



**COMMUNICATIONS
AUTHORITY OF KENYA**

**REGISTRATION OF SUPPLIERS FOR
SUPPLY GOODS, SERVICES AND WORKS
FOR FINANCIAL YEAR 2017- 2019**

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- i. Tender number.=====
- ii. Tender name.:=====
- iii. Name of procuring entity.:=====

SECTION I - INVITATION FOR PREQUALIFICATION (IFQ)

Category No. =====

Category Name : =====

1. The Communications Authority of Kenya hereinafter referred as “Procuring entity” intended to register candidates for supply goods, works and services as per the list that appeared in the local dailies.
2. Registration is open to Youth Women and People with Disability owned firms only.
3. Eligible candidates may obtain the Registration documents from Communications Authority of Kenya Waiyaki at Procurement office at 2nd floor CA Centre during normal working hours free of charge. The same documents can be downloaded from our website www.ca.go.ke
4. A minimum requirement for qualification is to have successfully carried out (*minimum essential experience requirements in accordance with the instructions to candidates*)
5. Applications for Registration must be submitted enclosed in plain sealed envelopes marked with the category and reference number and deposited in the tender box located at ground floor CA Centre along Waiyaki Way and addressed to the Authority using the address shown below so as to be received on or before **25th January 2017 at 2:20pm.**
6. All candidates whose applications will have been received before the closing date and time will be advised in due course, of the results of their applications. Only the eligible candidates under this process will register and be invited for tenders/quotations in the period.

Head of Procurement
Communications Authority of Kenya
Waiyaki Way
P.O. Box 14448 – 00800
Nairobi, Kenya

For: Director General/Communications Authority of Kenya

SECTION II - INSTRUCTIONS TO CANDIDATES

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SECTION II - INSTRUCTIONS TO CANDIDATES

2.1 Scope of Tender

2.1.1 The Communications Authority of Kenya hereinafter referred to as the procuring entity intends to register suppliers for provision of goods, works and services for the duration of two (2) years. It is expected that registration applications will be submitted so as to be received by the Authority not later than **25th January 2017 at 2.30pm.**

2.1.2 Registration is open to eligible firms and voluntarily formed joint ventures as indicated in appendix to instructions to candidates. The tender documents will be *(the tender document to be used after Registration)*.

2.1.3 2.2 Submission of Application

2.2.1 Applications for registration shall be submitted in sealed envelopes marked with the category and reference number and deposited in the tender box **at ground floor within CA Centre along Waiyaki Way or be addressed to Head of Procurement Communications Authority of Kenya p.o box 14448-00800 Nairobi.** so as to be received on or before 25th January 2017 at 2.30pm. The procuring entity reserves the right to accept or reject late applications.

2.2.2 The name and mailing address of the applicant may be marked on the envelope.

2.2.3 All the information requested for registration shall be provided in the English language. Where information is provided in any other language, it shall be accompanied by a translation of its pertinent parts into English language. The translation will govern and will be used for interpreting the information.

2.2.4 Failure to provide information that is essential for effective evaluation of the applicant's qualifications or to provide timely clarification or substantiation of the information supplied may result in the applicant's disqualification.

2.3 Eligible Candidates

- 2.3.1 This invitation for registration is open to all candidates who are eligible as defined in Kenya's Public Procurement Law and regulations and as indicated in the appendix to instructions to candidates.
- 2.3.2 The Communications Authority's employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the registration unless where specially allowed under section 131 of the Act.
- 2.3.3 All terms found capable of performing the contract satisfactorily in accordance to the set evaluation criteria shall be registered

2.4 Qualification Criteria

- 2.4.1 To be eligible for registration the candidate must meet the minimum requirements to pass in the criteria set as shown below. The declaration will be either pass or fail regarding the applicant's as demonstrated by the applicant's response in the forms provided in Section IV and submitted with the letter of application. The Authority reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the contract.

3.1 EVALUATION PROCESS

Bidders are required to submit documentation to ascertain their compliant to the following evaluation criteria

MANDATORY EVALUATION

No	Description of requirement	Comply/Not complied
1	Must submit a certificate from the Ministry of Finance as being registered as either Youth, Women or Persons with Disabilities owned firm (AGPO). In the category applying for registration	
2	The bidder must submit a CR12 Form or its equivalent obtained from Attorney General's office showing the shareholders of the firm.	
3	Registered with "National Construction Authority (NCA) – Category 8" and above. For firms wishing to be registered in the category of construction and repairs of buildings.	
4	Signing of the confidential business questioner.	
5	Ownership of the relevant equipment or lease agreement with	

	the owners of such equipment for bidders wishing to be registered under the category of printing services	
6	Proof of technical capability of the firms (maintenance Artisans in category for supply and maintenance of office equipment)	
6	Signing of the form of tender by authorized person.	
8	Litigation history and declaration of not being debarred in form of affidavit signed by authorized power of Attorney.	

The applicant must meet all the above requirements for them to be registered

2.4.2 Litigation history the applicant should provide accurate information on any litigation or arbitration resulting from contracts completed or under its execution over the last five years. A consistent history of awards against the applicant or any partner of a joint venture may result in failure of the application.

2.5 Joint Venture

2.5.1 Joint ventures must comply with the following:-

- (a) Following are the minimum qualification requirements.
 - (i) The lead partner shall meet not less than (not less than (100 %)) of all the qualifying criteria above

Note (24) Care should be exercised in drafting this clause. In certain types of projects, joint ventures are formed by assembling the specialist skills of various contractors (e.g. civil, electrical, mechanical, and industries). In such cases, the provisions referring to the lead partner and "other partners" must be tailored to particular circumstances of the project. In such categories Individual members must each satisfy the requirements of para 2.4.7 and 2.4.8 above.

- (b) The formation of a joint venture after registration and any change in a registered joint venture will be subject to the written approval of the Authority prior to the deadline for submission of bids. Such approval may be denied if (i) partners withdraw from a joint venture and the remaining partners do not meet the qualifying requirements (ii) the new partners to a joint venture are not qualified, individually or as an another joint venture; or (iii) in the opinion of the Authority a substantial reduction in competition may result.

- (c) Any future bid shall be signed so as to legally bind all partners, jointly and severally, and any bid shall be submitted with a copy of the joint venture agreement providing the joint and several liability with respect to the contract.

2.5.2 The registration of a joint venture does not necessarily pre qualify any of its members individually as a member in any other joint venture or association. In

case of dissolution of a joint venture, each one of the constituent firms be registered if it meets all the requirements, subject to a written approval of the Authority

2.6 Public Sector companies

2.6.1 Any public owned enterprise may be eligible to qualify if, in addition to meeting all the above requirements, it is also legally and financially autonomous, it operates under commercial law, and it is not a dependent agency of another public entity.

2.7. Conflict of Interest

2.7.1 The applicant (including all members of a joint venture) shall not be associated, nor have been associated in the past, with the consultant or any other entity that has prepared the design, specifications, and other registration and bidding documents for the project, or with an entity that was proposed as engineer for the contract. Any such association must be disclosed and may result in the disqualification of the applicant.

2.8. Updating Registration Information

2.8.1 Registered candidates shall be required to update the financial information used for registration at the time of submitting their bids and to confirm their continued compliance with the qualification criteria. A bid shall be rejected if the applicant's qualification thresholds are no longer met at the time of bidding.

APPENDIX TO INSTRUCTIONS TO CANDIDATES

The following instructions for the registration of candidates shall supplement, complement or amend the provisions of the instructions to candidates.

Where there is a conflict between the provisions of the instructions to candidates and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the instructions to the candidates.

SECTION III - LETTER OF APPLICATION

Notes on letter of application

The letter of application will be prepared by the applicant and will follow the form presented herein.

The letter of application will be prepared on the letterhead paper of the applicant or partner responsible for a joint venture and will include full postal address, telephone numbers, fax number and Email address.

The letter of application will be signed by duly authorized representatives of the applicant.

Any clause which does not apply to the applicant in the letter of application herein shall be deleted by the applicant.

SECTION III- LETTER OF APPLICATION

Date

To

.....

(name and address of the procuring entity)

Ladies and/or Gentlemen

1. Being duly authorized to represent and act on behalf of _____ (*name of firm*) (hereinafter referred to as “the Applicant”), and having reviewed and fully understood all of the registration information provided, the undersigned hereby apply to be registered by yourselves as a bidder for the following contract(s) under (Category No. and reference No.)

Category Number	Category name
1.	
2.	
3.	
4.	
5.	

2. Attached to this letter are copies of original documents defining
- (a) the Applicant's legal status
 - (b) the principal place of business and
 - (c) the place of incorporation (*for applicants who are corporations*), or the place of registration and the nationality of the owners (*for applicants who are partnerships or individually-owned firms*).

3. CA and its authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this application, and to seek clarification from our bankers and clients regarding any financial and technical aspects. This letter of Application will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and as requested by yourselves to verify statements and information provided in this application, such as the resources, experience, and competence of the Applicant.

4. CA and its authorized representatives may contact the following persons for further information.

General and managerial inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Personnel inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Technical inquiries	
Contract 1	Telephone 1

Contract 2	Telephone 2

Financial inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

5. This application is made with the full understanding that:
- (a) bids by registered applicants will be subject to verification of all information submitted for registration at the time of bidding.
 - (b) Your Agency reserves the right to:
 - amend the scope and value of any contracts bid under this project; in such event, bids will only be called from registered bidders who meet the revised requirements; and
 - reject or accept any application, cancel the registration process, and reject all applications
 - (c) CA shall not be liable for any such actions and shall be under no obligation to inform the Applicant of the grounds for them
1. Appended to this application, we give details of the participation of each party, including capital contribution and profit/loss agreements, in the joint venture or association. We also specify the financial commitment in terms of the percentage of the value of the <each> contract, and the responsibilities for execution of the <each> contract.
 2. We confirm that if we bid, that bid, as well as any resulting contract, will be:
 - (a) signed so as to legally bind all partners, jointly and severally; and
 - (b) submitted with a joint venture agreement providing the joint and several liability of all partners in the event the contract is awarded to us.
 3. The undersigned declare that the statement made and the information provided in the duly completed application are complete, true, and correct in every detail.

Signed	Signed
Name	Name
For and on behalf of (name of Applicant or lead partner of a joint venture)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

SECTION IV - STANDARD FORMS

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2.	General experience record	
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3.	Particular experience record	
3A	Details of contracts of similar nature and complexity	
4.	Summary sheet current contract commitments/works in progress	
5.	Personnel capabilities	
5A	Candidate summary	
6.	Equipment capability	
7.	Financial capability	
8.	Litigation History	

9. Request for Review

SECTION IV - STANDARD FORMS

Notes on completion of Standard Forms

- Application Form 1 - General information
This form is to be completed by all applicants. Where the applicant proposes to use sub-contractors the information should be supplied in this format. Where there is a joint venture, each partners shall complete the form
- Application Form 2 - General Experience Record
This form is to be completed by all applicants. Separate sheets should be used for each partner of a joint venture. Applicants are not required to enclose testimonials, certificates or publicity materials with their applications.
- Application Form 2A - Joint Venture Summary
This form is to be completed by joint venture applicants only.
- Application Form 3 - Particular Experience Record
This form is to be completed by all applicants meeting the requirement set out in the instructions to candidates. Separate sheets shall be used for each member of or joint venture. Complimentary information will be given on application Form 3A.
- Application Form 3A - Details of Contracts of similar nature and complexity
This form shall be completed by all applicants and will contain similar works completed by the applicant or a member of a joint venture
- Application Form 4 - Summary sheet. Contract commitments/work in progress
This form is to be completed by all applicants including each member of a joint venture. It shall contain the current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.
- Application Form 5 - Personnel Capabilities

This form is to be completed by all applicants. It shall include specific positions essential to contract implementation. The applicants shall provide the names of at least two candidates qualified to meet the specified requirements stated for each position. The data on their experience shall be supplied on Form 5A

- Application Form 5A - Candidate Summary
This form is to be completed by all applicants. The information provided will complement information on Form 5. A separate form shall be used for each personnel
- Application Form 6 - Equipment Capability
This form is to be completed by all applicants. It should provide adequate information to demonstrate clearly that the applicant has the capability to meet the requirements for each and all items of equipment listed in the instructions to candidates. A separate form shall be prepared for each item of equipment or for alternative equipment proposed by the applicant.
- Application Form 7 - Financial Capability
This form shall be completed by every applicant and each member of a joint venture. It should contained financial information to demonstrate that they meet the requirements stated in the instructions to candidates. If necessary separate sheets should be used to provide complete banker information. A copy of the audited balance sheet if available should be attached. The information should include the summary of actual assets and liabilities for the last five years.
- Application Form 8 - Litigation History
This form is to be completed by all applicants including each member of a joint venture. It should provide information on any history of litigation or arbitration resulting from contracts executed in the last two (2) years or currently under execution. A separate sheet should be used for each member of a joint venture
- Form RB1 - Request for Review
This form is only to be filled by the tenderer when aggrieved by the Procuring Entity and submitted to the Review Board at anytime during the tender process but not later than 14 days after date of notification of award

APPLICATION FORM(1)

GENERAL INFORMATION

1.	Name of firm	
2.	Head office address	
3.	Telephone	Contact
4.	Fax	E-mail
5.	Place of incorporation/registration	Year of incorporation/registration

Nationality of owners		
	Name	Nationality
1.		
2.		
3.		
4.		
5.		

APPLICATION FORM (2)

GENERAL EXPERIENCE RECORD

Name of Applicant or partner of a joint venture

Annual turnover data (Construction only)		
Year	Turnover	Kshs.
1.		
2.		
3.		
4.		
5.		

APPLICATION FORM (2A)

JOINT VENTURE SUMMARY

Names of all partners of a joint venture
1. Lead partner
2. Partner
3. Partner
4. Partner
5. Partner
6. Partner

Total value of annual construction turnover, in terms of work billed to clients, in Kshs.

Annual turnover data (construction only: Kshs.

Partner	Form 2 Page no.	Year 1	Year 2	Year 3
1. Lead Partner				
2. Partner				
3. Partner				
4. Partner				
5. Partner				
6. Partner				
	Totals			

APPLICATION FORM (3)

PARTICULAR EXPERIENCE RECORD

Name of Applicant or partner of a joint venture

APPLICATION FORM (3A)

DETAILS OF CONTRACTS OF SIMILAR NATURE AND COMPLEXITY

Name of Applicant or partner of a joint venture

Use a separate sheet for each contract.

1.	Number of contract	
	Name of Contract	
	Country	
2.	Name of employer	
3.	Employer address	
4.	Nature of works and special features relevant to the contract for which the Applicant wishes to prequalify	
5.	Contract role (check one) * Sole contract * Management contract * Subcontract * Partner in a joint venture	
6.	Value of the total contract/subcontract/partner share (in specified currencies at completion, or at date of award for current contract)	
7.	Date of award	
8.	Date of completion	
9.	Contract/subcontract duration (years and months) - years - months	
10	Specified requirements	

APPLICATION FORM (4)

**SUMMARY SHEET: CURRENT CONTRACT
COMMITMENTS/WORK IN PROGRESS**

Name of Applicant or partner of a joint venture

Name of contract	Value of outstanding work Kshs.	Estimated completion date
1.		
2.		
3.		
4.		
5.		
6.		

APPLICATION FORM (5)

PERSONNEL CAPABILITIES

Name of Applicant

1.	Title of position Name of prime candidate Name of alternate candidate
2.	Title of position Name of prime candidate Name of alternate candidate
3.	Title of position Name of prime candidate Name of alternate candidate
4.	Title of position Name of prime candidate Name of alternate candidate

APPLICATION FORM (5A)

CANDIDATE SUMMARY

Name of Applicant

Position	Candidate * Prime * Alternate
Candidate information	1. Name of candidate
	2. Date of birth
	3. Professional qualifications
Present employment	4. Name of employer
	5. Address of employer
Telephone	Contact (manager/personnel officer)
Fax	E mail
Job title of candidate	Years with present employer

Summarize professional experience over the last 20 years, in reverse chronological order. Indicate particular technical and managerial experience relevant to the Project.

From	To	Company/Project/Position/Relevant technical and management experience

APPLICATION FORM (6)

EQUIPMENT CAPABILITIES

Name of Applicant

Item of equipment		
Equipment information	1. Name of manufacturer 3. Capacity	2. Model and power rating 4. Year of manufacturer
Current status	5. Current location 6. Details of current commitments	
Source	7. Indicate source of the equipment * Owned * Rented * Leased * Specially manufactured	

Omit the following information for equipment owned by the Applicant or partner

Owner	8. Name <hr style="border: 1px solid black;"/>
	9. Address of owner <hr style="border: 1px solid black;"/>
	Telephone Contact name and title <hr style="border: 1px solid black;"/>
	Fax Email <hr style="border: 1px solid black;"/>
Agreements	Details or rental/lease/manufacture agreements specific to the project

APPLICATION FORM (7)

FINANCIAL CAPABILITY

Name of Applicant or partner of a joint venture

Banker	Name of banker <hr/> Address of banker Telephone Contact name and title <hr/> Fax E mail
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Financial information in Kshs.	Actual : previous five years		Projected: next two years	
	1.	2.	3.	4.
1. Total assets				
2. Current assets				
3. Total liabilities				
4. Current liabilities				

6. Profits after taxes				

Source of finance	Amount Kshs.
1.	
2.	
3.	
4.	

LETTER OF NOTIFICATION OF AWARD

Address of Procuring Entity

To: _____

RE: Tender No. _____

Tender Name _____

This is to notify that the contract/s stated below under the above mentioned tender have been awarded to you.

1. Please acknowledge receipt of this letter of notification signifying your acceptance.
2. The contract/contracts shall be signed by the parties within 30 days of the date of this letter but not earlier than 14 days from the date of the letter.
3. You may contact the officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

(FULL PARTICULARS) _____

SIGNED FOR ACCOUNTING OFFICER

REQUEST FOR REVIEW FORM

FORM RB 1

**REPUBLIC OF KENYA
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*) of
.....dated the...day of20.....in the matter of Tender No.....of
.....20...

REQUEST FOR REVIEW

I/We.....,the above named Applicant(s), of address: Physical
address.....Fax 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.
- etc.

By this memorandum, the Applicant requests the Board for an order/orders that: -

- 1.
- 2.
- etc

SIGNED(Applicant)

Dated on.....day of/...20...



FOR OFFICIAL USE ONLY

Lodged with the Secretary Public Procurement Administrative Review Board on day of
.....20.....

SIGNED
Board Secretary