

TECHNICAL UNIVERSITY OF KENYA

FACULTY OF APPLIED SCIENCES AND TECHNOLOGY

SCHOOL OF COMPUTING & INFORMATION TECHNOLOGY

END OF SEMESTER EXAMINATION SERIES

SECOND SEMESTER EXAMINATIONS 2019/2020

FOURTH YEAR EXAMINATIONS FOR THE DEGREE OF

BACHELOR OF TECHNOLOGY IN COMPUTER TECHNOLOGY

BACHELOR OF TECHNOLOGY IN INFORMATION TECHNOLOGY

BACHELOR OF TECHNOLOGY IN COMMUNICATION AND COMPUTER NETWORKS

**ECSI 4203: ESTIMTION TENDERING AND COMPUTER CONTRACTS**

TIME: 2 Hours

**Instructions to candidates:**

This paper consists of FIVE Questions.

Answer Question ONE [30 Marks] and any other TWO Questions [20 Marks Each].

Write your college number on the answer sheet.

This paper consists of 2 printed pages

**Candidates should check the question paper to ascertain that all the pages are printed as indicated and that no questions are missing.**

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**QUESTION ONE (30 MARKS) COMPULSORY**

Define a contract clause, and explain different types of contract clauses (8 Marks)

A contract clause is a specific provision or section included in a legally binding agreement or contract.

1.Payment Clauses

2.Termination Clauses

3.Confidentiality Clauses

4.Governing Law and Jurisdiction Clauses:

5.Intellectual Property Clauses

Differentiate between Technical proposal and Financial Proposal ?(8Marks)

**A Technical proposal** focuses on the methodology, approach, and solution to meet the requirements outlined in the Request for Proposal.Includes:

1.Project Overview

2.Methodology

3.Personnel and Team Qualifications

4.Implementation Plan

**A Financial proposal** focuses on the cost and pricing aspect of the project or service being proposed. It typically includes the following elements:

1.Cost Breakdown

2.Pricing Structure

3.Payment Terms

4.Financial Statements

Describe the contents of standard request for proposal document(10 Marks)

1.Introduction

2.Project Overview

3.Instructions to Bidders

4.Evaluation Criteria

5.Timeline and Milestones

6.Technical Specifications and Requirements

7.Deliverables and Performance Expectations

8.Terms and Conditions

9.Pricing and Payment Terms

10.Submission Requirements

11.Appendices

Discuss the conditions that makes a contract to be nullified (4Marks)

1.Lack of Capacity

2.Fraud or Misrepresentation

3.Mistake. If a contract is based on a fundamental mistake made by one or both parties regarding a material fact, it may be voided

4.Duress or Undue Influence: Contracts entered into under duress or undue influence may be considered voidable.

5.Mutual Agreement

6.Illegality: Contracts that involve illegal activities or violate public policy can be deemed null and void.

**QUESTION TWO (20 MARKS)**

Define letter of invitation and its importance.( 2 Marks)

A letter of invitation is a document issued by a company or organization to invite potential contractors or suppliers to submit their proposals or bids for a specific project or contract.

Explain the **three** types of tendering used in computer service contracts(6 Marks)

1**.Open Tendering**.The invitation to tender is open to all qualified and eligible entities in the market, ensuring a broad pool of potential bidders. This method promotes transparency and competition, allowing for a wide range of proposals to be received.

2.**Restricted/Selective Tendering**: Restricted tendering, also called selective tendering, is a method where the contract opportunity is limited to a pre-selected group of vendors or contractors.

3.**Negotiated Tendering**.Negotiated tenders are obtained by the employer inviting a contractor of his choice to submit prices for a project.

Differentiate between law of tort and contract (2 Marks)

In most cases, the distinction between tort and contract boils down to consent. In a contract, both parties agree to the terms of the agreement. And, In a tort, one party is accused of breaching a duty owed to another party without consent.

Explain the contents of a technical proposal(10 Marks)

1.Executive Summary: A concise overview of the proposal, summarizing the key points and highlighting the main features of the proposed solution.

2.Introduction: An introduction to the proposing company or organization, including its background, experience, and expertise relevant to the project. It establishes credibility and sets the context for the proposal.

3.Understanding of Requirements: A section that demonstrates the proposer's understanding of the project requirements, objectives, and scope. It may include a summary of the client's needs and challenges to show alignment with their expectations.

3.Technical Approach and Methodology: A detailed description of the technical approach and methodology proposed to meet the project requirements.

4.Work Plan and Schedule: A breakdown of the tasks, activities, and deliverables that will be undertaken during the project. It includes a proposed timeline or schedule, milestones, and dependencies. This helps the client understand the project's duration, phases, and overall project management approach.

5.Team Composition and Key Personnel: Information about the proposed team members, their qualifications, relevant experience, and roles in the project. It may include resumes or profiles of key personnel who will be directly involved in the project's execution, demonstrating their expertise and suitability for the tasks.

6.Technical Solution or Product Description: A detailed description of the technical solution or product being proposed.

7.Implementation and Integration: A discussion on how the proposed solution will be implemented, integrated with existing systems or processes (if applicable), and any potential challenges or risks involved.

8.Quality Assurance and Testing: Details on the proposed quality assurance and testing methodologies to ensure that the deliverables meet the required standards.

9.Project Management and Communication: An overview of the proposed project management approach, including communication channels, reporting mechanisms, and stakeholder engagement. It demonstrates the proposer's ability to effectively manage the project, facilitate collaboration, and ensure timely and transparent communication.

10.Budget and Cost Breakdown: A comprehensive breakdown of the proposed budget and cost estimates, including pricing details, payment terms, and any assumptions made in the proposal. It provides transparency and allows the client to evaluate the financial aspects of the proposal.

11.References and Past Performance: Information about the proposer's previous projects, clients, and references relevant to the proposed project. It may include case studies, testimonials, or success stories to showcase the proposer's track record and reliability.

12.Appendices and Supporting Documents: Additional documents, such as technical specifications, diagrams, prototypes, certifications, or relevant research papers, which support and substantiate the proposal.

**QUESTION THREE (20 MARKS)**

Discuss what constitute an offer(4Marks)

An offer refers to a proposal made by a contractor or service provider to undertake a specific project or provide goods or services at a certain price and within a defined scope.

Here are the key elements that constitute an offer in estimation and tendering:Project Scope,Price,Terms and Conditions,Supporting Documentation&Validity Period.

Explain five different types of contract using example in each case(10 Marks)

1.**Fixed Price Contract**.This type of contract establishes a set price for the goods or services to be provided.

2.**Time and Material Contract**. In this type of contract, the client pays for the actual time spent by the contractor on the project and the materials used, along with an agreed-upon markup or hourly rate.

3.**Cost Plus Contract**. In a cost plus contract, the client agrees to reimburse the contractor for the actual costs incurred in completing the project, including labor, materials, overheads, and an agreed-upon percentage or fixed fee as profit. For example, a consulting firm may have a cost plus contract with a client, where the client reimburses the consultant for travel expenses, research materials, and an agreed-upon fee, in addition to the consultant's hourly rate.

4.**Unit Price Contract**. A common example is a landscaping contract where the contractor is paid a specified amount per square meter of lawn installed or per tree planted.

5.**Incentive Contract**. In incentive contracts, the contractor's compensation is linked to the achievement of specific performance targets or objectives. These contracts often include bonus provisions or penalties based on performance metrics. For instance, a construction company may have an incentive contract with a client where the contractor receives a bonus if they complete the project ahead of schedule, or incurs penalties for delays beyond a specified timeframe.

Describe conditions that causes an offer to be terminated( 4 Marks)

Expiry of Offer,Withdrawal by the Offeror,Rejection by the Offeree,Material Change in Circumstances&Failure to Meet Conditions.

Define material and costing estimates(2 Marks)

**Material Estimate**: A material estimate refers to the process of calculating or determining the quantities and costs of various materials required for a construction project, manufacturing process, or any other endeavor where materials play a significant role.**Costing Estimate**: A costing estimate, also known as a cost estimate or a project estimate, is a calculation or approximation of the anticipated costs associated with a project, task, or activity.

**QUESTION FOUR (20 MARKS)**

Define sources of law and explain three types of sources of law(6 Marks)

Sources of law refer to the origins or authorities from which legal principles, rules, and regulations are derived.

1.**Statutory Law**: Statutory law refers to laws enacted by legislative bodies, such as federal, state, or local governments.

2.**Common Law**: Common law, also known as case law or judge-made law, refers to legal principles and precedents established through judicial decisions. Common law develops over time as courts interpret and apply laws to specific cases.

3.**Contract Law**.Contract law provides the legal framework for the rights, obligations, and remedies of the parties involved in a contractual relationship.

4.**International and Regional Treaties/Agreements**

Discuss the reasons why the consultant is the last person to leave the site.(6Marks)

1.Oversight and Quality Assurance.

2.Documentation and Reporting

3.Client Communication and Updates

4.Safety and Security

5.Project Continuity and Problem Resolution

What is expression of interest in tendering(2 Marks)

In tendering, an Expression of Interest (EOI) is a formal document or communication submitted by a potential bidder or contractor to express their interest in participating in a specific project or procurement process. The purpose of an EOI is to demonstrate the bidder's interest, qualifications, capabilities, and willingness to be considered for the project.

Differentiate between an offer and Request for proposal document(6Marks)

1.An offer is a formal proposal made by one party (the offeror) to another party (the offeree) expressing a willingness to enter into a legally binding contract. A Request for Proposal (RFP) document is a solicitation document issued by a client or organization seeking bids or proposals from potential contractors or vendors.

2.The offer is initiated by the party seeking to provide goods or services and is presented to the potential buyer or client.The Request for Proposal document is initiated by the client or organization that requires goods, services, or a project to be executed. It is issued to potential contractors or vendors to solicit their proposals.

3. An offer, once accepted by the offeree without any modifications or conditions, forms a binding contract between the parties. It creates legal obligations and rights for both the offeror and the offeree.The RFP document, by itself, does not create a contractual relationship.

4.An offer is typically specific and less flexible, as it contains predetermined terms and conditions set by the offeror.An RFP allows potential bidders more flexibility in presenting their unique proposals, as long as they address the stated requirements and specifications.

**QUESTION FIVE (20 MARKS)**

Microsoft Ltd has won the tender to supply Technical university with material and supplies for its new computer lab, you have been selected as the team leader for this task, explain the process, the material and supplies required(10 Marks)

1.Initial Assessment and Planning

2.Needs Analysis and Inventory

3.Supplier Selection and Procurement

4.Order Placement and Delivery

5.Installation and Setup

6.Documentation and Handover

Discuss the importance of site meetings(5 Marks)

1.Communication and Collaboration. It allows everyone involved in the project to gather in one place, discuss progress, address concerns, and share important information.

2.Project Coordination and Problem Solving

3.Progress Monitoring and Quality Control

4.Health and Safety Compliance

5.Documentation and Record-Keeping

6.Client Satisfaction and Stakeholder Engagement

Explain the operations of the following planning and control methods in tendering and computer service contracts( 5Marks)

CPA networks

Bar charts

Bar charts, also known as Gantt charts, are commonly used in project management, including tendering and computer service contracts, to visually represent project schedules and timelines. Bar charts provide a clear overview of project activities, their durations, and the sequence in which they are to be performed.