

KENYA BUREAU OF STANDARDS



TENDER DOCUMENT

FOR

**PREQUALIFICATION OF SUPPLIERS FOR PROVISION OF
LEGAL SERVICES FOR KENYA BUREAU OF STANDARDS**

KEBS/TO17/2021/2022

KENYA BUREAU OF STANDARDS

P.O. BOX 54974-00200

NAIROBI.

TEL: 020 6948000/605490/605550

E-MAIL: info@kebs.org, procurement@kebs.org

Website: www.kebs.org

FAX: 020 609660/ 604031

APRIL 2022

TABLE OF CONTENTS

	Page
SECTION I.	Invitation for Registration..... 3
SECTION II.	Candidate Submission Checklist..... 4
SECTION III.	Information to Candidates..... 5
SECTION IV.	Preferred areas of Practice..... 15
SECTION V.	Preferred Regions..... 16
SECTION VI.	Firm References..... 17
SECTION VII.	Registration Submission Form 18
SECTION VIII.	Confidential Business Questionnaire Form 19
SECTION IX.	Financial Capability 23
SECTION X.	Statutory Declaration 24
SECTION XI.	Team Summary Form 25
SECTION XII.	Format of Curriculum Vitae for Proposed Professional Staff 26
SECTION XIII.	Letter of Notification of Award 28
SECTION XIV	Request for Review Statutory Form 29

SECTION 1: INVITATION FOR PRE-QUALIFICATION

TENDER NO. KEBS/T017/2021/2022- PRE-QUALIFICATION FOR PROVISION OF LEGAL SERVICES FOR A PERIOD OF TWO (2) YEARS.

Kenya Bureau of Standards intends to pre-qualify eligible candidates to be placed in its Panel of Advocates for a period of two (2) years, who have capacity to provide legal services and may from time to time be appointed to provide legal services.

The following must be submitted together with the Pre-qualification documents for the candidates to be pre-qualified and included in the list of pre-qualified firms for a period of two (2) years: -

- Copy of a certified valid Practising Certificates for the Advocates of the candidate
- Copy of a certified valid Tax Compliance Certificate of the candidate
- Copy of a certified Certificate of Registration of the candidate
- Dully filled confidential questionnaire
- Copy of a certified valid Professional Indemnity of at least Kshs.2, 000,000/= (Kenya Shillings Two Million)
- Pre-qualification Submission Form
- Dully filled Section V and VI Forms clearly indicating preferred areas of practice and regions to be considered once pre-qualified.

Interested eligible candidates may obtain further information and pre-qualification documents from the Kenya Bureau of Standards website: www.kebs.org or Public Procurement Information Portal: www.tenders.go.ke free of charge or at the Supply Chain Management Office, situated at the Kenya Bureau of Standards Headquarters, Popo Road, Off Mombasa during normal working hours 8am - 5pm .The language of the pre-qualification documents shall be in English.

Applications for prequalification should be submitted by **16th May 2022** at **KEBS Headquarters, South C Nairobi**. Applications for pre-qualification will be opened immediately thereafter at the KEBS conference centre room located at **KEBS Headquarters, South C Nairobi** in the presence of the candidates' representatives who choose to attend.

Completed pre-qualification documents for each category should be submitted in plain sealed envelopes and clearly marked "pre-qualification of suppliers – category reference" by the submission deadline of **16th May 2022** at **KEBS Headquarters, South C Nairobi** and addressed to

**THE MANAGING DIRECTOR
KENYA BUREAU OF STANDARDS
POPO ROAD, OFF MOMBASA ROAD
HEAD QUARTER OFFICES
P.O BOX 54974-00200 NAIROBI**

SECTION II- CANDIDATE SUBMISSION CHECKLIST

This order and arrangement shall be considered as the Pre-Qualification Format. Candidates shall tick against each item indicating that they have provided it.

No.	Item	Tick Where Provided
1	Letter of Application for Pre-qualification by the candidate	
2	Copy of a certified Company's or Firm's Registration Certificate of the candidate	
3	Copy of a certified valid Tax Compliance Certificate of the candidate	
4	Audited Accounts for Years 2019 and 2020 and duly filled Financial Capability Form.	
6	Three letters of recommendation from the candidate corporate clients	
7	Duly Completed Confidential Registration Business Questionnaire by the candidate	
8	Evidence of physical address and premises of the candidate (attach certified copies of utility bills e.g. electricity/water or lease agreement/Title)	
9	Certified copies of current Practicing Certificates for all Partners and Associates practicing under the candidate's firm	
10	Curriculum Vitaes of Partners, Associates, Consultants if any	
11	Letters from the Advocates Complaints Commission and/or the Advocates Disciplinary Committee on the status of partners/firm regarding complaints	
12	Professional Indemnity Cover of a minimum amount of Kshs.2,000,000/= (Kenya Shillings Two Million)	
13	The documents must be serialized in the format 123...	
14	Any other document or item required by the Pre-Qualification Document. (The candidates shall specify such other documents or items it has submitted)	

SECTION III –

INFORMATION TO CANDIDATES (ITC)

1. Introduction

- 1.1 KEBS will pre-qualify and enlist Candidates for the 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 of legal service providers does not constitute a retainer.
- 1.3 The pre-qualification document and the Candidates response thereof shall be the basis for pre-qualification.
- 1.4 Candidates must familiarize themselves with the requirements described in this document including all attachments and take them into account while preparing their application for pre-qualification.
- 1.5 Candidates will be informed in writing of the results of their application for pre-qualification.
- 1.6 Candidates will meet all costs associated with preparation and submission of their applications for pre-qualification.
- 1.7 Candidates who have previously been on the KEBS panel of Advocates should also apply for reconsideration.
- 1.8 It is KEBS's policy to require that Candidates observe the highest standards of ethics and professionalism in the procurement process and execution of Service Level Agreements. In pursuance of this policy, KEBS:
 - a. Defines, for the purpose of this provision, the terms set forth below:
 - i. **"Corrupt practice"** means the offering, giving, receiving or soliciting of anything of value to influence the action of an officer of the KEBS/ Candidate/ 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 Candidate/KEBS, and includes collusive practices among Candidates (prior to or after submission of Pre-qualification documents) designed to establish prices at artificial, non-competitive levels and to deprive KEBS of the benefits of free and open competition.
 - b. KEBS will reject an Application for Pre-qualification if it determined that a Candidate has engaged in corrupt or fraudulent activities in competing for the tender in question;
 - c. KEBS will declare a Candidate ineligible, for Pre-qualification if at any time it determines that a Candidate has engaged in corrupt or fraudulent practices in competing for, or in executing, a similar Pre-qualification; and
 - d. KEBS will have the right to examine financial or other records relating to the performance of legal services to determine capability;
 - e. KEBS will have the right to inspect the business premises of the Candidate.
- 1.9 Candidates shall furnish information as described in the Pre-qualification document.
- 1.10 Candidates shall be aware of the provisions on fraud and corruption stated in herein after.

2. Professional Qualifications

The Partners and Associate Advocates of a Candidate must be active members of the Law Society of Kenya with current Practicing Certificates. Candidates should not have any pending disciplinary cases at the Advocates Complaint's Commission or at the Advocates Disciplinary Tribunal.

Letters from the Advocates Complaints Commission and/or the Advocates Disciplinary Committee on the status of partners/firm regarding complaints should be provided. Due diligence will be carried out to ensure that the Candidates comply with this provision.

3 Professional Insurance Indemnity

Candidates must have taken out a valid Professional Insurance Indemnity of not less than Kshs.2, 000,000.00 (Kenya Shillings Two Million) subject to an upward review depending on the brief at hand.

4 Expertise

Candidates must be ranked highly by their peers as well as have proven experience of rendering legal services. While it is important for the lead partners of the Candidate 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 high standard. This includes associates, research assistants and paralegals within the Candidate's firm.

5 Scope of Legal Services

5.1 The legal services being procured include but are not limited to: Civil Litigation and Practice, Commercial Law, Construction Law, Public Procurement and Asset Disposal Law, Labour Law, Constitutional Law, Arbitration & Alternative Dispute Resolution Law and Practice, Tax Law, Land Law & Conveyancing, Public and Private Law, Partnership Law, International Law, Project Finance, and Environmental Law.

5.2 Candidates should attach their profiles stating the type of cases/matters handled. The profile should indicate experience in handling matters before the different courts, Tribunals, quasi-judicial bodies and adjudicating bodies as established by either the Constitution or an Act of Parliament including Arbitrations.

5.3 The Candidates should also provide a list of clients handled which should include government departments and parastatals, international companies and private organizations; and the types of matters handled.

6 Candidate's History

The following information should be included:

- a. Period for which the Candidate has been in operation
- b. Number of partners and their standing in the bar
- c. Number of Associates and their standing in the bar
- d. Number of pupils
- e. Number of paralegal staff
- f. Number of support staff
- g. Areas of Practice & Specialization including regional preference
- h. Whether the Candidate by itself or its lawyers/advocates are members of an international consortium of lawyers or members of international legal bodies.

7 Facilities

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

8 Payment of Fees/Costs

- 8.1 KEBS will consider Candidates that offer the right balance of value for money as measured by the quality of legal service offered. Candidates will be required to identify ways in which legal costs for any significant or complex matter can be mitigated and be willing to negotiate on the same within the Advocates Remuneration Order, 2014 or any replacement thereof.

- 8.2 The payment of fees will be based on the Advocates Remuneration Order, capped or as may be agreed between the Candidate and KEBS. The mode of billing shall be as per the terms of the Service Level Agreement between the Candidate and KEBS and subject to prior agreement between the Candidate and KEBS

9 Litigation against KEBS

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

10 Ability to Work Closely with KEBS Legal Directorate

The pre-qualified Candidates will be required to work closely with the Director Legal Services and Corporation Secretary to ensure effective communication. The pre-qualified Candidates are required to put in place the necessary mechanism to facilitate continuous communication and to ensure timely feedback/reporting on the progress of matters is efficient. Quarterly reports will be required in respect of litigation matters to be submitted no later than the first week of every quarter.

11 Monitoring and Evaluation

The pre-qualified Candidates must agree to be monitored through regular client satisfaction surveys in order to ensure that they maintain high standards of service. The Candidates must give regular reports to KEBS. The Candidates must enter into Service Level Agreements with KEBS once they are formally instructed.

12 Clarifications of Pre-qualification documents

Candidates may request a clarification on the Pre-qualification document up to seven (7) days before the date of the Application for Pre-qualification submission deadline. Any request for clarification must be sent in writing by postal mail or electronic mail to the KEBS's address which are as follows: **procurement@kebs.org** mbalanyaj@kebs.org.

KEBS will respond in writing by normal postal mail or electronic mail to such requests and will send copies of the response to all Candidates who intend to submit Applications for Pre-qualification.

13 Preparation of Pre-Qualification Documents

13.1 Candidates are requested to submit a Tender written in English language.

13.2 Candidates are expected to examine the documents comprising this Pre-qualification in detail. Material deficiencies in providing the information requested may result in rejection of an Application for Pre-qualification.

13.3 Candidates are required to meet the Pre-qualification criteria stipulated hereinafter. Those who do not meet the requirements need not submit Applications for Pre-qualification. Only Candidates, who fulfill these requirements, will be considered for detailed evaluation.

13.4 The Pre-qualification documents shall not include any financial proposal information other than audited accounts for years 2019 and 2020.

14 Period of Validity

The Application for Pre-qualification must remain valid for not less than one hundred and twenty (120) days from the date of submission deadline. KEBS will make best effort to complete the evaluation and communicate within thirty (30) days from the date of submission deadline but in any event within the validity period.

15 Qualification Criteria

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

- a. Pre-qualification Submission Form.
- b. A certified copy of Certificate of Registration/Incorporation.
- c. Three letters of recommendation from the Candidates corporate clients.
- d. Certified valid Tax Compliance Certificate.
- e. Duly Completed Confidential Business Questionnaire.
- f. Evidence of physical address and premises (attach copies of utility bills e.g. electricity/water or lease agreement/Title.
- g. Certified copy of current Practicing Certificates for all partners and associates.
- h. Attach Curriculum Vitae of Partners, Associate Advocates and Consultants if any.
- i. Letters from the Advocates Complaints Commission and/or the Advocates Disciplinary Committee on the status of partners/firm regarding complaints
- j. Certified copy of a valid Professional Insurance Indemnity Cover for a minimum of Kshs. 2,000,000/= (Kenya Shillings Two Million) only subject to revision upwards depending on the brief at hand.
- k. The determination will be either pass or fail regarding the Candidates general and particular experience, personnel and equipment capabilities as demonstrated by the Candidates response in the forms provided. KEBS reserves the right to waive minor deviations if they do not materially affect the capability of Candidates to perform legal services.
- l. Candidates shall, as part of their Applications for Pre-qualification, submit a registered Power of Attorney authorizing the signatory of the Candidate to commit the Candidate and update any information submitted with their Application for Pre-qualification, which may have changed, and update in any case the information indicated in the schedules and continue to meet the minimum threshold criteria set out in the Pre-qualification documents.

16 Submission, Receipt, and Opening of Applications for Pre-qualification

16.1 The original Application for 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 Candidate. Any such corrections must be initialled by the person or persons who sign (s) the Pre-Qualification Document.

16.2 An authorized representative of the Candidate should initial all pages of the Application for Pre-qualification document.

16.4 The Pre-qualification document should be prepared and submitted in 1 original and one copy(ies) in a plain sealed envelope marked:

" PRE-QUALIFICATION FOR PROVISION OF LEGAL SERVICES " and delivered to:

**THE MANAGING DIRECTOR
KENYA BUREAU OF STANDARDS
POPO ROAD, OFF MOMBASA ROAD
HEAD QUARTER OFFICES
P.O BOX 54974-00200 NAIROBI**

17 Pre-qualification Submission

17.1 Submission Time:

The closing time for the submission of the Pre-Qualification Document shall be **10.00am** and shall be sent to the above address.

Documents shall be marked on top **"DO NOT OPEN BEFORE 16th May 2022**

17.2 Late Submission

Any Pre-Qualification Document received after the deadline shall be rejected as a late Application for Pre-qualification and shall not be considered.

17.3 Application for Pre-Qualification Opening

An Opening Committee shall open the applications immediately after the closing time for submission of the Pre-qualification Document in the presence of Candidates' representatives that chose to attend the opening. KEBS will prepare a record of the Pre-Qualification Document received at the opening.

17.4 KEBS will examine the Application for Pre-qualification to determine completeness, general orderliness and sufficiency in responsiveness.

17.5 Candidates must paginate their Application for Pre-qualification document consistent with the table of contents to facilitate ease of reference during evaluation.

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

17.7 Pre-qualification will be based on meeting the following minimum criteria regarding the Candidates legal status, general and particular experience, personnel and financial position as demonstrated by the responses in the attached forms.

17.8 The Candidates should have registered offices and KEBS reserves the discretion of visiting physical premises from which the Candidate conducts business if so desired to confirm existence and capability to deliver legal services.

17.9 Candidates who qualify according to the Pre-qualification criteria will be required to offer various legal services as and when required within the two (2) years.

17.10 KEBS reserves the right to accept or reject any or all Applications for Pre-Qualification Documents and shall assign reason(s) for its decision thereof.

18 Litigation

Candidates must disclose any current litigation where they are representing a party against KEBS or where they have sued KEBS directly and briefly describe the nature of the litigation.

19 Evaluation Criteria

The points given to evaluation criteria are provided in the evaluation matrix below.

PART I PRELIMINARY REQUIREMENTS (MANDATORY)

Candidates must attach evidence to fulfil the following requirements:

PART I - MANDATORY CRITERIA			
NO.	REQUIREMENTS	MAX SCORE	YES/ NO
A.	Duly completed Pre-qualification submission form	Mandatory	
B.	Duly completed and signed Confidential Business Questionnaire.	Mandatory	
C.	A certified copy of the Certificate of Registration/Certificate of Incorporation of the Candidate	Mandatory	
D.	Evidence of Physical Address. (attach copies of utility bills e.g. electricity/water or lease agreement/Title.)	Mandatory	
E.	Certified Copies of valid Practicing Certificates of all partners, associate advocates, or any other advocates of the Candidate	Mandatory	
F.	Letters of Recommendation from at least Three (3) corporate clients. (Company name Client's Contact Person (email and telephone No.)	Mandatory	
G.	Letters from the Advocates Complaints Commission and/or the Advocates Disciplinary Committee on the status of partners/firm regarding complaints	Mandatory	
H.	Audited Accounts for Years 2019 and 2020 and duly filled Financial Capability Form.	Mandatory	
I.	Certified valid Tax Compliance Certificate.	Mandatory	
J.	Certified copy of the Professional Indemnity Cover of at least Kshs.2,000,000.00	Mandatory	
An Application for Pre-qualification shall be rejected at this stage if it does not respond to the mandatory requirements. Applications for Pre-qualification that respond to the mandatory requirements will proceed to Technical evaluation.			

PART II - TECHNICAL CRITERIA				
NO.	REQUIREMENTS	PARAMETER	MAX SCORE (Points)	CANDIDATE'S SCORE
A.	Experience in advising three (3) public institutions or large commercial enterprises. Attach evidence of service level agreement or engagement letter or instruction letter or legal opinion	3 public institutions - 10 marks 2 public institutions - 7 marks 1 public institution - 3 marks	10	
B.	Value of Professional Indemnity	Kshs. 100 million and Over - 15 marks Kshs. 50-99 Million - 10 marks Kshs. 30-49 Million – 6 marks Kshs. 10-29 Million - 4 marks Kshs. 2– 9 Million - 2 marks	15	
C.	Capacity & Period of Operation of Candidate C1. Candidate Profile & Experience Qualifications and competence/areas of practice of Key professional staff (attach respective CVs for each with above details)	Partners – at least one partner has 10 years' experience and above – 7 marks 7-9 years' experience -5 marks Less than 7 years' experience – 2 marks Associates – at least one Associate has 4 years' experience and above - 6 marks Less than 4 years' experience – 3 marks	30	

	C2. Size Number of Partners Number of Associates C3. Facilities Branches (provide location and staffing)	2 and above - 6 marks Under 2 – 3 marks 6 and above – 5 marks 3 - 5 Associates - 4 marks 1 – 2 Associates - 3marks 5 and above – 6 marks 3 – 4 branches - 4 marks 2 branches and below - 2 marks		
D	Evidence of Litigation in the following areas: (Attach Pleadings and Judgement) Supreme court Court of Appeal High Court Public Procurement Administrative Review Board Arbitration	2 matters – 6 marks 1 matter - 4 marks 2 matters - 6 marks 1 matter- 4 marks 2 matters – 6 marks 1 matter- 4 marks 2 matters – 6 marks 1 matter – 4 marks 2 matters – 6 marks 1 matter – 4 marks	30	
E.	Audited financial statements for years 2019 and 2020 and duly filled financial capability form	2019 - 3.5 marks 2020 - 3.5 marks	7	
F.	Registration certificate from Access to Government Procurement Opportunities (AGPO)	-	5	
G.	Completeness of Pre-qualification Documents	-	3	
			100	

Each responsive Application for Pre-qualification will be given a technical score (ts). An Application for Pre-qualification shall be rejected at this stage if it does not respond to important aspects of the Criteria or if it fails to achieve the minimum technical score indicated. The pass mark shall be a minimum technical score of **70 points**.

In appointment of Law Firms, Kenya Bureau of Standards shall strive to appoint at least 30% of the firms in its panel from among the youth, women and persons with disability who possess a certificate of preference and fulfil the requirements for pre-qualification under this Tender document.

PART III FURTHER EVALUATION CRITERIA

Kenya Bureau of Standards may classify the firms of advocates for purposes of determination of the suitability of each firm for any assignment, based on the risk involved and the technical expertise required.

A. The classification will be as follows: -

A.1 Category A law firms – (Super-size)

- a. Has a Professional Indemnity Cover of not less than Ksh. 200 million, or
- b. Has more than fifteen (15) admitted lawyers

A.2 Category B law firms – (Large)

- a. Has a Professional Indemnity Cover of not less than Ksh. 100 million, or
- b. Has between eight (8) and fourteen (14) admitted lawyers

A.3 Category C law firms – (Medium)

- a. Has a Professional Indemnity Cover of not less than Ksh. 50 million, or
- b. Has between four (4) and seven (7) admitted lawyers

A.4 Category D law firms – (Standard)

- a. Has a Professional Indemnity Cover of not less than 2 million, or
- b. Has between one (1) and three (3) admitted lawyers

B. For purposes of this categorization and the Pre-Qualification Tender Document –

B.1 'Admitted lawyers' shall mean qualified lawyers who have been admitted to the Bar and hold a valid year 2022 practicing certificate. It includes all Partners and Associates in the law firm.

B.2 Law firms shall satisfy all relevant licensing and/or registration with Law Society of Kenya.

B.3 Law firms shall provide such evidence of their continued eligibility satisfactory to Kenya Bureau of Standards as it may reasonably request.

20. Post Qualification Evaluation

Under this criterion the evaluation committee may visit the premises of the successful candidates that scored 70 points and above to ascertain: the physical existence of the candidates; verify the original documentation submitted by the candidates and any other information may be of importance.

The applications for pre-qualification that will successfully qualify at this stage will be enlisted in the procuring entity's database as the prequalified legal service providers.

21. Confidentiality

Information relating to evaluation of Application for Pre-qualification and recommendations concerning awards shall not be disclosed to the Candidates who submitted the proposals or to other persons not officially concerned with the process, until KEBS simultaneously notifies both the successful and unsuccessful Candidates of the outcome of evaluation.

22. Notification of Pre-qualification

22.1 KEBS will promptly notify the successful and unsuccessful Candidates of the outcome of evaluation of their respective Applications for Pre-qualification and give reasons to those who were unsuccessful.

22.2 The pre-qualified Candidates will be expected to commence any allocated assignment on receipt of instructions from KEBS.

22.3 Upon pre-qualification, KEBS does not bind itself to assign any case to any of the pre-qualified Candidates but shall endeavour to ensure equitable distribution of the available briefs among the pre-qualified Candidates taking into account the experience, qualification and geographical location of the individual Candidates and geographical areas of preference.

SECTION VI:**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	Names of Personnel attached to the area of practice	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 & Asset Disposal Law		
8	Environmental and Land Court		
9	Constitutional and Human Rights Litigation		
10	General Civil Litigation		
11	Criminal Law		
12	Adjudication/ Arbitration and other Alternative Disputes Resolution mechanisms		
13	Any relevant Law concerning construction		

Any others: Please specify

Candidates are free to indicate all the Areas

SECTION V-**PREFERRED REGIONS**

KEBS is divided into Seven (7) Regions besides the Headquarters office, as shown in the table below. Please indicate as appropriate the Region(s) where you wish to be considered for supply of the various legal services.

No.	REGION	LOCATION OF KEBS OFFICE	TICK AREAS OF INTERESTS AS APPROPRIATE
1	Headquarters	Nairobi	
2	South Rift	Nakuru	
3	Lake Region	Kisumu	
4	Coast Region	Mombasa	
5	North Eastern	Garissa	
6	North Rift	Eldoret	
7	Mount Kenya Region	Nyeri	

Firms are free to select all areas.

SECTION VI-**REFERENCES FROM THREE OTHER CLIENTS (Attach)**

No.	Company	Client's Contact
1		
2		
3		

Note: Recommendation Letters from the clients mentioned must be provided.

SECTION VII -

PRE-QUALIFICATION SUBMISSION FORM

To:

Date: _____

Tender No.: _____

The Managing Director,
Popo Road, Off Mombasa Road
P.O Box 54974 – 00200,
NAIROBI, KENYA

Dear Sir,

We/I, the undersigned, offer to provide the required services in accordance with your instructions and we hereby submit our Pre-Qualification Document.

Our Application for Pre-qualification is binding to us and if found acceptable we shall be pleased to be included in the list of pre-qualified law firms.

We understand you are not bound to accept any application for pre-qualification you receive.

We remain,

Yours sincerely,

Authorised Signature:

Name and Title of Signatory

Name of Tenderer

Address:

SECTION VIII-**CONFIDENTIAL PRE-QUALIFICATION BUSINESS QUESTIONNAIRE FORM**

You are requested to give the particulars indicated in Part 1; 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

- 1.1 Business Name
- 1.2 Location of Business Premises.....
- 1.3 Plot No.....
Street/Road.....
Postal Address
- Tel No. Fax.....
- E mail
- 1.4 Nature of Business
- 1.5 Registration Certificate No.....
- 1.6 Maximum Value of Business which you can handle at any one time – Kshs.....
- 1.7 Name of your Bankers
- Branch

Part 2 (a) – Sole Proprietor

- 2a.1 Your Name in Full
- 2a.2 Nationality
- Country of Origin
- Citizenship Details

Part 2 (b) Partnership

- 2b.1 Given details of Partners as follows:

Name	Nationality	Citizenship Details	Shares
1.....			
2.....			
3.....			
4.....			
Candidate's profile (attach).....			
Part 2 (c) Associate Firms Kindly indicate whether you associate or collaborate 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 (d) – 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 KEBS and any other public or private institutions. Full Names Signature Dated this day of 2022 In the capacity of Duly authorized to sign Pre-qualification documents for and on behalf of			
Part 2 (e) – 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 Pre-qualification procurement. Full Names Signature Dated this day of 2022 In the capacity of Duly authorized to sign Pre-qualification documents for and on behalf of			
Part 3 – Conflict of Interest 3.1 I / We, the undersigned state that I/ we have no conflict of interest in relation to this Pre-qualification. 1..... 2..... 3..... For and on behalf of M/s In the capacity of Dated this day of 2022			

Candidate's Official Rubber Stamp

3.2 Does any person/person in KEBS have interest in the firm? Yes_____ No_____

3.3 If answer in '3.2' above is YES give details.

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

3.4 Are you under a declaration of ineligibility for corrupt and fraudulent practices? YES_____ No_____

3.5 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 KEBS authority to seek any other references concerning us from whatever sources deemed relevant.

Date Signature of Candidate.....

Part 4 – Interest in the Candidate

Is there any person/persons in KEBS or any other public institution who has interest in the Candidate? Yes /No?
(Delete as necessary)

Institution.....

(Title)

(Signature)

(Date)

Part 5 Experience

Please list here below 3 major companies/ clients you have acted for in the last five (5) years.

Company Name	Country	Contract/Order No.	Value
1.			
2.			
3.			

Part 6 Declaration

I/we the undersigned state that the above information is correct and that I/We give Kenya Bureau of Standards authority to seek any other references concerning us from whatever sources deemed relevant e.g. Law Society of Kenya, Bankers etc.

Full names

Signature

For and on behalf of M/s

In the capacity of

Dated this day of 2022

Candidate's Rubber Stamp

SECTION IX -

FINANCIAL CAPABILITY

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

Financial information in Kshs.	Actual: Projected: previous five years 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.	
3.	
4.	

SECTION X –

STATUTORY DECLARATION

REPUBLIC OF KENYA

IN THE MATTER OF OATHS AND STATUTORY DECLARATION ACT

CHAPTER 15 OF THE LAWS OF KENYA AND

IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT, 2015.

I, of P. O. Box being a resident of
..... in the Republic of Kenya do hereby make oath and state as follows: -

1. THAT I am the..... (Managing Partner/ /Senior Partner) of
.....(Name of the Law Firm) which is a Candidate in respect of
Tender Number to render legal services to Kenya Bureau of Standards
duly authorized and competent to make this Affidavit.

2. THAT the aforesaid Candidate has not been requested to pay any inducement to any member of the Board,
Management, Staff and/or employees and/or agents of KEBS, which is the procuring entity.

3. THAT the aforesaid Candidate, its servant(s) and/or agent(s) have not been offered and will not offer any
inducement to any member of the Board, Management, Staff and/or employee(s) and/or agent(s) of KEBS.

4. THAT the aforesaid Candidate, its servant(s) and/or agent(s) have not been debarred from any procurement
process.

5. THAT what is deponed to hereinabove is true to the best of my knowledge information and belief.

SWORN at by the said

.....

on this day of 20...

}

}

} DEPONENT

}

Before me

Commissioner for Oaths

}

}

SECTION XI-**TEAM COMPOSITION SUMMARY AND TASK****1. Partner(s)**

No	Name	Position	Area of Practice
1.			
2.			
3.			
4.			
5.			

2. Associates, Support Staff and Consultants

NO	Name	Position	Area of Practice
1.			
2.			
3.			
4.			
5.			
6.			
7.			

SECTION XII- FORMAT OF CURRICULUM VITAE (CV) FOR PROPOSED PROFESSIONAL STAFF

Position: _____

Name of Advocate: _____

Date of Birth: _____

Years of Practice: _____

Years with Firm: _____ Nationality: _____

Membership in Professional Societies:

Key Qualifications:

[Give an outline of staff member's experience and training most pertinent to tasks on assignment. Describe degree of responsibility held by staff member on relevant previous assignments and give dates and locations].

Education:

[Summarize college/university and other specialized education of staff member, giving names of schools, dates attended and degree[s] obtained.]

Employment Record:

[Starting with present position, list in reverse order every employment held. List all positions held by staff member since graduation, giving dates, names of employing organizations, titles of positions held, and locations of assignments.]

Certification:

I, the undersigned, certify that these data correctly describe me, my qualifications, and my experience.

_____ Date: _____ *[Signature of staff member]*
_____ Date: _____
[Signature of authorised representative of the Candidate]

Full name of staff member: _____

Full name of authorized representative: _____

SECTION XIII -

LETTER OF NOTIFICATION OF AWARD

Address of Procuring Entity

To: _____

RE: Pre-qualification No. _____

Pre-qualification Name _____

We refer to the above pre-qualification.

This is to notify you that you have been pre-qualified for Pre-Qualification No.....for Pre-qualification for provision of Legal and Consultancy Services for a period of two (2) years.

KEBS takes this opportunity to thank you for having participated in the procurement process.

Please acknowledge receipt of this letter of notification signifying your acceptance.

(FULL PARTICULARS) _____

SIGNED FOR ACCOUNTING OFFICER

SECTION XIV-

REQUEST FOR REVIEW STATUTORY FORM

**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.....day
of 20..... in the matter of Tender No.of.....20.....for (*tender description*)

REQUEST FOR REVIEW

I/We....., the above named Applicant(s), of address: Physical address.....
P.O Box.....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

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

1.

2

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