



KENYA BUREAU OF STANDARDS

**PRE-QUALIFICATION OF SUPPLIERS FOR GOODS
AND SERVICES FOR THE YEAR 2019-2021.**

KENYA BUREAU OF STANDARDS
P.O. BOX 54974-00200
NAIROBI
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Pre-qualification of Suppliers

Section A :

Kenya Bureau of Standards (KEBS), a statutory body of the government, has offices in Nairobi, Mombasa, Kisumu, Nyeri, Nakuru, Eldoret and Garissa.

KEBS is in the process of pre-qualifying suppliers for various goods and services for the financial year 2019-2021 for headquarters and in each of the regions.

Interested eligible candidates may obtain further information and inspect the documents on KEBS website www.kebs.org or at KEBS Headquarters and Regional, Procurement Offices.

PROVISION OF SERVICES		
Item Code	Item Description	Eligibility
KEBS/PRE-Q 1/2019-2021	Prequalification for supply of Laboratory Chemicals, Reagents, Laboratory Equipment & Glassware and other consumables	Open
KEBS/PRE-Q 2/2019-2021	Prequalification for provision of Garages, repair Maintenance & Service of Motor vehicles.	Open
KEBS/PRE-Q 3/2019-2021	Prequalification for provision of contracting services and training services.	Open
KEBS/PRE-Q 4/2019-2021	Enhancement of legal services firm	Open
KEBS/PRE-Q 5/2019-2021	Prequalification for provision of Hotels and accommodation	Open
KEBS/PRE-Q 6/2019-2021	Prequalification for provision air Travel agency services (IATA Registered firms only)	Open

Pre-qualification documents may be obtained from KEBS Head quarters and Regional Offices **Procurement Office during** normal working days between **8.30 am and 4.30 pm** upon payment of a non-refundable fee of **Kshs 1,000. or downloaded from KEBS website www.kebs.org** free of charge .All payments shall be made to the Kenya Bureau of Standards.

Applications in plain sealed envelopes clearly marked "**Prequalification of Suppliers 2019-2021**" indicating the **Reference Code No.** and **Item Description** that the applicant wishes to be prequalified for should be addressed and delivered to:

**THE MANAGING DIRECTOR,
KENYA BUREAU OF STANDARDS,**



P.O. BOX 54974 – 00200,
NAIROBI.

Or be deposited in the **Tender Box** at the **Main Reception** at KEBS head quarter Centre or regional offices so as to be received **on or before 10.00 a.m. on 10th July 2019.**

Prequalification documents will be opened immediately thereafter in the **Conference Room, Adm. Block, Ground Floor or in regional offices.** Tenderers or their Representatives are free to attend the opening.

Note: This is a Tender for prequalification of Suppliers and not for supply of goods/services.

Only short listed suppliers will be contacted to give competitive quotations for the purchase of goods, services and works

Section B : Introduction

- 1.1 Kenya Bureau of Standards (KEBS) will pre-qualify prospective bidders for the supply of goods/services from among those who will have submitted their tenders, in accordance with the tender requirements to undertake the assignment as described herein.
- 1.2 Tenderers are invited to submit a Pre-qualification tender for the supply of goods and services. The Pre-Qualification Tender Document will be the basis for pre-qualification and eventual invitation to bid for the supply of goods and services.
- 1.3 Tenderers may tender for one or more categories of items but must use a separate set of prequalification document for each category.
- 1.4 **Only successful tenderers shall be informed of the outcome in writing.**
- 1.5 The tenderers must familiarize themselves with the requirements of the Tender as described in this Pre-qualification tender document including all attachments.
- 1.6 KEBS will not be responsible for any costs or expenses incurred by Tenderers in connection with the preparation or delivery of these prequalification Tender documents including any costs associated with the preparation of the Tender Document and attachments.
- 1.7 It is the Purchaser's policy to require that Tenderers observe the highest Standard of ethics during the selection and execution of such contracts. In pursuance of this policy, the Purchaser:
- a) defines, for the purposes of this provision, the terms set forth below as follows:
 - (i) "Corrupt practice" means the offering, giving, receiving, or soliciting of anything of value to influence the action of an officer of the Purchaser in the pre-qualification process; and
 - (ii) "Fraudulent practice" means a misrepresentation of facts in order to influence the pre-qualification process to the detriment of the Purchaser.
 - b) will reject a tender for pre-qualification if it determines that a Tenderer has engaged in corrupt or fraudulent activities in competing for the contract in question;

- c) will declare a Tenderer ineligible, for pre-qualification if at any time it determines that the Tenderer has engaged in corrupt or fraudulent practices in competing for, or in executing, a similar contract.
 - d) Will have the right to inspect the tenderer's accounts and records relating to the performance of services in this tender.
 - e) Will have the right to inspect the business premises of the tenderer.
- 1.8 Tenderers shall furnish information as described in the pre-qualification tender document.
- 1.9 The Tender documents should be prepared and submitted in a plain sealed envelope marked:

ITEM CODE KEBS/T_____ / **2019-2021** - PREQUALIFICATION FOR SUPPLY OF
(ITEM DESCRIPTION) _____

And addressed and delivered to:

THE MANAGING DIRECTOR,
KENYA BUREAU OF STANDARDS,
P.O. BOX 54974 - 00200
NAIROBI.

Or be deposited in the **Tender Box** at the **Main Reception** at KEBS Centre – Nairobi so as to be received on or before 10.00 a.m. on **10th July 2019.**

Tender opening will be carried out immediately thereafter in KEBS Centre Nairobi **Conference Room, Adm. Block, Ground Floor or Region offices**. Tenderers or their representatives are invited to witness the opening.

- 2.0 This is a Tender for prequalification of Suppliers and not for supply of goods/services.

Section C: Important Pre-Requisites

1. Must be a registered firm in Kenya with a certificate of registration or incorporation copies of which must be attached.
2. Must provide Copy of current relevant trade licenses.

3. Must have fixed Business premises (attach copies of utility bills e.g. electricity/water or lease agreement/Title).
4. Must be Kenya Revenue Authority (KRA) compliant and up to date with Income Tax and VAT Returns. Attach the following;
 - i. Copy of VAT
 - ii. PIN Certificates
 - iii. Tax compliance certificates.
5. Attach company profile indicating qualification of key personnel. Attach copies of CV and their certificates.
6. Provide list of clients you are serving currently (at least 5).
7. Past litigation and arbitration incidences encountered if any by the firm in the past one year must be enumerated.
8. IATA Registration is compulsory for Air Travel Agents.
9. Must provide proof of remittance of Social Security contribution for its employees e.g. NSSF, NHIF, etc.
10. Must fill, sign and stamp the confidential business questionnaire
11. A signed statement that the bidder is not debarred from participating in public procurement or debarred from practice.
12. Those who wish to be prequalified for repair, Maintenance & Servicing of Motor vehicles should provide proof of the following for the garages.
 - i. In a secured place
 - ii. Insured
 - iii. Firefighting equipment
 - iv. Availability of pit for disposal of waste
 - v. Qualified Personnel.

Road, Ngong Road, Langat Road, Industrial Area and Westlands.

Mombasa - Mombasa Mainland

Eldoret – Eldoret CBD

Kisumu – Kisumu City CBD

Nyeri – Nyeri Town CBD

Garissa – Garissa Town CBD

Section D : Qualification Criteria.

Pre-qualification will be based on meeting the minimum requirements to pass in the criteria set as shown below. 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.

	Technical Evaluation Criteria	Max Score
1	Registration /Incorporation Certificates	Mandatory
2	Copy of current relevant trade licenses	Mandatory
3	Business premises (attach copies of utility bills e.g. electricity/water or lease agreement/Title	Mandatory
4.	Copy of VAT	Mandatory
5.	PIN Certificates	Mandatory
6.	Tax compliance certificates	Mandatory
7.	IATA Registration is compulsory for Air Travel Agents	Mandatory
8.	Must provide proof of remittance of Social Security contribution for its employee's e.g. i. NSSF ii. NHIF	Mandatory
9.	Must fill, sign and stamp the confidential business questionnaire	Mandatory
10.	Provide a list of five (5) clients you are currently serving.	10
11	Company Profile.	10
12	Copies of certificates indicating qualification of Key Personnel.	10
13	Audited Accounts of last 1 year.	10
14	Bank statements for the last 12 months.	10
15	A signed statement that the bidder is not debarred from participating in public procurement or disbarred from practice.	10
16	State if the company is a subject of bankruptcy proceedings, in receivership, Administrative receivership, or any other form of liquidation as defined by the applicable law.	10
17	Past litigation and arbitration incidences encountered if any by the firm in the past one year must be enumerated.	10
18.	Confirmation of acceptance of payment terms.	10
19	Proof for garages	10
Total Marks		100

**Section E :****LEGAL SERVICES REQUIREMENT****INTRODUCTION**

1.1. Kenya Bureau of Standards (KEBS) will pre-qualify and enlist prospective bidders for provision of Legal Services from among those who will have submitted their pre-qualification documents, in accordance with the pre-qualification requirements to undertake the assignments described herein for two (2) years.

1.2. The Pre-qualification Tender document and the Tenderers response thereof shall be the basis for pre-qualification. Tenderers must familiarize themselves with the requirements described in this document including all attachments and take them into account while preparing the response.

1.3. KEBS does not bind itself for provision of any service but shall endeavor to ensure tenderers for the provision of various services and consultancies will be treated equitably.

1.4. Applicants will be informed in writing of the results of the application, without assigning any reason for KEBS's decision thereof.

1.5. Tenderers will meet all costs associated with preparation and submission of their applications.

1.6. It is KEBS's policy to require that Tenderers observe the highest standard of ethics during selection and execution of such contracts. In pursuance of this policy, KEBS:

a) Defines, for the purpose of this provision, the terms set forth below as follows:

(i) "Corrupt practice" means the offering, giving, receiving or soliciting of anything of value to influence the action of an officer of the Purchaser/Employer in the pre-qualification process; and

(ii) "Fraudulent practice" means a misrepresentation of facts in order to influence the pre-qualification process to the detriment of the Purchaser/Employer, and includes collusive practices among Tenderers (prior to or after submission of Tenders) designed to establish prices at artificial, non-competitive levels and to deprive the Purchaser of the benefits of free and open competition.

(b) Will reject a Tender for pre-qualification if it determines that a Tenderer has engaged in corrupt or fraudulent activities in competing for the contract in question;

(c) Will declare a Tender ineligible, for pre-qualification if at any time it determines that Tenderer has engaged in corrupt or fraudulent practices in competing for, or in executing, a similar contract; and

(d) Will have the right to examine financial records relating to the performance of such services to determine capability.

(e) Will have the right to inspect the business premises of the tenderer.

1.7. Tenderers shall furnish information as described in the pre-qualification tender document.

1.8. Tenderers shall be aware of the provisions on fraud and corruption stated in the standard contract under the clauses indicated in the Data Sheet.

1.9. Professional Qualifications

The Advocates must be members of the Law Society of Kenya, without any disciplinary problems, due diligence must be carried out to ensure that they have not been disbarred. They must be in possession of current practicing certificates

1.10. Professional Insurance Indemnity

They must have taken out a Professional Insurance Indemnity., which must be not less than **K shs.5, 000,000.00** but capable of being reviewed depending on the brief at hand.

1.11. Expertise

The Law firms must be ranked highly by their peers as well as have proven experience of the issues in question. While it is important for the lead partners to be experienced the qualification of other members of the firm who will be performing the majority of the legal services should also be of a high standard. This includes associates, pupils and even paralegals.

Partners should have at least 10 years of legal experience.

1.12. Scope of legal services

The legal services being procured include but not limited to: Debt collection, Company law, Commercial law, Land law, Civil litigation, Tax law, corporate law, Labour law, Procurement and Disposal Law, International Tax and Trade Law, Arbitration and Alternative Dispute Law and Practice, Mergers and Acquisitions, Constitutional law, drawing and interpretation of statutes and international instruments. The law firms should attach their firm profiles stating the type of cases handled and their success rate in litigation. The firms should also provide a list of clients handled which should include financial institutions, private organizations, international companies, government departments and parastatals.

The profile should indicate experience in handling High Court, Court of Appeal and Lower Court cases. Experience in handling the Industrial Court matters and other tribunals should be indicated as well.

Any experience in tax matters including tax consultancies and advisory should be stated.

1.13 Firm's History

The following information should be included:

Period for which the law firm has been in operation.

Number of partners and their standing in the bar

Number of Associates and their standing in the bar



Number of pupils

Number of paralegal staff

Number of support staff

Whether the firm is a member of an international consortium of lawyers or members of international legal bodies e.g. the International Bar Association, East African Law Society, International Commission of Jurists (ICJ) Commonwealth Bar Association etc. Whether the lawyers have been invited as a panelist or speaker in any of these bodies.

1.14 Facilities

The firm should possess facilities like a modern legal library, access to online law reports or other legal resources, computers, internet connectivity etc. to enable them provide adequate services and facilitate real-time communication.

1.15 Payment of Fees/Costs

The selection will consider law firm's that offer the right balance of value for money as measured by the quality of legal service offered. Estimated budgets of the costs from the law firms will be encouraged. Law firms will be required to identify ways in which legal cost for any significant or complex cases can be mitigated.

The payment of fees will be based as may be agreed on:

- A flat fee for agreed work based on the value of the subject matter.
- Negotiated or cap on the fees.

1.16 Litigation against KEBS

The Firms should disclose if they are engaged with past or pending litigation against KEBS and the nature of the litigation in order to avoid conflict of interest.

1.17 Ability to work closely with KEBS's Legal Division

The selected law firms will be required to work closely with the Bureau's in-house lawyers.

1.18 Monitoring and Evaluation

The law firms must agree to be monitored through regular client satisfaction surveys in order to ensure that they maintain high standards of service and give regular reports to the Head of Department Legal Services.

2.0 Period of Validity

The request for pre-qualification must remain valid for not less than 120 days from the date of submission.

KEBS will make best effort to complete the evaluation and communicate within this period.

3.0 SUBMISSION, RECEIPT, AND OPENING OF PRE-QUALIFICATIONS

3.1 The original Pre-qualification Document shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the applicant. Any such corrections must be initialed by the person or persons who sign(s) the Pre-qualification Document.



3.2 An authorized representative of the Applicants should initial all pages of the tender document.

3.3 The Pre-qualification documents should be prepared and submitted in **2 (two) copies** in a plain sealed envelope marked:

PRE-QUALIFICATION EVALUATION

(a) Mandatory Requirements for Pre-Qualification

(i) Pre-qualification Submission Form.

(ii) A copy of Certificate of Registration of Practice.

(iii) Submit details of five major clients from your current public institutions or large commercial enterprises, summary of services rendered, value of contracts and contact persons, address and telephone numbers.

(iv) Tax compliance certificate.

(v) Duly Completed Confidential Pre-qualification Business Questionnaire.

(vi) Sworn Anti-Corruption Affidavit.

(vii) Evidence of physical address and premises (attach copies of utility bills e.g. electricity/water or lease agreement/Title).

(viii) Latest audited accounts and copy of tax return.

(ix) A signed statement that the bidder is not debarred from participating in public procurement or disbarred from practice.

(x) Member of the Law Society of Kenya with no Pending disciplinary cases.

(xi) Currently hold out a Professional Insurance Indemnity of a minimum of **K shs.5, 000,000.00** but capable of being reviewed depending on the brief at hand.

NB: Attach all the above documents

(b) General Requirements

KEBS will examine the tenders to determine completeness, general orderliness and sufficiency in responsiveness.

Applicants shall not contact KEBS on the matter relating to their Pre-Qualification Document from the time of opening to the time the evaluation is finalized and official communication is sent to them. Any effort by the Applicant to influence KEBS in the Pre-Qualification Document evaluation shall result in the rejection of their application.

Pre-qualification will be based on meeting the following minimum criteria regarding the Applicant's legal status, general and particular experience, personnel and financial position



as demonstrated by the responses in the attached forms.

The applicants should have registered offices and KEBS reserves the discretion of visiting physical premises from which the applicant conducts business if so desired to confirm existence and capability to deliver the said goods/services.

Applicants who qualify according to the selection criteria will be invited to submit their quotations for the provision of various services as and when required for 3 years.

KEBS reserves the right to accept or reject any or all Pre-Qualification Documents without the obligation to assign any reason (s) for its decision thereof.

Litigation

Applicants must disclose any current litigation against the firm and briefly describe the nature of the litigation.

Evaluation Criteria

The points given to evaluation criteria are as per the following evaluation criteria matrix.

	Evaluation Attribute	Evaluation Parameters	Maximum Score %
1	Mandatory Requirements:	Full Submission	
A	Pre-qualification Submission Form	Mandatory	
B	A copy of Certificate of Registration of the Law firm.	Mandatory	
C	Evidence of physical address and premises (attach copies of Utility bills e.g. electricity/water or lease agreement/Title). Please indicate availability of facilities e.g. modern legal library, access to online law reports or other legal resources, internet connectivity etc.	Mandatory	
D	Duly Completed Confidential Pre-qualification Business Questionnaire.	Mandatory	
E	Current Practicing Certificates for all advocates in the Law firm.	Mandatory	
F	Sworn Anti-Corruption Affidavit.	Mandatory	
G	Tax compliance certificate.	Mandatory	
H	Submit details of five major clients from financial institutions, private organisations, international companies, government departments and parastatals showing a summary of the brief, the value of the case, success rate and contact person, address and telephone numbers	Mandatory	
I	Duly Completed Confidential Pre-qualification Business Questionnaire.	Mandatory	
J	Two (2) years audited accounts	Mandatory	
2	Value of Professional Indemnity (attach copy)	Over Kshs.50 Million (20 Marks) Kshs.30 Million to 49 Million -15 Marks	20



3	<p>Period of Operation</p> <p>Firm profile</p> <p>I. Standing of senior partners</p> <p>Over 15 -20 Marks</p> <p>12 to 15 Years-15 Marks</p> <p>10 to 12 Year-10 Marks Less than 10 years-5 Marks</p> <p>ii standing of Associates (Attach copy of admission Certificate).</p> <p>Indicate membership of international consortium of lawyers, member of IBA, ICJ, EALS etc.</p> <p>Speaker or Panelist at international law forum (attach topic and date)- 5 Marks</p>		25
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4	<p>Capacity of the Firm :</p> <p>4 Partners and above -20 Marks</p> <p>3 Partners- 15 Marks</p> <p>2 Partners- 10 Marks</p> <p>1 Partner- 5 Marks</p> <p>ii Number of Associates</p> <p>iii) Number of Support Staff and skills</p> <p>(attach Curriculum Vitae of all Partners and Associates which must detail the following scope of services :</p> <p>a) Civil Litigation and Prosecution b) Tax and Trade Law</p> <p>c) Land law and practice</p> <p>d) Company and Commercial law e) Commercial law</p> <p>f) Corporate law g) Labour law</p> <p>h) Procurement and Disposal Law ,</p> <p>i) International Tax and Trade Law , j) Arbitration and ADR Law and Practice,</p> <p>k) Mergers and Acquisitions,</p> <p>l) Constitutional law and interpretation m) Drawing and interpretation of statutes and international instruments</p> <p>(attach evidence in support</p>		20
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5	<p>Major litigation briefs successfully handled in terms of value and subject matter</p> <p>N.B: If no monetary value, indicate subject matter</p> <ul style="list-style-type: none"> - High Court - Court of Appeal - Other tribunal - Regional Courts e.g COMESA and East African Court of Justice 	<p>Over Kshs.20 M - 25 Marks</p> <p>- Between 10 and 19 Million- 15 Marks</p> <p>- Between 5 and 10 Million- 10 Marks</p>	25
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6	Audited financial statements for the last two years or where the firm has been in operation for less than 2 years Certified Management Accounts by a Certified Accountant.		5
7	Certified copies of Six (6) months Current Bank Statements.		5
	Total Score		100

MINIMUM QUALIFYING SCORE IS 80% .

Section F: Application Form

REGISTRATION OF SUPPLIERS APPLICATION FORM

I / We (*Firm Name*) _____ hereby apply for registration as

Supplier/(s) of _____ (*Category Code No.*) _____

Postal Address _____

Telephone Number (fixed line) _____ Mobile _____

E-mail address _____ Fax No. _____

Town _____ Street _____

Building _____ Floor _____ Room / Office _____

Our Other Branches / Locations _____

Full Name of Authorized signatory _____

Designation / position _____

Official Rubber stamp and Signature _____



Section G : Confidential Business Questionnaire

You are requested to give the particulars indicated in part 1(a) and either part 2(a), 2(b) or 2(c) whichever applies to your type of business.

YOU ARE ADVISED THAT IT IS SERIOUS OFFENCE TO GIVE FALSE INFORMATION ON THIS FORM.

Part 1 - General:

Business Name:

Location of business premises:

Plot No:

Postal address:

Nature of business:

Current trade license: Expiring date

Maximum value of business which you can handle at any one time: Ksh.

Name of your bankers: Branch

Part 2 (a) – Sole Proprietor:

Your Name in full Age

Nationality Country of origin

Citizenship details

Part 2 (b)

Give details of partners as follows:

	Name	Nationality	Citizenship details	Shares
1.
2.
3.
4.
5.



Part 2 (c) – Registered Company

Private or Public.....

State the nominal and issued capital of the company-

Nominal Ksh.

Issued Ksh.

Give details of all directors as follows

	Name	Nationality	Citizenship details	Shares
1.			
2.			
3.			
4.			
5.			

Date Signature of tenderer.....

If Kenya citizen, indicate "citizenship details" whether by Birth, Naturalization or Registration.

(You may attach a separate sheet if more space is required. The attachment must be duly signed and stamped.)



Section H: Status of Compliance with Statutory Requirements

1. Certificate of Registration/Incorporation(Attach copy)
2. Valid Trade License(Attach copy)
3. State VAT Registration No.(Attach copy)
PIN No.(Attach copy)
4. Attach proof of being up to date in VAT and Income Tax Returns (Attach copy of current Tax compliance certificate).
5. State if the company is a subject of bankruptcy proceedings, in receivership, Administrative receivership, or any other form of liquidation as defined by the applicable law
.....
.....
8. State whether you are a Manufacturer, Dealer or Appointed Distributor (Agent), Wholesaler, Retailer, etc
.....
9. Attach Bank statements for the last 12 months.
10. Attach copies of Audited Accounts of last 1 year.



Section I: Financial Position & Terms of Trade

Part I Assets & Liabilities

1. Total Assets in Kshs. _____
2. Current Assets in Kshs. _____
3. Total Liabilities in Kshs. _____
4. Net worth (Total Assets – Total Liabilities) in Ksh. _____
5. Working Capital (Total Assets - Net Worth) in Ksh. _____

Part II Terms of Trade (Payment Terms)

KEBS would wish to work on deliveries after issuance of a Local Purchase/Service Order and payment after deliveries are made.

Confirm acceptance of this: **Acceptable/Not acceptable.**



Section J: Litigation/Arbitration Incidences

Litigation and Arbitration Incidences

- a) Enumerate any past litigation and arbitration incidences encountered by the firm .

- b) State if the company is/was a subject of bankruptcy proceedings, in receivership, administration receivership, or any other form of liquidation as defined by the applicable law .



Section K: Clients Details

Give details of at least 5 Reputable Organizations where you are supplying/offering these goods/services.

1. Clients Name _____

Address _____

Tel. No. _____

Contact person _____

Position in the Organization _____

2. Clients Name _____

Address _____

Tel. No. _____

Contact person _____

Position in the Organization _____

3. Clients Name _____

Address _____

Tel. No. _____

Contact person _____

Position in the Organization _____

4. Clients Name _____

Address _____

Tel. No. _____

Contact person _____

Position in the Organization _____

5. Clients Name _____

Address _____

Tel. No. _____

Contact person _____

Position in the Organization _____

**Section L: REGIONS/SUB REGIONS OF SUPPLY**

State the Regions and/or Sub-Regions where you wish to be considered for supply of these goods or services.

Region/Sub-Region	Location of Regional office	Tick as appropriate
1. Nairobi Region	Nairobi	
2. Coast Region	Mombasa	
3. Mt. Kenya Region	Nyeri	
4. South Rift Region	Nakuru	
5. North Rift Region	Eldoret	
6. Lake Region	Kisumu	
7. North Eastern Region	Garissa	



Section M : Declaration

I/We have completed these forms accurately at the time of application and it is agreed that all responses can be substantiated if requested to do so. Any inaccuracy in the information filled herein may be used as grounds for disqualification from further processing.

Signed & stamped: _____

Name: _____

Position in the company: _____

Date: _____