



KENYA WATER TOWERS AGENCY (KWTA)

NHIF Bldg., 15th Floor, Ragati Rd, Off Ngong Rd
P.O. Box 42903-00100 GPO
Nairobi, KENYA

PREQUALIFICATION DOCUMENT FOR GOODS, WORKS AND SERVICES

*TENDER NO. KWTA/PREQ/001-
030/2022-2024*

Tenderer's Name _____

Category Name _____

Category Ref No. _____

INVITATION TO APPLY FOR REGISTRATION OF SUPPLIERS

1.1. Name of Contract: **PREQUALIFICATION OF SUPPLIERS**

1.2. Registration Reference No.: *KWTA/PREQ/001-030/2022-2024*

- 1.3. The Kenya Water Towers Agency (hereinafter referred to as KWTA invites sealed applications from ALL eligible firms to participate in the registration application for the applicable categories as tabulated below:-
- 1.4. Applicants **must** fill information in the space provided in page one of these tender doc
- 1.5. Qualified and interested tenderers may obtain further information and inspect the Tender Documents during office hours *[0800 to 1700 hours]* at the address given below.
- 1.6. A complete set of tender documents may be purchased or obtained by interested tenders upon payment of a non-refundable fee of Kshs. 1,000.00 (*Kenya shillings One Thousand Only*) KWTA Head Office in Finance office.
- 1.7. Tender documents may be viewed and downloaded for free from the website [www. Watertowers.go.ke](http://www.Watertowers.go.ke) or IFMIS Supplier Portal: Tenderers who download the tender document must forward their particulars immediately to procurement@watertowers.go.ke to facilitate any further clarification or addendum. Bidders are advised to regularly visit KWTA website (www.watertowers.go.ke) during the bidding period for any clarification or addendum.
- 1.8. The Registration Application **Must** be prepared in indelible ink with 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 signing the Registration Application.
- 1.9. All applicants should clearly indicate in the envelope the category they are interested in. One document shall present **ONLY ONE** category. For those interested in various categories, they should submit separate documents in the various categories.
- 1.10. The Registration Application should be prepared and submitted in a plain sealed envelope clearly marked: **Application No: (indicate the application No of the category you are Applying for as provided under clause 1.0 above)** and addressed to:

**Ag. Chief, Executive Officer,
KENYA WATER TOWERS AGENCY (KWTA)
NHIF Building,
15th Floor, Ragati Road,
P.O. Box 42903-00100, Nairobi.**

And shall be physically deposited in the Tender Box located at NHIF Building 15th Floor KWTA Head Office by the reception area.

- 1.11. The closing date for submission of registration documents shall be on **20th April 2022** at **10.00** (Am) East African time.
- 1.12. The opening of Applications shall be conducted immediately thereafter in the KWTA Boardroom at 15th Floor in the presence of applicants or their representatives who wish to attend.
- 1.13. Any Registration document submitted after the deadline shall be automatically rejected.
- 1.14. Applicants can apply for registration in more than one category provided that the applications are done in **separate documents for each category**.
- 1.15. Any form of canvassing will lead to automatic disqualification.

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PREFACE

1. This Standard Pre-qualification Document (SPD) has been prepared by the Public Procurement Regulatory Authority (PPRA) for use by Procuring Entities (PEs) for procurement of specialized, large and complex contracts for Works, Goods, Plant, Equipment under Open Competitive Tendering Method as defined in the Public Procurement and Asset Disposal Act 2015 (the Act)
2. It may also be used by a procuring entity for the purpose of registration of contractors, suppliers. All applicants who pass the pre-qualification criteria set in this document shall be given opportunity to tender. The procedures and practices presented in this SPD reflect the requirements in the said Act and its Regulations. This SPD will be used by Procuring Entities on a mandatory basis whenever a Procuring Entity decides to go for pre-qualification. Lack of its use (whenever a Procuring Entity decides to go for pre-qualification) could be basis for challenging a decision on contract process and award. Procuring Entities and other Users should ensure that they are using the latest version of the SPD, which can be verified with PPRA.
3. The SPD is comprised of the parts indicated on the Table of Contents. Before using this SPD, the User is advised to or should be familiar with the Act and its Regulations and any manuals prepared and issued by PPRA to guide public officials in the conduct of the public procurement process. The document includes a form for invitation for pre-qualification, instructions to applicants and a letter of application with attached forms for applicants to complete.
4. Care should therefore be taken when preparing pre-qualification document for specific cases to ensure that the pre-qualification criteria are clear and explicit, and that they refer to the needs and characteristics of the specific procurement. For this purpose, where appropriate, “Works” should be substituted by “Goods” or “Non-Consulting Services” as the case may be and “Contractor” should be replaced with “Supplier” in case of pre-qualification for Supply of Goods or “Service Provider” in case of pre-qualification for provision of Non-Consulting Services as the case may be. Note the Selection of Consultants for Consulting Services is catered for in a separate document the “Standard Request for Proposals for Selection of Consulting Firms”.
5. The following guidelines should be observed when using the Standard Pre-qualification Document. Refer to Appendix to the Preface for more details on Guidelines to **KENYA WATER TOWERS AGENCY (KWTA)** in preparing the document to be issued to the Applicants.
 - i) The forms will require adaptation to suit the requirement of each proposed procurement.
 - ii) Specific details, such as the names of **KENYA WATER TOWERS**

AGENCY (KWTA) should be furnished in the spaces indicated in the text.

- iii) Where alternative clauses or texts are shown, the user should select those that best suit the particular contract and should discard the alternative text that will not apply.
 - iv) The instructions to applicants should basically remain unchanged. Any necessary amendments to any clause or additions should be made through “Pre-qualification Data Sheets (PDS)”.
- 6 The notes in the text of the pre-qualification documents are meant to assist **KENYA WATER TOWERS AGENCY (KWTA)** in the preparation of the document. They are not part of the pre-qualification document and should therefore be deleted as the document is prepared. The document to applicants should not contain pages on Cover and Preface of this document. Refer to Appendix to the Preface for more details on how to prepare the document to be sent to Applicants.
7. The Public Procurement Regulatory Authority welcomes any comments from the Users of this SPD which will assist in revising (if need be) and improving the structure and contents of the SPD.

Director General
Kenya Water Towers Agency (KWTA)

APPENDIX TO THE PREFACE

GUIDELINES FOR PREPARING TENDER DOCUMENTS

PART 1- APPLICATION PROCEDURES

1. General

- 1.1 Page 1 (The Heading of the Document), the Preface and its Appendices (if any) shall not be included in the Document to be issued to Applicants. The Document to be issued to Applicants shall start with the page titled “This Page, **The Ag. Chief Executive Officer Kenya Water Towers Agency (KWTA) NHIF Bldg., 15th Floor, Ragati Rd, Off Ngong Rd P.O. Box 42903-00100 GPO Nairobi- KENYA**”, including all the other material on the page completed appropriately.
- 1.2 If in the course of preparing a Prequalification Document or evaluating the applications following the criteria in the Standard Prequalification Document, a Procuring Entity finds a provision it does not understand or agree with, it shall contact PPRA for clarifications before it changes anything, otherwise it will be considered as violation of the procurement rules.
- 1.3 The Procuring Entity should confirm that the goods, works or services to be procured is in its Procurement Plan and budgeted for. It should also confirm the estimated cost of the contract, including the estimated time for executing the contract. The cost estimate helps the Procuring Entity determine the applicable procurement method to be used and the determination if the contract should be subject to prequalification. Prior to finalizing the Prequalification Document, it is advisable for the Procuring Entity to recheck these estimates.
- 1.4 The estimates must be prepared by an expert in the field of the subject contract i.e. by Engineers, IT Specialists, Procurement Specialists, and/or other experts depending on the items to be procured. The Estimates should be based on current market prices or on data collected by **KENYA WATER TOWERS AGENCY (KWTA)** based on past (*but not historic*) contracts.
- 1.5 The purpose of the estimates is to enable **KENYA WATER TOWERS AGENCY (KWTA)** determine amounts of money to be inserted in the Tender Document for: -
 - a The minimum amount of money required for the applicant to demonstrate that the applicant has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the contract execution cash flow requirements, net of the Tenderer's other commitments. *Usually the assets should be about 2-3 months cash flow requirements based on the estimated completion time.*

- b* The minimum amount of money required as an average annual turnover for the applicant to demonstrate that the applicant is a prime contractor, supplier, manufacturer or service provider. *Usually the minimum amount of money is about 2.50 times the estimated cost of the contract(s).*
 - c* The amount of money required to determine specific experience of the applicant based on the minimum size of contract(s) substantially completed and that are similar to the proposed contract. *Normally the minimum amount of money required is about 80% of the estimated cost of the contract.*
- 1.6 During preparation of the prequalification document, the Procuring Entity should specify whether to allow the following:
 - a International Tender,
 - b Reservations

2.1 Section I - Instructions to Applicants (ITA)

This Section provides relevant information to help applicants prepare their applications. Information is also provided on the submission, opening, and evaluation of applicants and on the eligibility and qualification of applicants. This should not be modified by KENYA WATER TOWERS AGENCY (KWTA) or by an Applicant.

2.2 Section II - Prequalification Data Sheet (PDS)

This Section includes provisions that are specific to each procurement that supplement Section I, Instructions to Applicants. The Section shall be completed appropriately by KENYA WATER TOWERS AGENCY (KWTA) and not by an Applicant. In any case, **KENYA WATER TOWERS AGENCY (KWTA)** shall not add any item in the PDS not included in the Standard Prequalification Document.

2.3 Section III- Qualification Criteria and Requirements

2.3.1 This section contains the methods, criteria, and requirements that **KENYA WATER TOWERS AGENCY (KWTA)** shall use to evaluate the Applications. The Form “Eligibility and Qualification Criteria” shall be prepared taking into account the guidelines provided in Section III regarding multiple contracts. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the Form. If the prequalification is for Supply of Goods or for Non-Consulting Services, this Form shall be modified by **KENYA WATER TOWERS AGENCY (KWTA)** to reflect requirements for qualification for Supply of Goods or for Non-Consulting Services, instead of for Works contracts. No other criterion shall be added by **KENYA WATER TOWERS AGENCY (KWTA)**.

2.3.2 **KENYA WATER TOWERS AGENCY (KWTA)** shall prepare one Form for each Lot or Contract in case of multiple contracts.

2.4 Section IV–Application Forms

This Section includes all the forms to be prepared by **KENYA WATER TOWERS AGENCY (KWTA)**, to be completed by the Applicant and submitted to **KENYA WATER TOWERS AGENCY (KWTA)** as part of the application. Each form shall be headed appropriately to indicate if the application is for **Works, Goods or Non-Consulting Services**. These forms shall not be modified by the Applicant.

3. PART 2 – SCOPE WORKS, GOODS OR NON-CONSULTINGSERVICESREQUIREMENTS

3.1 Section V – Scope Works, Goods or Non-Consulting Services Requirements

This Section contains the details, descriptions of and supplementary information on Works, Goods or Non- Consulting Services to be tendered for. The details are provided by **KENYA WATER TOWERS AGENCY (KWTA)** in sufficient detail to enable an applicant understand clearly the scope of the follow-up tender and enable him/her apply to be qualified.

INVITATION TO APPLY FOR PREQUALIFICATION

Name of Contract: _____

Contract No: _____

Prequalification Reference No.: _____

1. The___[insert name of Procuring Entity] intends to prequalify contractors/Suppliers/Service Providers for_____ [insert contract number and/or name, a brief description of the type(s) of works/ Goods/ Services to be provided, including quantities, location and other information necessary to enable potential Applicants to decide whether or not to respond to this prequalification. This information may include the essential items listed in the Prequalification Document and any important or specialized prequalification requirements].
2. It is expected that the Invitation to Tender will be made in_____ [insert month and year]. Tendering will be conducted through_____ (insert the procurement method e.g. national or international competitive tendering) procedures using a standardized tender document and will be open to all applicants who prequalify.
3. Qualified and interested applicants may obtain further information and inspect the Prequalification Document during office hours [insert office hours if applicable i.e. 0900 to 1500 hours] at the address given below.
4. A complete set of Prequalification Document in English may be purchased or obtained by interested applicants upon payment of a non-refundable fees of Kenya shillings_____ in cash or Banker's Cheque and payable to the address given below. Tender documents obtained electronically will be free of charge.
5. Prequalification Document may be viewed and downloaded for free from the website (insert website). Applicants who download the Prequalification Document must forward their particulars immediately to _____ (insert email address) to facilitate any further clarification or addendum.
6. Applications for prequalification should be submitted by postal service, or hand/courier delivery, clearly marked envelopes and delivered to the address _____ given _____ below by _____ [insert time and date]. Alternatively, documents may be sent electronically to the email address _____ [insert the email where application documents can be submitted].
7. Late applications a reliable to be rejected.

8. Address where to submit Applications

Insert name of Procuring Entity, name of officer and title, full postal address and Physical address – Country, City, Street name, Building name, Floor and Room number.

PART 1 - APPLICATION PROCEDURES

SECTION I - INSTRUCTIONS TO APPLICANTS (ITA)

A. General

1. Scope of Application

1.1 **KENYA WATER TOWERS AGENCY (KWTA)** is inviting for applications is defined in the **PDS**. The particular type of contract (works, goods or Non-Consulting Services required) and its name and description of the contract(s) and its reference number are defined in the **PDS**. If the scope of contract so defined is in multiple contracts, it will be specified in the **PDS** if prequalification will be based on individual contracts or multiple contracts. The Full scope of Works or Goods or Non-Consulting Services are described in Section V (Scope of Works or goods contract).

2 **Source of Funds** to be specified in the PDS, if deemed necessary.

3. Fraud and Corruption

3.1 The Government of Kenya requires compliance with its Anti-Corruption laws and its prevailing sanctions policies and procedures.

3.2 In further pursuance of this policy, Applicants shall permit and shall cause their agents (where declared or not), subcontractors, sub consultants, service providers, suppliers, and their personnel, to permit the Public Procurement Regulatory Authority (PPRA) to inspect all accounts, records and other documents relating to any initial selection process, prequalification process, tender submission (in case prequalified), proposal submission, and contract performance (in the case of award), and to have them audited by auditors appointed by the PPRA.

4. Collusive practices

4.1 **KENYA WATER TOWERS AGENCY (KWTA)** requires compliance with the provisions of the Competition Act 2010, regarding collusive practices in contracting. Any applicant found to have engaged in collusive conduct shall be disqualified and criminal and/or civil sanctions may be imposed. To this effect, applicants shall be required to complete and sign a Certificate of Independent Tender Determination” annexed to the Form of applicant.

5. Eligible Applicants

5.1 Applicants shall meet the eligibility criteria as per this ITA and ITA 5.1 and 5.2. An Applicant may be a firm that is a private entity, a state-owned enterprise or institution subject to ITA 5.9 or any combination of such entities in the form of a joint venture (“JV”) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with

the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, tendering (in the event the JV submits a Tender) and during contract execution (in the event the JV is awarded the Contract). Members of a joint venture may not also make an individual tender, be a subcontractor in a separate tender or be part of another joint venture for the purposes of the same Tender. The maximum number of JV members shall be specified in the PDS.

- 5.2 Public Officers of **KENYA WATER TOWERS AGENCY (KWTA)**, their Spouses, Child, Parent, Brothers or Sister. Child, Parent, Brother or Sister of a Spouse, their business associates or agents and firms/organizations in which they have a substantial or controlling interest shall not be eligible to be prequalified. Public Officers with such relatives are also not allowed to participate in any procurement proceedings.
- 5.3 A firm may apply for prequalification both individually, and as part of a joint venture, or participate as a subcontractor. If prequalified, it will not be permitted to tender for the same contract both as an individual firm and as a part of the joint venture or as a subcontractor. However, a firm may participate as a subcontractor in more than one Tender, but only in that capacity. Tenders submitted in violation of this procedure will be rejected.
- 5.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, only one prequalified Applicant will be allowed to tender for the. All Tenders submitted in violation of this procedure will be rejected.
- 5.5 An Applicant may have the nationality of any country, subject to the restrictions pursuant to ITA 5.1 and 5.2. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. Sub-contractors or suppliers for any part of the Contract including related Non-Consulting Services.
- 5.6 Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by **KENYA WATER TOWERS AGENCY (KWTA)** as Engineer for contract implementation of the contract(s) that are the subject of this prequalification. In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff of **KENYA WATER TOWERS AGENCY (KWTA)** who:
 - a are directly or indirectly involved in the preparation of the prequalification Document or Invitation to Tender (ITT), Document or specifications of the Contract, and/or the Tender evaluation process

of such Contract; or

- b Would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to **KENYA WATER TOWERS AGENCY (KWTA)** throughout the prequalification, ITT process and execution of the Contract.
- 5.7 An Applicant that has been debarred shall be ineligible to be initially selected for, prequalified for, tender for, propose for, or be awarded a contract during such period of time as the PPRA shall have determined. The list of debarred firms and individuals is available at www.ppra.go.ke
- 5.8 Applicants that are state-owned enterprise or institutions in Kenya may be eligible to prequalify, compete and be awarded a Contract(s) only if they can establish, in a manner acceptable to **KENYA WATER TOWERS AGENCY (KWTA)**, that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not under supervision of any public entity.
- 5.9 An Applicant shall not be under sanction of debarment from Tendering by the PPRA as the result of the execution of a Tender/Proposal–Securing Declaration.
- 5.10 An Applicant that is a Kenyan firm or citizen shall provide evidence of having fulfilled his/her tax obligations by producing a current tax clearance certificate or tax exemption certificate issued by the Kenya Revenue Authority.
- 5.11 An Applicant shall provide any other such documentary evidence of eligibility satisfactory to **KENYA WATER TOWERS AGENCY (KWTA)**, as the Procuring Entity shall reasonably request.

6 Eligibility

- 6.1 Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated herein. The countries, persons or entities are ineligible if:
- a. As a matter of law or official regulations, Kenya prohibits commercial relations with that country, or
 - b. By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, Kenya prohibits any import of goods or contracting of works or Non- Consulting Services from that country, or any payments to any country, person, or entity in that country.
- 6.2 When the Works, supply of Goods or provision of non-consulting services are implemented a cross jurisdictional boundary (and more than one country is a Procuring Entity, and is involved in the procurement), then exclusion of a firm or individual on the basis of ITA 5.1 (a) above by any country may be applied to that procurement a cross other countries

involved, if the Procuring Entities involved in the procurement so agree.

- 6.3 Any goods, works and production processes with characteristics that have been declared by the relevant national environmental protection agency or by other competent authority as harmful to human beings and to the environment shall not be eligible for procurement.

B. Contents of the Prequalification Documents

7 Sections of Prequalification Document

- 7.1 This Prequalification Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with IT A8.

PART 1 - Prequalification Procedures

- i) Section I- Instructions to Applicants (ITA)
- ii) Section II - Prequalification Data Sheet (PDS)
- iii) Section III - Qualification Criteria and Requirements
- iv) Section IV- Application Forms

PART 2 - Works, Goods, or Non-Consulting Services Requirements

- i) Section VII- Scope of Works, Goods, or Non-Consulting Services

- 7.2 Unless obtained directly from **KENYA WATER TOWERS AGENCY (KWTA)**, the Procuring Entity accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Prequalification Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by **KENYA WATER TOWERS AGENCY (KWTA)** shall prevail.

- 7.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its Application all information or documentation as is required by the Prequalification Document.

8 Clarification of Prequalification Documents, site visit(s) and Pre-Application Meeting

- 8.1 An Applicant requiring any clarification of the Prequalification Document shall contact **KENYA WATER TOWERS AGENCY (KWTA)** in writing at the Procuring Entity's address indicated in the **PDS**. The Procuring Entity will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. **KENYA WATER TOWERS AGENCY (KWTA)** shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Document directly from **KENYA WATER TOWERS AGENCY (KWTA)**, including a description of the inquiry but without identifying its source. If so indicated in the **PDS**, the Procuring

Entity shall also promptly publish its response at the webpage identified in the **PDS**. Should **KENYA WATER TOWERS AGENCY (KWTA)** deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 8. And in accordance with the provisions of ITA 17.2.

- 8.2 The Applicant, at the Applicant's own responsibility and risk, is encouraged to visit and examine and inspect the Site of the required contracts and obtain all information that may be necessary for preparing the application. The costs of visiting the Site shall be at the Applicant's own expense. **KENYA WATER TOWERS AGENCY (KWTA)** shall specify in the **PDS** if a pre-application meeting will be held, when and where. **KENYA WATER TOWERS AGENCY (KWTA)** shall also specify in the **PDS** if a pre-arranged Site visit will be held and when. The Applicant's designated representative is invited to attend a pre- application meeting and a pre-arranged site visit. The purpose of the meetings will be to clarify issues and to answer questions on any matter that may be raised at that stage.
- 8.3 The Applicant is requested to submit any questions in writing, to reach **KENYA WATER TOWERS AGENCY (KWTA)** not later than the period specified in the **PDS** before the submission date of applications.
- 8.4 Minutes of a pre-arranged site visit and those of the pre-application meeting, if applicable, including the text of the questions asked by Applicants and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all Applicants who have acquired the prequalification documents. Minutes shall not identify the source of the questions asked.
- 8.5 **KENYA WATER TOWERS AGENCY (KWTA)** shall also promptly publish anonymized (*no names*) Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page identified in the **PDS**. Any modification to the Prequalification Documents that may become necessary as a result of the pre-arranged site visit and those of the pre-application meeting shall be made by **KENYA WATER TOWERS AGENCY (KWTA)** exclusively through the issue of an Addendum pursuant to PDS 8 and not through the minutes of the pre-application meeting. Non-attendance at the pre- arranged site visit and the pre-tender meeting will not be a cause for disqualification of a Tenderer.

9 Amendment of Prequalification Document

- 9.1 At any time prior to the deadline for submission of Applications, **KENYA WATER TOWERS AGENCY (KWTA)** may amend the Prequalification Document by issuing an Addendum.
- 9.2 Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all Applicants who have obtained the Prequalification Document from **KENYA WATER TOWERS AGENCY (KWTA)**. The Procuring Entity shall promptly publish the Addendum at **KENYA WATER TOWERS AGENCY (KWTA)**'s webpage identified in the

PDS.

- 9.3 To give Applicants reasonable time to take an Addendum into account in preparing their Applications, **KENYA WATER TOWERS AGENCY (KWTA)** may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

C. Preparation of Applications

10 Cost of Applications

- 10.1 The Applicant shall bear all costs associated with the preparation and submission of its Application. **KENYA WATER TOWERS AGENCY (KWTA)** will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.

11 Language of Application

- 11.1 The Application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and **KENYA WATER TOWERS AGENCY (KWTA)**, shall be written in English Language. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the English language, in which case, for purposes of interpretation of the Application, the translation shall govern.

12 Documents Comprising the Application

- 12.1 The Application shall comprise the following:
- a. Application Submission Letter, in accordance with ITA 13.1;
 - b. Eligibility: documentary evidence establishing the Applicant's eligibility, in accordance with ITA 14.1;
 - c. Qualifications: documentary evidence establishing the Applicant's qualifications, in accordance with ITA 15; and
 - d. Any other document required as specified in the PDS.
- 12.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.

13 Application Submission Letter

- 13.1 The Applicant shall complete an Application Submission Letter as provided in Section IV (Application Forms). This Letter must be completed without any alteration to its format.

14 Documents Establishing the Eligibility of the Applicant

- 14.1 To establish its eligibility in accordance with ITA 4, the Applicant shall

complete the eligibility declarations in the Application Submission Letter and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV (Application Forms).

15 Documents Establishing the Qualifications of the Applicant

- 15.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV (Application Forms).
- 15.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the Kenya Shilling equivalent using the rate of exchange determined as follows:
 - a For construction turnover or financial data required for each Year-Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted).
 - b Value of single Contract-Exchange rate prevailing on the date of the contract.
- 15.3 Exchange rates shall be taken from the publicly available source identified in the PDS. Any error in determining the exchange rates in the Application may be corrected by **KENYA WATER TOWERS AGENCY (KWTA)**.
- 15.4 Applicants shall be asked to provide, as part of the data for qualification, such information, including details of ownership, as shall be required to determine whether, according to the classification established by **KENYA WATER TOWERS AGENCY (KWTA)**, a particular contractor or group of contractor's qualifies for a margin of preference. Further the information will enable the Procuring Entity identify any actual or potential conflict of interest in relation to the procurement and/or contract management processes, or a possibility of collusion between Applicants, and thereby help to prevent any corrupt influence in relation to the procurement processor contract management.
- 15.5 The purpose of the information described in ITT 6.2 above overrides any claims to confidentiality which an Applicant may have. There can be no circumstances in which it would be justified for an Applicant to keep information relating to its ownership and control confidential where it is tendering to undertake public sector work and receive public sector funds. Thus, confidentiality will not be accepted by **KENYA WATER TOWERS AGENCY (KWTA)** as a justification for an Applicant's failure to disclose, or failure to provide required in formation on its ownership and control.
- 15.6 The Applicant shall provide further documentary proof, information or authorizations that **KENYA WATER TOWERS AGENCY (KWTA)** may request in relation to ownership and control which information on any changes to the information which was provided by the Applicant under ITT 6.3. The obligations to require this information shall continue for the duration of the procurement process and contract performance and after completion of the contract, if any change to the information previously

provided may reveal a conflict of interest in relation to the award or management of the contract.

- 15.7 All information provided by the Applicant pursuant to these requirements must be complete, current and accurate as at the date of provision to **KENYA WATER TOWERS AGENCY (KWTA)**. In submitting the information required pursuant to these requirements, the Applicant shall warrant that the information submitted is complete, current and accurate as at the date of submission to **KENYA WATER TOWERS AGENCY (KWTA)**.
- 15.8 If an Applicant fails to submit the information required by these requirements, its application will be rejected. Similarly, if **KENYA WATER TOWERS AGENCY (KWTA)** is unable, after taking reasonable steps, to verify to a reasonable degree the information submitted by an Applicant pursuant to these requirements, then the application will be rejected.
- 15.9 If information submitted by an Applicant pursuant to these requirements, or obtained by **KENYA WATER TOWERS AGENCY (KWTA)** (whether through its own enquiries, through notification by the public or otherwise), shows any conflict of interest which could materially and improperly benefit the Applicant in relation to the procurement or contract management process, then:
- a. If the procurement process is still ongoing, the Applicant will be disqualified from the procurement process,
 - b. If the contract has been awarded to that Applicant, the contract award will be set aside,
- 15.10 the Applicant will be referred to the relevant law enforcement authorities for investigation of whether the Applicant or any other persons have committed any criminal offence.
- 15.11 If an Applicant submits information pursuant to these requirements that is incomplete, inaccurate or out-of-date, or attempts to obstruct the verification process, then the consequences ITT 6.7 will ensue unless the Applicant can show to the reasonable satisfaction of **KENYA WATER TOWERS AGENCY (KWTA)** that any such act was not material, or was due to genuine error which was not attributable to the intentional act, negligence or recklessness of the Applicant.

16 Signing of the Application and Number of Copies

- 16.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.
- 16.2 The Applicant shall submit copies of the signed original Application, in the number specified in the PDS, and clearly mark them "COPY". In the event

of any discrepancy between the original and the copies, the original shall prevail.

D. Submission of Applications

17 Sealing and Marking of Applications

- 17.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:
- a Bear the name and address of the Applicant;
 - b Be addressed to **KENYA WATER TOWERS AGENCY (KWTA)**, in accordance with ITA 17.1; and
 - c Bear the specific identification of this prequalification process indicated in the PDS 1.1.
- 17.2 **KENYA WATER TOWERS AGENCY (KWTA)** will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.

18 Deadline for Submission of Applications

- 18.1 Applicants may either submit their Applications by mail or by hand. Applications shall be received by **KENYA WATER TOWERS AGENCY (KWTA)** at the address and no later than the deadline indicated in the PDS. When so specified in the PDS, Applicants have the option of submitting their Applications electronically, in accordance with electronic Application submission procedures specified in the **PDS**.
- 18.2 **KENYA WATER TOWERS AGENCY (KWTA)** may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification Document in accordance with ITA 8, in which case all rights and obligations of **KENYA WATER TOWERS AGENCY (KWTA)** and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

19 Late Applications

- 19.1 **KENYA WATER TOWERS AGENCY (KWTA)** reserves the right to accept applications received after the deadline for submission of applications, unless otherwise specified in the **PDS**. If late applications will be accepted, they must be received not later than the date specified in the **TDS** after the deadline for submission of applications.

20. Opening of Applications

- 20.1 **KENYA WATER TOWERS AGENCY (KWTA)** shall open all Applications at the date, time and place specified in the **PDS**. Late Applications shall be treated in accordance with ITA 19.1.
- 20.2 Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the **PDS**.

20.2 **KENYA WATER TOWERS AGENCY (KWTA)** shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.

E. Procedures for Evaluation of Applications

21 Confidentiality

21.1 Information relating to the Applications, their evaluation and results of the prequalification shall not be disclosed to Applicants or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 28.

21.2 From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact **KENYA WATER TOWERS AGENCY (KWTA)** on any matter related to the prequalification process may do so only in writing.

22 Clarification of Applications

22.1 To assist in the evaluation of Applications, **KENYA WATER TOWERS AGENCY (KWTA)** may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from **KENYA WATER TOWERS AGENCY (KWTA)** and all clarifications from the Applicant shall be in writing.

22.1 If an Applicant does not provide clarifications and/or documents requested by the date and time set in **KENYA WATER TOWERS AGENCY (KWTA)**'s request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

23 Responsiveness of Applications

23.1 **KENYA WATER TOWERS AGENCY (KWTA)** may reject any Application which is not responsive to the requirements of the Prequalification Document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 21.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant.

24 Margin of Preference

24.1 Unless otherwise specified in the **PDS**, a margin of preference shall not apply in the Tendering process resulting from this prequalification.

25 Nominated Subcontractors

25.1 Unless otherwise stated in the **PDS**, **KENYA WATER TOWERS AGENCY**

(KWTA) does not intend to execute any specific elements of the works by sub-contractors selected in advance by the Procuring Entity (so-called “Nominated Subcontractors”).

25.2 The Applicant shall not propose to subcontract the whole of the Works or Goods. The maximum limit of subcontracting permitted under the contract may be specified by **KENYA WATER TOWERS AGENCY (KWTA)** in the Tendering Document. **KENYA WATER TOWERS AGENCY (KWTA)**, in ITA 25.2, may permit the Applicant to propose subcontractors for certain specialized parts of the contract as indicated there in as (“Specialized Subcontractors”). Applicants planning to use such Specialized Subcontractors shall specify, in the Application Submission Letter, the activity (ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

F. Evaluation of Applications and Prequalification of Applicants

26 Evaluation of Applications

26.1 **KENYA WATER TOWERS AGENCY (KWTA)** shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. **KENYA WATER TOWERS AGENCY (KWTA)** reserves the right to waive min or deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.

26.2 Subcontractors proposed by the Applicant shall be fully qualified and meet the minimum specific experience criteria as specified for their parts of the proposed contract for Works or Goods or non-consulting services. The subcontractor's qualifications shall not be used by the Applicant to qualify for the Works or Goods or non-consulting services unless their parts of the Works or Goods or non-consulting services were previously designated by **KENYA WATER TOWERS AGENCY (KWTA)** in the PDS as can be met by Specialized Subcontractors, in which case:

- i) The Specialized Subcontractors shall meet the minimum qualification requirements specified in Section III, and
- ii) The qualifications with respect to specific experience of the Specialized Subcontractor proposed by the Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation.

Unless the Applicant has been determined prequalified on its own without taking into account the qualification and experience of the proposed specialized sub-contractor, the tender submitted by the Applicant shall include the same specialized sub-contractor failing which, such tender may be rejected unless a change in the specialized sub-contractor was requested by the Applicant and approved by **KENYA WATER TOWERS AGENCY (KWTA)** subsequent to prequalification but before the tender submission deadline in

accordance with ITA 30.

26.3 In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. **KENYA WATER TOWERS AGENCY (KWTA)** shall prequalify each Applicant for each lot and for a combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements the Eligibility and Qualification Criteria.

26.4 Further, in the case of multiple contracts, **KENYA WATER TOWERS AGENCY (KWTA)** will prepare the Eligibility and Qualification Criteria Form for items 3.1, 3.2, 4.2(a) and 4.2(b) for each Lot, to be completed by applicants.

26.5 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant's subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Applicant shall not be considered.

27 Procuring Entity's Right to Accept or Reject Applications

27.1 **KENYA WATER TOWERS AGENCY (KWTA)** reserves the right to accept or reject any Application, and to annul the prequalification process and reject all Applications at any time, without thereby incurring any liability to the Applicants.

28 Prequalification of Applicants

28.1 All Applicants whose Applications substantially meet or exceed the specified qualification requirements will be prequalified by **KENYA WATER TOWERS AGENCY (KWTA)**. The Procuring Entity shall notify all Applicants in writing of the names of those Applicants who have been prequalified or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately.

28.32 Applicants that have not been prequalified may write to **KENYA WATER TOWERS AGENCY (KWTA)** to request, in writing, the grounds on which they were disqualified.

28 Invitation to Tender

29.1 Promptly after the notification of the results of the prequalification, **KENYA WATER TOWERS AGENCY (KWTA)** shall invite Tenders from all the Applicants that have been prequalified or conditionally prequalified.

28.2 Applicants may be required to provide a Tender Security or a Tender-Securing Declaration acceptable to **KENYA WATER TOWERS AGENCY (KWTA)** in the form and an amount to be specified in the tendering document.

28.3 The successful Applicant shall be required to provide a Performance Security as specified in the tendering document.

29 Changes in Qualifications of Applicants

30.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to tender (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor whose qualifications were considered to prequalify the Applicant) shall be subject to the written approval of **KENYA WATER TOWERS AGENCY (KWTA)** prior to the deadline for submission of Tenders. Such approval shall be denied if (i) a prequalified applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III (Qualification Criteria and Requirements); or (iii) in the opinion of **KENYA WATER TOWERS AGENCY (KWTA)**, the change may result in a substantial reduction in competition. Any such change should be submitted to **KENYA WATER TOWERS AGENCY (KWTA)** not later than fourteen (14) days after the date of the Invitation to Tender.

31 Procurement Related Complaints and Administrative Review

31.1 The procedures for making a Procurement-related Complaint are as specified in the PDS.

31.2 A request for administrative review shall be made in the form provided.

SECTION II - PREQUALIFICATION DATA SHEET (PDS)

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITA 1.1	<p>The Procuring Entity is: KENYA WATER TOWERS AGENCY (KWTA)</p> <p>The identification of the Invitation for Prequalification is: _____ <i>[insert number and title]</i></p> <p>The particular type of contract is on _____ <i>[insert works, goods or Non-Consulting Services]</i></p> <p>The application is for _____ <i>[brief description of subject contract(s) as listed in Section V, in lots if applicable]</i></p> <p>Prequalification will be based on _____ <i>[specify if on individual contracts or on multiple Contracts].</i></p>
ITA 2	The Source of funds shall be _____
ITA 5.2	Maximum number of members in the JV shall be: _____ <i>[insert a number]</i>
B. Contents of the Prequalification Document	
ITA 8.1	<p>For clarification purposes, the Procuring Entity's address is: The Ag. Chief Executive Officer, Kenya Water Towers Agency (KWTA), NHIF Bldg, 15th Floor, Ragati Rd, Off Ngong Road, P.O. Box 42903-00100 GPO, Nairobi- KENYA</p> <p>Attention: Head of Supply Chain Management Services NHIF Bldg, 3rd Floor, Ragati Rd, Off Ngong Road,</p> <p>Physical Address: NHIF Bldg, 15th Floor, Ragati Rd, Off Ngong Road</p> <p>Telephone: 020-2711437,</p> <p>Electronic mail address: procurement@watertowers.go.ke</p>
ITA 8.2	<p>A pre-application meeting will be held on _____ N/A _____ at _____ N/A _____</p> <p>A pre-arranged Site visit will be held on _____ N/A _____ At _____ N/A _____</p>
ITA 8.3	Questions and requests for clarification made in writing or by email shall reach KENYA WATER TOWERS AGENCY (KWTA) not later than THREE DAYS OF

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
	ISSUANCE OF THIS DOCUMENT _____.
ITA 8.5	Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page www.watertowers.go.ke . N/A
ITT 9.2	Addendum issued shall be published at the website: www.watertowers.go.ke
ITA 8.2	Pre-Application Meeting will be held: [Yes/No] N/A [If Yes, please add the address, date and time of the meeting] N/A
C. Preparation of Applications	
ITA 12.1 (d)	The Applicant shall submit with its Application, the following additional documents: <i>[insert list of additional documents]</i>
ITA 15.2(b)	The source for determining exchange rates is <i>[insert a publicly available source]</i>
ITA 16.2	In addition to the original, the number of copies to be submitted with the Application is: <i>[insert number of copies]</i>
D. Submission of Applications	
ITA 17.1	The deadline for Application submission is: Date: <i>[insert date]</i> Time: <i>[insert time]</i> For Application submission purposes only, KENYA WATER TOWERS AGENCY (KWTA)'s address is: <p style="text-align: center;">The Ag. Chief Executive Officer, Kenya Water Towers Agency (KWTA), NHIF Bldg, 15th Floor, Ragati Rd, Off Ngong Road, P.O. Box 42903-00100 GPO, Nairobi- KENYA</p> <p>Attention: Head of Supply Chain Management Services Address: P.O. Box 42903-00100 GPO Country: KENYA Telephone: 020-2711437,</p>
ITA 18.1	Late Applications will be returned unopened to the Applicants. <i>[or]</i> The Procuring Entity reserves the right to accept or reject late Applications.
ITA 19.1	KENYA WATER TOWERS AGENCY (KWTA) will/will not accept late applications.
ITA 20.1	The opening of the Applications shall be at <i>[Insert date, time and address- City, Street Name, Building Name, Floor and Room]</i>
E. Procedures for Evaluation of Applications	

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITA 24.1	A margin of preference <i>[insert either “shall” or “shall not”]</i> _____ apply.
ITA 25.1	At this time KENYA WATER TOWERS AGENCY (KWTA) <i>[insert “intends” or “does not intend”]</i> to execute certain specific parts of the Works by sub-contractors selected in advance. <i>[If the above states “intends” list the specific parts of the works and the respective sub-contractors]</i>
ITA 25.2	The parts of the Works for which KENYA WATER TOWERS AGENCY (KWTA) permits Applicants to propose Specialized Subcontractors are designated as follows: _____ _____ _____ For the above-designated parts of the Works that may require Specialized Subcontractors, the relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Applicant for the purpose of evaluation.
ITA 31.1	An Applicant wishes to make a Procurement-related Complaint, the Applicant should submit its complaint in writing (by the quickest means available, that is either by hand delivery or email), to: For the attention: <i>[insert full name of person receiving complaints]</i> Title/position: <i>[insert title/position]</i> Procuring Entity: <i>[insert name of Procuring Entity]</i> Email address: <i>[insert email address]</i> In summary, at this stage, a Procurement-related Complaint may challenge any of the following: the terms of the Prequalification Documents; and KENYA WATER TOWERS AGENCY (KWTA) 's decision not to prequalify an Applicant.

SECTION III - QUALIFICATION CRITERIA AND REQUIREMENTS

1. This section contains all the methods, criteria, and requirements that **KENYA WATER TOWERS AGENCY (KWTA)** shall use to evaluate Applications, all in one Form “Eligibility and Qualification Criteria”. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the Form.
2. **KENYA WATER TOWERS AGENCY (KWTA)** shall insert one Form for each Lot or Contract in case of multiple contracts.
3. This form is generic and refers to works and construction. In case of Supply of Goods or Non-Consulting Services, the form shall be amended to read Goods or Non-Consulting Services as appropriate.

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
1. Eligibility							
1.1	Nationality	Nationality in accordance with ITA 5.6	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.2	Conflict of Interest	No conflicts of interest in accordance with ITA 5.7	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.3	Eligibility	Not declared ineligible by not meeting any of the conditions in ITA 5 and 6.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.4	State-owned Entity in Kenya	Applicant required to meet conditions of ITA 5.9	Must meet requirement	Must meet requirement	Must meet requirement	N / A	Forms ELI -1.1 and 1.2, with attachments
1.5	United Nations resolution or laws of Kenya	Not having been excluded as a result of prohibition in the laws of Kenya or official regulations against commercial relations with Kenya, or by an act	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		of compliance with UN Security Council resolution, both in accordance with ITA 6.1 and 6.2 and Section V.					
Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
2. Historical Contract Non-Performance							
2.1	History of Non-Performing Contracts	Non-performance of a contract ¹ did not occur as a result of contractor's default since 1 st January [insert year].	Must meet requirement ¹	Must meet requirements	Must meet requirement ²	N/A	Form CON-2

¹ Nonperformance, as decided by the Procuring Entity, shall include all contracts where (a) nonperformance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Nonperformance shall not include contracts where Procuring Entity's decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the applicant have been exhausted.

² This requirement also applies to contracts executed by the Applicant as JV member.

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
2.2	Suspension Based on Execution of Tender/Proposal Securing Declaration by KENYA WATER TOWERS AGENCY (KWTA)	Not under suspension based on execution of a Tender/Proposal Securing Declaration pursuant to ITA 5.10.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
2.3	Pending Litigation	Applicant's financial position and prospective long-term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant	Must meet requirement	N/A	Must meet requirement	N/A	Form CON – 2
2.4	Litigation History	No consistent history of court/arbitral award decisions against the	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form CON – 2

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		Applicant ³ since 1 st January [insert year]					
3. Financial Situation and Performance							
3.1	Financial Capabilities	(i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as _____ [insert amount in KENYA SHILLINGS] for the subject contract(s) net of the Applicants other	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN – 3.1, with attachments
			Must meet requirement	Must meet requirement	N/A	N/A	

³ The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Applicant or any member of a joint venture may result in rejection of the Application.

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<p>commitments</p> <p>(ii) The Applicant shall also demonstrate, to the satisfaction of KENYA WATER TOWERS AGENCY (KWTA), that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.</p> <p>(iii) The audited balance sheets or, if not required by the laws of Kenya, other financial statements acceptable to KENYA WATER TOWERS AGENCY (KWTA), for the last <i>[insert number]</i> years shall be submitted and must demonstrate the current soundness of the</p>	Must meet requirement	N/A	Must meet requirement	N/A	

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		Applicant's financial position and indicate its prospective long-term profitability.					
3.2	Average Annual Construction Turnover	Minimum average annual construction turnover of KENYA SHILLINGS <i>[insert amount in KENYA SHILLING equivalent in words and figures]</i> , calculated as total certified payments received for contracts in progress and/or completed within the last <i>[insert number]</i> years, divided by <i>[insert number of years in words]</i> years	Must meet requirement	Must meet requirement	Must meet <i>[insert number]</i> %, <i>[insert percentage in words]</i> of the requirement	Must meet <i>[insert number]</i> %, <i>[insert percentage in words]</i> of the requirement	Form FIN – 3.2
4. Experience							
4.1 (a)	General Construction Experience	Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 4.1

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		for at least the last <i>[insert number]</i> years, starting 1 st January _____ <i>[insert year]</i> .					
4.2 (a)	Specific Construction & Contract Management Experience	(i) A minimum number of <i>[state the number]</i> similar contracts specified below that have been satisfactorily and substantially ⁴ completed as a prime contractor, joint venture member ⁵ , management contractor or subcontractor between 1st January <i>[insert year]</i> and Application submission deadline:	Must meet requirement	Must meet requirement ⁶	N/A	Must meet the following requirements for the key activities listed below <i>[list key activities and the corresponding minimum requirements to be met by</i>	Form EXP 4.2(a)

⁴ Substantial completion shall be based on 80% or more works completed under the contract.

⁵ For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, and role and responsibilities shall be considered to meet this requirement.

⁶ In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated.

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
							<i>one member otherwise state: "N/A"</i>
4.2 (b)		For the above and any other contracts [substantially completed and under implementation] as prime contractor, joint venture member, or sub-contractor between 1st January [insert year] and Application submission deadline, a minimum construction experience in the following key activities successfully completed ⁷ : [list key activities indicating volume, number or rate of production as applicable.	Must meet requirements [Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 25.2]	Must meet requirements [Specify activities that may be met through a Specialized Subcontractor, if permitted in accordance with ITA 25.2]	N/A	Must meet the following requirements for key activities listed below [if applicable, out of the key activities in the first column of this 4.2 b), list key activities (volume, number or rate of production as applicable)	Form EXP – 4.2 (b)

⁷ Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period.

Eligibility and Qualification Criteria		Compliance Requirements					Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<p><i>Under 4.2(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b) define the required capability of the Applicant to execute the Works. There shall not be any inconsistency or repetition of requirement between 4.2(a) and 4.2(b). For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12-month period in the</i></p>					<p><i>and the corresponding minimum requirements that have to be met by one member, otherwise this cell should state: "N/A".]</i></p>

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<i>specified period,</i> ⁸					
4.3 (a)	Specific Management Experience in supply of goods	(i) A minimum number of <i>[state the number]</i> similar contracts specified below that have been satisfactorily and substantially ⁹ completed as a prime supplier, joint venture member ¹⁰ , management contractor or subcontractor between 1st January <i>[insert year]</i> and Application submission deadline:	Must meet requirement	Must meet requirement ¹¹	N/A	Must meet the following requirements for the key activities listed below <i>[list key activities and the corresponding minimum requirements to be met by one member]</i>	Form EXP 4.3(a)

⁸ The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise.

⁹ Substantial completion shall be based on 80% or more works completed under the contract.

¹⁰ For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, and role and responsibilities shall be considered to meet this requirement.

¹¹ In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		The similarity of the contracts shall be based on the following: <i>[Based on Section VII, Scope of goods contracts, specify the minimum key requirements in terms of physical size, complexity, construction method, technology and/or other characteristics including part of the requirements that may be met by Specialized Subcontractors, if permitted in accordance with ITA 25.2]</i>					<i>otherwise state: "N/A"]</i>
4.3 (b)		For the above and any other contracts [substantially completed and under	Must meet requirements <i>[Specify activities that</i>	Must meet requirements <i>[Specify activities that</i>	N/A	Must meet the following requirements for key	Form EXP – 4.2 (b)

determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated.

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<p>implementation] as prime supplier, joint venture member, or sub-contractor between 1st January [insert year] and Application submission deadline, a minimum construction experience in the following key activities successfully completed¹²: [list key activities indicating volume, number or rate of production as applicable.</p> <p><i>Under 4.3(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b) define the required capability of the Applicant</i></p>	<p><i>may be met through a specialized subcontractor, if permitted in accordance with ITA 25.2]</i></p>	<p><i>may be met through a Specialized Subcontractor, if permitted in accordance with ITA 25.2]</i></p>		<p>activities listed below [if applicable, out of the key activities in the first column of this 4.3 b), list key activities (volume, number or rate of production as applicable) and the corresponding minimum requirements that have to be met by one member, otherwise this</p>	

¹² Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period.

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
FOR LOT _____ (in case of Multiple contracts)							
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<i>to execute the Works. There shall not be any inconsistency or repetition of requirement between 4.3(a) and 4.3(b). For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12-month period in the specified period.]¹³</i>					<i>cell should state: "N/A".]</i>

¹³ The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise.

4.1 QUALIFICATION CRITERIA AND REQUIREMENTS

The Procuring Entity will start by examining all the tenders to ensure they meet in all respects the eligibility criteria and other mandatory requirements in the ITT, and that the tender is complete in all aspects in meeting the requirements provided for in the preliminary evaluation criteria outlined below. Tenders that do not pass the Preliminary Examination will be considered non-responsive and will not be considered further.

4.2 MANDATORY REQUIREMENTS

Group 1 (OPEN)

This pertains to documents to be submitted by well-established firms to include copies of:

Mandatory Evaluation Criteria

No.	Item Description	Pass/Fail
1.	Attach copy of CR12 certificate or business registration certificate and copy of Identity Card for sole proprietors	
2.	Valid KRA Tax Compliance Certificate	
3.	Evidence of physical registered office	
4.	Duly Filled Confidential Business questionnaire	
5.	Duly signed application document	
6.	Valid NCA certificate on category	
7.	Duly filled and signed terms of payment declaration form T VI	
8.	Valid single Business Permit from County Government	
9.	Fully filled, signed and stamped Anticorruption declaration form TVII	
10.	Audited Accounts for two (2) years :2020 and 2021	

NOTE:

- Applicants under specialized/technical categories are advised to submit the instruments of trade/relevant certifications alongside the requested statutory documents.
- The list will be used for source for quotations competitively basis as and when needs arises.

4.2.1 TECHNICAL EVALUATION CRITERIA

The requirements hereafter is for **firms** wishing to apply for the **open categories**, provided they meet technical criteria.

Technical capabilities of the firms shall be evaluated on the basis of the following criteria.

Criteria	Score
Track record and references	

A.	At least three (3) reputable corporate clients supported with LPO/LSO/contracts or recommendation letters where similar goods/service/works have been supplied in the last two (2) years (Attach Evidence) (one evidence =10 marks)		30
B	Staff strength		
	1. Management and supervisory: - i. <i>Three (3) and above (10 marks)</i> ii. <i>Two (2) (5 marks)</i> iii. <i>One (1) (2 marks)</i>	10	20
	2. No. of technical staff to execute the assignment. i. <i>Five (5) and above -(10 marks)</i> ii. <i>Three (3) and four (4) (5 marks)</i> iii. <i>Two (2) and below (2 marks)</i>	10	
C	Volume of business handled in the last three (3) years(Attach evidence) (20 marks) i. <i>Equal or over Kshs. 2 million (25 marks)</i> ii. <i>2 million ≤ and >1million (15marks)</i> iii. <i>1million ≤ and >200,000 (10 marks)</i> iv. <i>Below 200,000 (5 marks)</i>		25
D	Financial health (to be calculated from the submitted audited accounts) Liquidity ratio i) <i>1: 2 & above (10 marks)</i> ii) <i>1: 1-1.99 (8 marks)</i> iii) <i>1 : 0.5 – 0.99 (6 marks)</i> iv) <i>1:< 0.5 (4 marks)</i> v) <i>Below 0 (0 marks)</i> Profitability ratio i) <i>20% and above (15 marks)</i> ii) <i>15% - 19% (10 marks)</i> iii) <i>10% - 14% (5 marks)</i> vi) <i>1% -9% (2 marks)</i> vii) <i>Below 0 (0 marks)</i>		25
TOTAL SCORE			100%

- : Only applications that attain marks equal to and above 70% of the marks applicable (100%) to the technical evaluation stage shall be recommended for pre-qualification.

SECTION IV- APPLICATION FORMS

1. Application Submission Letter

Date:*[insert day, month, and year]*

ITT No. and title: *[insert ITT number and title]*

To:*[insert full name of Procuring Entity]* We, the undersigned, apply to be prequalified for the referenced ITT and declare that:

- a) No reservations: We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s), issued in accordance with ITA 8: *[insert the number and issuing date of each addendum]*.
- b) No conflict of interest: We have no conflict of interest in accordance with ITA 5.7;
- c) Eligibility: We (and our subcontractors) meet the eligibility requirements as stated ITA 5, we have not been suspended by **KENYA WATER TOWERS AGENCY (KWTA)** based on execution of a Tender/Proposal-Securing Declaration in accordance with ITA 5.8;

Suspension and Debarment: We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the PPRA. Further, we are not ineligible under the Kenya laws or official regulations or pursuant to a decision of the United Nations Security Council;

State-owned enterprise or institution: *[select the appropriate option and delete the other] [We are not a state- owned enterprise or institution] / [We are a state-owned enterprise or institution but meet the requirements of ITA5.9];*

- f) Subcontractors and Specialized Subcontractors: We, in accordance with ITA 24.2 and 25.2, plan to subcontract the following key activities and/or parts of the works or supply contracts: *[Insert any of the key activities identified in Section III-4.2 (a)or(b) or 4.3(a) or (b) which **KENYA WATER TOWERS AGENCY (KWTA)** has permitted under the Prequalification Document and which the Applicant intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]*
- (g) Commissions, gratuities, fees: We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process, the corresponding Tendering process or execution of the Contract:

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
<i>[insert full name for each occurrence]</i>	<i>[insert street/number/city/country]</i>	<i>[indicate reason]</i>	<i>[specify amount currency, value, exchange rate and KENYA SHILLING equivalent]</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[If no payments are made or promised, add the following statement: “No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application]”

- (h) Not bound to accept: We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any Application that you may receive nor to invite the prequalified Applicants to Tender for the contract subject of this Prequalification process, without incurring any liability to the Applicants, in accordance with ITA 26.1.
- (i) True and correct: All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

Signed.....*[insert signature(s) of an authorized representative(s) of the Applicant]*

Name*[insert full name of person signing the Application]*

In the capacity of *[insert capacity of person signing the Application]*

Duly authorized to sign the Application for and on behalf of: Applicant's Name..... *[insert full name of Applicant or the name of the JV]*

Address *[insert street number/town or city/country address]*

Dated on*[insert day number]* day of *[insert month]*, *[insert year]*

[For a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached]

2. Form ELI -1.1 - Applicant Information Form

Date: *[insert day, month, year]*

ITT No. and title: *[insert ITT number and title]*

Page.....*[insert page number]* of *[insert total number]* pages

Applicant's name <i>[insert full name]</i>
In case of Joint Venture (JV), name of each member: <i>[insert full name of each member in JV]</i>
Applicant's actual or intended country of registration: <i>[indicate country of Constitution]</i>
Applicant's actual or intended year of incorporation: <i>[indicate year of Constitution]</i>
Applicant's legal address [in country of registration]: <i>[insert street/ number/ town or city/ country]</i>
Applicant's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 5.6. <input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 5.3. <input type="checkbox"/> In case of state-owned enterprise or institution, in accordance with ITA 5.9 documents establishing: Legal and financial autonomy Operation under commercial law Establishing that the Applicant is not under supervision of KENYA WATER TOWERS AGENCY (KWTA)
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

3. Form ELI-1.2 - Applicant's JV Information Form

[The following form is additional to Form ELI-1.1., and shall be completed to provide information relating to each JV member (incase the Applicant is a JV) as well as any Specialized Subcontractor proposed to be used by the Applicant for any part of the Contract resulting from this prequalification]

Date: *[insert day, month, year]*

ITT No. and title: *[insert ITT number*

and title] Page.....*[insert page*

number] of *[insert total number]* pages

Applicant name: <i>[insert full name]</i>
Applicant's JV Member's name: <i>[insert full name of Applicant's JV Member]</i>
Applicant's JV Member's country of registration: <i>[indicate country of registration]</i>
Applicant JV Member's year of constitution: <i>[indicate year of constitution]</i>
Applicant JV Member's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant JV Member's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA 5.6 <input type="checkbox"/> In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and they are not under the supervision of KENYA WATER TOWERS AGENCY (KWTA) , in accordance with ITA 5.9. 2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

4. Form CON 2 - Historical Contract Non-Performance, and Pending Litigation and Litigation History

[The following table shall be filled in for the Applicant and for each member of a Joint Venture]

Applicant's Name: [insert full name]

Date: [insert day, month, year]

Joint Venture Member's Name: [insert full name]

ITT No. and title: [insert ITT number and title]

Page [insert page number] of [insert total number] pages

Non-Performed Contracts in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> Contract non-performance did not occur since 1 st January [insert year] specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 st January [insert year] specified in Section III, Qualification Criteria and Requirements, requirement 2.1			
Year	Non-performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and KENYA SHILLING equivalent)
[insert year]	[insert amount and percentage]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Procuring Entity: [insert full name] Address of Procuring Entity: [insert street/city/country] Reason(s) for nonperformance: [indicate main reason(s)]	[insert amount]
Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3.			
<input type="checkbox"/> Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3 as indicated below.			
Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)

<i>insert year]</i>	<i>[insert amount]</i>	<p>Contract Identification: [indicate complete contract name, number, and any other identification]</p> <p>Name of Procuring Entity: <i>[insert full name]</i></p> <p>Address of Procuring Entity: <i>[insert street/city/country]</i></p> <p>Matter in dispute: <i>[indicate main issues in dispute]</i></p> <p>Party who initiated the dispute: <i>[indicate “Procuring Entity” or “Contractor”]</i></p> <p>Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i></p>	<i>[insert amount]</i>
Litigation History in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4. <input type="checkbox"/> Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4 as indicated below.			
Year of award	Outcome as percentage of Net Worth	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)
<i>[insert year]</i>	<i>[insert percentage]</i>	<p>Contract Identification: [indicate complete contract name, number, and any other identification]</p> <p>Name of Procuring Entity: <i>[insert full name]</i></p> <p>Address of Procuring Entity: <i>[insert street/city/country]</i></p> <p>Matter in dispute: <i>[indicate main issues in dispute]</i></p> <p>Party who initiated the dispute: <i>[indicate “Procuring Entity” or “Contractor”]</i></p> <p>Reason(s) for Litigation and award decision <i>[indicate main reason(s)]</i></p>	<i>[insert amount]</i>

5. Form FIN – 3.1 - Financial Situation and Performance

Financial Situation and Performance

[The following table shall be filled in for the Applicant and for each member of a Joint Venture]

Applicant's Name: [insert full name]

Date: [insert day, month, year]

Joint Venture Member Name: [insert full name]

ITT No. and title: [insert ITT number and title]

Page..... [insert page number] of [insert total number] pages

1. Financial data

Type of Financial information in (currency)	Historic information for previous <i>[insert number]</i> years, <i>[insert in words]</i> (amount in currency, currency, exchange rate*, USD equivalent)				
	Year 1	Year 2	Year 3	Year4	Year 5
Statement of Financial Position (Information from Balance Sheet)					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Cash Flow Information					
Cash Flow from Operating Activities					

* Refer ITA 14 for the exchange rate

5.2 Sources of Finance

[The following table shall be filled in for the Applicant and all parties combined in case of a Joint Venture]

Specify sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.

No	Source of finance	Amount (Kenya shilling equivalent)
1		
2		
3		

5.3 Financial documents

The Applicant and its parties shall provide copies of financial statements for *[number]* years pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

- a) reflect the financial situation of the Applicant or in case of JV member, and not an affiliated entity (such as parent company or group member).
- b) Be independently audited or certified in accordance with local legislation.
- c) Be complete, including all notes to the financial statements.
- d) Correspond to accounting periods already completed and audited.

Attached are copies of financial statements¹ for the *[number]* years required above; and complying with the requirements

¹*If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, the reason for this should be justified.*

6 Form FIN - 3.2 - Average Annual Construction or Supply Contracts
Turnover

[The following table shall be filled in for the Applicant and for each member of

a Joint Venture] Applicant's Name: [insert full name]

Date: [insert day, month, year]

Joint Venture Member Name: [insert full name]

ITT No. and title: [insert ITT number and title]

Page.....[insert page number] of[insert total number] pages

Table A (Complete if Contractor)

Annual turnover data (construction only)			
Year	Amount Currency	Exchange rate*	USD equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Construction Turnover **	

* Refer ITA 14 for date and source of exchange rate.

** Total Kenya shilling equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, 3.2.

Table B (Complete if Supplier)

Annual turnover data (Supply contracts)			
Year	Amount Currency	Exchange rate*	USD equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Construction Turnover **	

Refer ITA 15 for date and source of exchange rate.

** Total Kenya shilling equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, 3.2.

**7 Form EXP - 4.1 - General Construction or Supply or service Contract Experience
(Select one)**

[The following table shall be filled in for the Applicant and in the case of a JV Applicant, each Member]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, ear]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page *[insert page number]* of *[insert total number]* pages

[Identify contracts that demonstrate continuous construction work over the past [number] years pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 4.1. List contracts chronologically, according to their commencement (starting) dates.]

Starting Year	Ending Year	Contract Identification	Role of Applicant
<i>[indicate year]</i>	<i>[indicate year]</i>	Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KENYA SHILLING equivalent*]</i> Name of Procuring Entity: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KENYA SHILLING equivalent*]</i> Name of Procuring Entity: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and Kenya shillings equivalent*]</i> Name of Procuring Entity: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>

* Refer ITA 15 for date and source of exchange rate.

8 Form EXP - 4.2(a) - Specific Construction and Contract Management Experience or Supply or service Contract Experience (*Select one*)

[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page..... *[insert page number]* of..... *[insert total number]* pages

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		KENYA SHILLING <i>[insert Exchange rate and total contract amount in KENYA SHILLING equivalent] *</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in KENYA SHILLING equivalent] *</i>	
	<i>[insert roles and responsibilities]</i>			
Procuring Entity's Name:	<i>[insert full name]</i>			
Address:	<i>[indicate street / number / town or city / country]</i>			
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>			
E-mail:	<i>[insert e-mail address, if available]</i>			

9 Form EXP - 4.2(a) (cont.) - Specific Construction and/or Contract Management Experience (cont.)

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information
Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III:	
1. Amount	<i>[insert amount in local currency, exchange rate, KENYA SHILLING in words and in Figures]</i>
2. Physical size of required works items	<i>[insert physical size of items]</i>
3. Complexity	<i>[insert description of complexity]</i>
4. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
5. Construction rate for key activities	<i>[insert rates and items]</i>
6. Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Works]</i>

10 Form EXP - 4.2(b) - Construction Experience or Supply or service contract in Key Activities (*select one*)

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Applicant's JV Member's Name: *[insert full name]*

Sub-contractor's Name..... (as per ITA 24.2 and 24.3): *[insert full name]*

ITT No. and title: *[insert ITT number and*

title] Page.....*[insert page number]*

of..... *[insert total number]* pages

All Sub-contractors for key activities must complete the information in this form as per ITA 24.2 and 24.3 and Section III, Qualification Criteria and Requirements, 4.2.

1. Key Activity No. One: *[insert brief description of the Activity, emphasizing its specificity]* Total Quantity of Activity under the contract: _____

	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in contract currency(ies)]</i>		KENYA SHILLING <i>[insert exchange rate and total contract amount in KENYA SHILLING equivalent]</i>	
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year <i>[Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]</i>	Total quantity in the contract (i)	Percentage participation (ii)		Actual Quantity Performed (i) x (ii)
Year 1				

Year 2			
Year 3			
Year 4			
Procuring Entity's Name:	<i>[insert full name]</i>		
Address: Telephone/fax number E-mail:	<i>[indicate street / number / town or city / country] [insert telephone/fax numbers, including country and city area codes] [insert e-mail address, if available]</i>		

Activity No. Two 3.

	Information
Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III:	
	<i>[insert response to inquiry indicated in left column]</i>

PART 2 - WORKS, GOODS OR NON - CONSULTING SERVICES REQUIREMENTS

Bidders must only submit one prequalification bid per category to avoid disqualification

PRE-QUALIFICATION NO	DESCRIPTION OF GOODS/SERVICES/WORKS	ELIGIBILITY
KWTA/PQ/01/2022-2024	Provision of Mail and Courier Services	Open
KWTA/PQ/02/2022-2024	Provision of Team Building/Bonding Services	Open
KWTA/PQ/03/2022-2024	Provision of Event Organization	Open
KWTA/PQ/04/2022-2024	Provision of Public Relations, Consultancy in Provision of Policy Formulation, Human Resource, Survey and Services Promotional Services and other related Consultancy Services.	Open
KWTA/PQ/05/2022-2024	Provision of Training Auctioneering Services – Licensed Auctioneers Only	Open
KWTA/PQ/06/2022-2024	Provision of Insurance Brokerage Services	Open
KWTA/PQ/07/2022-2024	Provision of Consultancy Services on Human Resource Services;	Open
i.	Human Resource Policies	
ii.	Capacity Building	
iii.	Training and Management	
iv.	Strategy Development	
v.	Staff Recruitment	
vi.	Change Management	
vii.	Health and Safety etc	
KWTA/PQ/08/2022-2024	Provision of Consultancy - Training Services (NITA Registered Firms Only)	Open
i.	Leadership and Management skills	Open
ii.	Performance Management	Open
iii.	Presentation Skills	Open
iv.	Effective Customer Service	Open
v.	Pre-Retirement and Personal Financial Planning/ Entrepreneurship	Open
vi.	Soft Skills(time and Stress Management)	Open
vii.	Supervisory Skills Development	Open
viii.	Effective Communication and Presentation Skills	Open
ix.	Administrative Development Skills	Open
x.	Strategic and Change Management	Open
xi.	Inspiration and Transformative Talks(Motivation talk)	Open
xii.	Employee Health & Wellness	Open

xiii.	Millennial & Centennials Management	Open
xiv.	Report Writing & Minutes Taking	Open
xv.	Interpersonal Relations Skills	Open
xvi.	Gender Mainstreaming	Open
xvii.	Drug & Substance Abuse	Open
xviii.	Knowledge Management	Open
xix.	Security and Safety Services	Open
KWTA/PQ/09/2022-2024	Provision of Research Consultancy Services (eg. Customer Satisfaction, and National Perception Survey, Employees Satisfaction and Work Environment Survey Services.	Open
KWTA/PQ/010/2022-2024	Supply and Delivery of Tree Seeds	Open
KWTA/PQ/011/2022-2024	Establishment of Water Harvesting System	Open
KWTA/PQ/012/2022-2024	Supply, Delivery and Installation of Briquette Making Machine	Open
KWTA/PQ/013/2022-2024	Supply, Delivery and Installation of Solar System	Open
KWTA/PQ/014/2022-2024	Supply, Installation and Commissioning of Human Waste /Animal Waste Biogas System	Open
KWTA/PQ/015/2022-2024	Construction of Mounting of Water Tower Tanks for The Bamboo Nursery and Construction of a Borehole and Installation of Solar Powered Pump	Open
KWTA/PQ/016/2022-2024	Supply and Delivery of Farm Inputs eg. Fertilizer, Manure, Pesticides	Open
KWTA/PQ/017/2022-2024	Supply and Delivery of Farm Equipment's eg, Fork Jembes, Jembes, Wheelbarrows, machetes	Open
KWTA/PQ/018/2022-2024	Provision Consultancy Services For Identification, Mapping And Modelling Of Bio-Diversity Hotspots In Selected Water Towers	Open
KWTA/PQ/019/2022-2024	Supply of Fuel, Oils and Lubricants	Open
KWTA/PQ/020/2022-2024	Provision of Building, Mechanical and Civil Works Contractors	Open
KWTA/PQ/021/2022-2024	Provision of Architectural, Mechanical and Civil Consultancy Services	Open
KWTA/PQ/022/2022-2024	Repair, maintenance and Servicing of Motor Vehicles(List from Mechanical Engineer)	Open
KWTA/PQ/023/2022-2024	Provision of Air Travel and Ticketing Services- Both Local and International Travel (IATA Registered Firms Only	Open
KWTA/PQ/024/2022-2024	Provision of Conference and hotel	Open

	accommodation	
KWTA/PQ/025/2022-2024	Provision of Car Wash Services	Open
KWTA/PQ/026/2022-2024	Provision of Legal Services – LSK Registered Firms Only	Open
KWTA/PQ/027/2022-2024	Provision of Services on Verification , Valuation and Tagging of Assets	Open
KWTA/PQ/028/2022-2024	Provision of Transport Services i.e Taxis and Hire of Motor Vehicles	Open
KWTA/PQ/029/2022-2024	Establishment of Community Based tree nurseries in selected Water Towers.	Open
KWTA/PQ/030/2022-2024	Purchase and upgrade of ARCGIS Online , SPSS and ERDAS Imagine Licenses	Open

SECTION V - SCOPE OF WORKS, Goods or Non-Consulting Services required

1. Description of the Works or Supply contract.
 2. Construction Period or Goods Supply Period or Non-Consulting Services Contract period.
 3. Site and Other Data.
-

REQUEST FOR REVIEW

FORM FOR REVIEW (r.203 (1))

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 ofdated the...day of20.....in the matter of Tender No.....of20..... for (Tender description).

REQUEST FOR REVIEW

I/We.....,the above named Applicant(s), of address: Physical address.....P. O. Box No..... Tel. No.....Email, hereby request the Public Procurement Administrative Review Board to review the whole/part of the above mentioned decision on the following grounds , namely:

- 1.
- 2.

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 of20.....

SIGNED

Board Secretary