..... 2022

In the capacity of.....

Duly authorized to sign Tender for and on behalf of.....

**PART 3 CONFLICT OF INTEREST**

1. I/We, the undersigned state that I/we have no conflict of interest in relation to this Tender

.....  
.....  
.....  
.....  
.....  
.....  
.....

For and on behalf of

..... In the capacity

of..... Dated

this.....day of.....2026

Law firm's Official Rubber Stamp.....

2. Does any person/person in KOTDA have interest in the firm? Yes\_\_\_\_No..... If answer is YES give details.....

.....  
.....

.....  
.....  
.....  
.....  
.....  
.....  
.....

3. Are you under a declaration of ineligibility for corrupt and fraudulent practices? YES\_\_\_\_\_ No  
. If answer in \_3.4' above is YES give details:.....

.....  
.....  
.....  
.....  
.....

..... I / We DECLARE that the information given on this form is correct to the best of my/our knowledge and belief and that I/We give KoTDA authority to seek any other references concerning my/our firm from whatever sources deemed relevant.

Full Names:

.....

*(Name of person duly authorized to sign Tender)*

Signature..... Dated

this.....day of..... 2026

In the capacity of.....

Duly authorized to sign Tender for and on behalf of.....

**PART 4 INTEREST IN THE FIRM**

Is there any person/persons in KoTDA who has interest in the Firm? Yes /No? If YES indicate their details:

	<b>Name</b>	<b>Title</b>
1.	..... .....	.....
2.	..... .....	.....
3.	..... .....	.....

- 4. ....  
.....
- 5. ....  
.....

**PART 5 EXPERIENCE**

Please list here below 3 major companies/clients you have acted for in the last two (2) years.

**PART 6 DECLARATION**

I/We the undersigned state that the above information is correct and that I/We give KoTDA authority to seek any other references concerning my/our firm from whatever sources deemed relevant e.g. Office of the Registrar of Companies, Bankers etc.

Full ..... Names:

*(Name of person duly authorized to sign Tender)*

Signature..... Dated

this.....day of..... 2026

In the capacity of.....

**FORMAT OF CURRICULUM VITAE FOR PROFESSIONAL STAFF**

Full name of lawyer: \_\_\_\_\_ Position

in firm i.e. Partner or Associate \_\_\_\_\_ Years

and months with Law Firm: \_\_\_\_\_

Membership (and status) in Professional Bodies: \_\_\_\_\_

**Key Qualifications**

*(Give an outline of lawyer's key experience and training most pertinent to the Services going not more than five (5) years prior to the date of the Tender Document. Indicate degree of responsibility held by the lawyer on relevant previous assignments and give dates and locations. For experience in last six (6) years, also give types of activities performed and client references, where appropriate).*

**Preferred areas of practice if appointed to KoTDA panel**

*(Give an outline of lawyer's preferred areas of practice relevant to the Service and any two (2) outstanding achievements in that area going not more than five (5) years prior to date of Tender Document. Give client references, where possible).*

**Employment Record**

(Starting with present position, list in reverse order every employment held in the last ten (10) years. List all positions held by the lawyer giving dates, name of employing organization, titles of positions held, and locations of assignments).

**Certification**

I, the undersigned certify that to the best of my knowledge and belief the information above correctly describes me, my qualifications and my experience.

\_\_\_\_\_ Date: \_\_\_\_\_

(Signature of lawyer)

Yours sincerely

\_\_\_\_\_

Full name of Law Firm

\_\_\_\_\_

Signature of duly authorized person signing the Tender

\_\_\_\_\_

Name and Capacity of duly authorized person signing the Tender

\_\_\_\_\_

Stamp of the Law Firm

**FIRM REFERENCES**

<b>NO</b>	<b>COMPANY</b>	<b>CONTACTS</b>
1		
2		
3		
4		
5		

**Note: Current recommendation letters from the clients listed MUST be provided.**

