



TANATHI WATER WORKS DEVELOPMENT AGENCY

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REGISTRATION DOCUMENT FOR PROVISION OF LEGAL SERVICES

TENDER NO. TAWWDA/022/2021-2022/2022-2023

JUNE 2021

CHIEF EXECUTIVE OFFICER
TANATHI WATER WORKS DEVELOPMENT AGENCY
KIDP BUILDING, KALAWA ROAD
PRIVATE BAG
KITUI

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SECTION I - INVITATION FOR PREQUALIFICATION (IFQ)

Tender Name : Provision of Legal Services

1. The Tanathi Water Works Development Agency hereinafter referred as “Procuring entity” intended to prequalify suppliers for the following:

- **Provision of Legal Services**

2. Prequalification is open to eligible candidates for the: **Provision of Legal Services**
3. Registration documents may be downloaded free of charge from Tanathi Water Works Development Agency website www.tanathi.go.ke or Treasury tender portal www.tenders.go.ke
4. A minimum requirement for qualification is to have successfully carried out similar services in the last five (5) years
5. Applications for prequalification must be submitted enclosed in plain sealed envelopes marked with **the tender name and category** and deposited in the tender box at the reception of **Tanathi Water Works Development Agency, Kitui Headquarters Offices, KIDP Building, Kitui** or to be addressed to **Chief Executive Officer Tanathi Water Works Development Agency, Private Bag Kitui**, so as to be received on or before **6th July 2021 at 12.00 Hours Local Time**.
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 candidates prequalified under this prequalification process will be invited to tender.

Procurement Manager
Tanathi Water Works Development Agency

SECTION II - INSTRUCTIONS TO CANDIDATES

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SECTION II - INSTRUCTIONS TO CANDIDATES

2.1 Scope of Tender

- 2.1.1 The Tanathi Water Works Development Agency (TAWWDA) hereinafter referred to as the procuring entity intends to prequalify suppliers for the:
Provision of Legal Services
- 2.1.2 It is expected that prequalification applications will be submitted to be received by the procuring entity not later than **6th July 2021** at 12.00 hours
- 2.1.3 Prequalification is open to eligible suppliers as indicated in appendix to instructions to candidates.

2.2 Submission of Application

- 2.2.1 The name and mailing address of the applicant may be marked on the envelope.
- 2.2.2 All the information requested for pre qualification 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.
- 2.2.3 Failure to provide information that is essential for effective evaluation of the applicant's qualifications or to provide timely clarification or sub substantiation of the information supplied may result in the applicant's disqualification.

2.3 Eligible Candidates

- 2.3.1 This invitation for pre-qualification 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 procuring entity's employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the tender unless where specially allowed under section 131 of the Act.
- 2.3.3 All firms found capable of performing the contract satisfactorily in accordance to the set prequalification criteria shall be prequalified.

2.4 THE TENDERERS SHOULD MEET THE FOLLOWING MANDATORY REQUIREMENTS (QUALIFICATION CRITERIA)

- 2.4.1 Pre-qualification will be based on meeting the minimum requirements. The declaration will be either pass or fail regarding the applicant's general and particular experience, personnel and equipment capabilities and financial position as demonstrated by the applicant's response in the forms provided in Section IV and submitted with the letter of application. The procuring entity reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the contract.
- 2.4.2 Be registered under the relevant Statutes
- 2.4.3 Current Tax compliance Certificate From KRA
- 2.4.4 Current single business permit from local authority
- 2.4.5 Proof of similar works undertaken in the last 3 years
- 2.4.6 Profile of Key personnel
- 2.4.7 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 may result in failure of the application.

NOTE: CANDIDATES TO ATTACH ALL THE ABOVE (2.4) DOCUMENTS /CERTIFICATES.

2.5 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.

2.6. Conflict of Interest

- 2.7.1 The applicant shall not be associated, nor have been associated in the past, with the consultant or any other entity that has prepared the specifications and other prequalification and bidding documents for the Board. Any such association must be disclosed and may result in the dis-qualification of the applicant.

APPENDIX TO INSTRUCTIONS TO CANDIDATES

The following instructions for the pre qualification 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.

Applicant to attach evidence of availability of vehicles/pick-ups/lorries/trucks for transportation of building materials to site or arrangement for hire.

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 pre qualification information provided, the undersigned hereby apply to be prequalified by yourselves as a bidder for the following contract(s) under (Tender No. and Tender name)

Tender number	Tender 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. Your Agency 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. Your Agency 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 prequalified applicants will be subject to verification of all information submitted for prequalification 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 prequalified bidders who meet the revised requirements; and
 - reject or accept any application, cancel the prequalification process, and reject all applications
 - (c) your Agency 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

APPLICATION FORM

GENERAL INFORMATION

1.	Name of firm	
2.	Office address ,name & building Street Floor	
3.	Telephone (office)	Contact person Mobile No.
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

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

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

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

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

EQUIPMENT CAPABILITIES

Name of Applicant

Item of equipment		
Equipment information	1. Name of manufacturer	2. Model and power rating
	3. Capacity	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	
	9. Address of owner	
	Telephone	Contact name and title
	Fax	Email
	Agreements	
Details or rental/lease/manufacture agreements specific to the project		

APPLICATION FORM

FINANCIAL CAPABILITY

Name of Applicant or partner of a joint venture

Banker	Name of banker
	Address of banker
 Telephone Contact name and title
	Fax E mail

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				

5. Profits before taxes				
6. Profits after taxes				

Source of finance	Amount Kshs.
1.	
2.	

REMARKS.....