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PREQUALIFICATION FOR CONTRACTORS FOR SMALL BUILDING AND CIVIL WORKS

TENDER No. MAV/PREQUALIFICATION/2015/10

PROCUREMENT PREQUALIFICATION DOCUMENT

May 2015

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Tender No. MAV/PREQUALIFICATION/2015/10

Tender Name: PREQUALIFICATION FOR CONTRACTORS FOR SMALL BUILDING AND CIVIL WORKS

1. The Mavoko Water and Sewerage Co Ltd hereinafter referred as “MAVWASCO” intends to prequalify candidates for building and civil works
2. A complete set of prequalification document may be downloaded from the company website www.mavokowater.org by interested candidates.
3. Completed tender documents shall be deposited in the Tender Box at **the main office reception, situated along Mavoko Road, Athi-River, Off Nairobi Namanga Highway** addressed to **The Managing Director , Mavoko Water and Sewerage Company Ltd, P.O. Box 582-00204 Athi-River** so as to be received on or before **Tuesday, 2nd June 2015** at 12noon.
4. A minimum requirement for qualification is to have successfully carried out minimum essential experience requirements in accordance with the instructions to candidates
5. Applications for prequalification must be submitted enclosed in plain sealed envelopes marked with the tender name and reference number and deposited in the tender box at our offices at Athi River off Namanga-Nairobi Highway Mavoko road opposite to Athi River Railway station or to be addressed to MAVWASCO P. O. Box 582-00204 Athi River so as to be received on or before **2nd June 2015, 12 noon.**
6. All candidates whose applications will have been received before the closing date and time will be advised in due course, of the results of their applications. Only candidates prequalified under this prequalification process will be invited to tender.

For (*Managing Director/MAVWASCO*)

SECTION II - INSTRUCTIONS TO CANDIDATES

Notes on Instructions to Candidates

1. The instructions to candidates should provide the candidates with adequate information to facilitate preparation and submission of a good prequalification application.
2. The instructions to candidates may be amended or supplemented by clauses in the appendix to instructions to candidates.

SECTION II - INSTRUCTIONS TO CANDIDATES

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SECTION II - INSTRUCTIONS TO CANDIDATES

2.1 Scope of Tender

7. The Mavoko Water and Sewerage Co Ltd hereinafter referred to as the MAVWASCO intends to prequalify contractors for building and civil works. It is expected that prequalification applications will be submitted to be received by the MAVWASCO not later than Tuesday, **2nd June 2015, 12.00noon.**

2.1.1

Note “Describe the work in sufficient detail to identify the location, nature and complexity of the works, the information should be prepared for each procurement/contract.

Approximate quantities of major items of work should be indicated, but the estimated cost should not be disclosed in this instruction or in invitation for prequalifications.”

- 2.1.2 Prequalification is open to eligible firms and voluntarily formed joint ventures as indicated in appendix to instructions to candidates.

- 2.1.3 General information on the climate, hydrology, topography, access to site, transportation and communications facilities, medical facilities, project layout, expected construction period, facilities, services provided by the MAVWASCO and (other relevant date) are as specified in the appendix to instructions to candidates. The contract will be a unit price contract. The tender documents will be provided at time of preparation of bids.

2.2 Submission of Application

8. Applications for prequalification shall be submitted in sealed envelopes marked with the tender name and reference number and deposited in the tender box at (address and location) or be addressed to MAVWASCO, P. O. Box 582-00204 Athi River so as to be received on or before Tuesday, **2nd June 2015, 12:00 noon.** The MAVWASCO reserves the right to accept or reject late applications.

Note “The time allowed for preparation of prequalification applications should be sufficient for applicants to gather all the information required but in any case not less than 28 days for national tenders and 42 days for international tenders from the date of first advertisement. This period may be long for very large projects, where time should be allowed for the formation of joint ventures.”

- 2.2.1 The name and mailing address of the applicant may be marked on the envelope.

- 2.2.2 All the information requested for pre qualification shall be provided in the English language. Where information is provided in any other language, it shall be accompanied by a translation of its pertinent parts into English language. The translation will govern and will be used for interpreting the information.
- 2.2.3 Failure to provide information that is essential for effective evaluation of the applicant's qualifications or to provide timely clarification or sub substantiation of the information supplied may result in the applicant's disqualification.
- 2.2.4 A consultations and clarifications meeting will be held at (*place, date and time*) at which applicants may request clarifications of the prequalification document. Attendance of this meeting will be voluntary

Note *"The information in 2.2.5 should only be used if a consultations and clarifications meeting is necessary and planned. Such meetings are normally called only for very large and/or complex procurements.*

2.3 Eligible Candidates

- 2.3.1 This invitation for pre-qualification is reserved to youth, women and persons with disabilities, candidates who are eligible as defined in Kenya's Public Procurement Law and regulations and as indicated in the appendix to instructions to candidates.
- 2.3.2 The MAVWASCO's employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the tender unless where specially allowed under section 131 of the Act.
- 2.3.3 All terms found capable of performing the contract satisfactorily in accordance to the set prequalification criteria shall be prequalified.

Note *"The eligibility criteria must comply with the law. It should not deliberately discriminate or inhibit competition*

2.4 Qualification Criteria

- 2.4.1 Pre-qualification will be based on meeting the minimum requirements to pass in the criteria set as shown below. The declaration will be either pass or fail regarding the applicant's general and particular experience, personnel and equipment capabilities and financial position as demonstrated by the applicant's response in the forms provided in Section IV and submitted with the letter of application. The MAVWASCO reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the contract.
- 2.4.2 When highly specialized inputs (especially for execution of the contract) are required by the applicant from specialist sub contractors, such subcontractors and their inputs shall be described in the Standard Form 1 (General Information)

- 2.4.3 General Experience. The applicant shall meet the following minimum criteria
- (a) average annual turnover as main contractor (defined as billing for works in progress and completed) over the last _____ (15) years of Kshs.____
_____ (16) and
 - (b) successful experience as prime contractor in execution of at least three projects (17) of a nature and complexity comparable to the proposed contract within the last _____ (15) years. This experience should include _____ (18)

- Note (15) *This time is normally five years but may be less if circumstances warrant I it*
- (16) *Usually not less than 2 ½ times the estimated annual cash flow in the proposed contract or works (based on a straight line projection) the coefficient may be smaller for very large or very small contract, but not less than 1.5, and should take into consideration special contract/work circumstances*
- (17) *May be reduced or increased*
- (18) *Indicate in this part the critical experience for the proposed works/contract*

2.4.4 Personnel capabilities. The applicant must have suitably qualified personnel to fill the following positions(19)

Position	Total experience (years)	In similar works (years)	As manager of similar works (years)
Project Manager			
Other Position			
Other position			

Note (19) *List only Key management specialist positions. Do not include principals, head office personnel who are not key to the project/works and other non-specialist personnel. The experience requirements should be specified*

2.4.5 Equipment capabilities. The applicant should own, or have assured access (through hire, lease, purchase agreement, availability of manufacturing equipment, or other means) the following key items of equipment in full good working order, and must demonstrate that, based on known commitments they will be available for use in the proposed contract. The applicant may also list alternative equipment that it would propose for the contract together with an explanation of the proposal

Equipment type and characteristics	Minimum number required
1)	
2)	
3)	

Note *Paragraph 2.4.5 applies mainly to construction works. However, it may be adapted for some heavy engineering contract, supply and installation and other contracts requiring production capacity. Insert a list of the key equipment need based on specific items or on performance criteria appropriate. The items listed shall be limited to major items of equipment that are crucial to the proper and timely execution of the contract, and items that applicants may not readily be able to purchase, hire or lease in the required time frame.*

2.4.6 Financial position. The applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit and other financial means sufficient to meet the construction cash flow for a period of _____ months, estimated at Kshs. _____(21), net of the applicants commitments for other contracts.

Note *(21) This figure should be accurate to adequately reflect the financial cash flow commitment for the contract*

2.4.7 The audited Accounts (22) for the last _____ (23) years shall be submitted and must demonstrate the soundness of the applicant’s financial position, showing long-term profitability. Where necessary the MAVWASCO will make inquiries with the applicant’s bankers.

Note *(22) Audited Accounts requirement may be relaxed by the MAVWASCO especially for firms owned by individuals and partnerships where the law does not require them to be prepared.*

(23) This period is usually five years but may be reduced in special contract/works circumstances.

2.4.8 Litigation history the applicant should provide accurate information on any litigation or arbitration resulting from contracts completed or under its execution over the last five years. A consistent history of awards against the applicant or any partner of a joint venture may result in failure of the application.

2.5 Joint Venture

2.5.1 Joint ventures must comply with the following:-

- (a) Following are the minimum qualification requirements.
- (i) The lead partner shall meet not less than (not less than (%)) of all the qualifying criteria in paras's 2.4.3 and 2.4.6 above (24)

Note (24) *Care should be exercised in drafting this clause. In certain types of projects, joint ventures are formed by assembling the specialist skills of various contractors (e.g. civil, electrical, mechanical, and industries). In such cases, the provisions referring to the lead partner and "other partners" must be tailored to particular circumstances o the project*

- (ii) The other partners shall meet individually not less than _____ (%) of all the qualifying criteria given in para. 2.4.3 and 2.4.6 above
- (iii) The joint venture must satisfy collectively the criteria of section 4, for which propose the relevant figures for each of the partners shall be added together to arrive at the joint ventures total capacity. Individual members must each satisfy the requirements of para 2.4.7 and 2.4.8 above.

(b) The formation of a joint venture after pre-qualification and any change in a prequalified joint venture will be subject to the written approval of the MAVWASCO prior to the deadline for submission of bids. Such approval may be denied if (i) partners withdraw from a joint venture and the remaining partners do not meet the qualifying requirements (ii) the new partners to a joint venture are not qualified, individually or as an another joint venture; or (iii) in the opinion of the MAVWASCO a substantial reduction in competition may result.

(c) Any future bid shall be signed so as to legally bind all partners, jointly and severally, and any bid shall be submitted with a copy of the joint venture agreement providing the joint and several liability with respect to the contract.

2.5.2 The pre-qualification of a joint venture does not necessarily pre qualify any of its members individually as a member in any other joint venture or association. In case of dissolution of a joint venture, each one of the constituent firms may prequalify if it meets all the prequalification requirements, subject to a written approval of the MAVWASCO

2.6 Public Sector companies

2.6.1 Any public owned enterprise may be eligible to qualify if, in addition to meeting all the above requirements, it is also legally and financially autonomous, it

operates under commercial law, and it is not a dependent agency of another public entity.

2.7. Conflict of Interest

2.7.1 The applicant (including all members of a joint venture) shall not be associated, nor have been associated in the past, with the consultant or any other entity that has prepared the design, specifications, and other prequalification and bidding documents for the project, or with an entity that was proposed as engineer for the contract. Any such association must be disclosed and may result in the disqualification of the applicant.

2.8. Updating Pre-qualification Information

2.8.1 Pre qualified candidates shall be required to update the financial information used for pre qualification at the time of submitting their bids and to confirm their continued compliance with the qualification criteria. A bid shall be rejected if the applicant's qualification thresholds are no longer met at the time of bidding.

APPENDIX TO INSTRUCTIONS TO CANDIDATES

Notes on the appendix to instructions to Candidates

1. The appendix to candidates to tenderers is intended to assist the MAVWASCO in providing specific information which may not be adequately covered by the clauses in the instructions to candidates.
2. The appendix may amend any information in the instructions to candidates.
3. The MAVWASCO should use the appendix to ensure that all relevant information to the candidates relating to a particular pre qualification is included.

APPENDIX TO INSTRUCTIONS TO CANDIDATES

The following instructions for the pre qualification of candidates shall supplement, complement or amend the provisions of the instructions to candidates.

Where there is a conflict between the provisions of the instructions to candidates and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the instructions to the candidates.

Note

To be completed appropriately by the MAVWASCO. Reference will be made to the relevant clause of the Instructions to Candidates.

SECTION III - LETTER OF APPLICATION

Notes on letter of application

The letter of application will be prepared by the applicant and will follow the form presented herein.

The letter of application will be prepared on the letterhead paper of the applicant or partner responsible for a joint venture and will include full postal address, telephone numbers, fax number and Email address.

The letter of application will be signed by duly authorized representatives of the applicant.

Any clause which does not apply to the applicant in the letter of application herein shall be deleted by the applicant.

SECTION III- LETTER OF APPLICATION

Date

To

 (*name and address of the MAVWASCO*)

Ladies and/or Gentlemen

1. Being duly authorized to represent and act on behalf of _____ (*name of firm*) (hereinafter referred to as “the Applicant”), and having reviewed and fully understood all of the pre qualification information provided, the undersigned hereby apply to be prequalified by yourselves as a bidder for the following contract(s) under (Tender No. and Tender name)

Tender number	Tender name
1.	
2.	
3.	
4.	
5.	

2. Attached to this letter are copies of original documents defining
 (a) the Applicant’s legal status
 (b) the principal place of business and
 (c) the place of incorporation (*for applicants who are corporations*), or the place of registration and the nationality of the owners (*for applicants who are partnerships or individually-owned firms*).

3. Your Agency and its authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this application, and to seek clarification from our bankers and clients regarding any financial and technical aspects. This letter of Application will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and as requested by yourselves to verify statements and information provided in this application, such as the resources, experience, and competence of the Applicant.

4. Your Agency and its authorized representatives may contact the following persons for further information.

General and managerial inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Personnel inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Technical inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Financial inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

5. This application is made with the full understanding that:
- (a) bids by prequalified applicants will be subject to verification of all information submitted for prequalification at the time of bidding.
 - (b) Your Agency reserves the right to:
 - amend the scope and value of any contracts bid under this project; in such event, bids will only be called from prequalified bidders who meet the revised requirements; and
 - reject or accept any application, cancel the prequalification process, and reject all applications
 - (c) your Agency shall not be liable for any such actions and shall be under no obligation to inform the Applicant of the grounds for them
3. Appended to this application, we give details of the participation of each party, including capital contribution and profit/loss agreements, in the joint venture or association. We also specify the financial commitment in terms of the percentage of the value of the <each> contract, and the responsibilities for execution of the <each> contract.
4. We confirm that if we bid, that bid, as well as any resulting contract, will be:

- (a) signed so as to legally bind all partners, jointly and severally; and
- (b) submitted with a joint venture agreement providing the joint and several liability of all partners in the event the contract is awarded to us.

5. The undersigned declare that the statement made and the information provided in the duly completed application are complete, true, and correct in every detail.

Signed	Signed
Name	Name
For and on behalf of (name of Applicant or lead partner of a joint venture)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

SECTION IV - STANDARD FORMS

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5.	Personnel capabilities	
5A	Candidate summary	
6.	Equipment capability	
7.	Financial capability	
8.	Litigation History	
9.	Request for Review	

SECTION IV - STANDARD FORMS

Notes on completion of Standard Forms

- Application Form 1 - General information
This form is to be completed by all applicants. Where the applicant proposes to use sub-contractors the information should be supplied in this format. Where there is a joint venture, each partners shall complete the form
- Application Form 2 - General Experience Record
This form is to be completed by all applicants. Separate sheets should be used for each partner of a joint venture. Applicants are not required to enclose testimonials, certificates or publicity materials with their applications.
- Application Form 2A - Joint Venture Summary
This form is to be completed by joint venture applicants only.
- Application Form 3 - Particular Experience Record
This form is to be completed by all applicants meeting the requirement set out in the instructions to candidates. Separate sheets shall be used for each member of or joint venture. Complimentary information will be given on application Form 3A.
- Application Form 3A - Details of Contracts of similar nature and complexity
This form shall be completed by all applicants and will contain similar works completed by the applicant or a member of a joint venture
- Application Form 4 - Summary sheet. Contract commitments/work in progress
This form is to be completed by all applicants including each member of a joint venture. It shall contain the current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.
- Application Form 5 - Personnel Capabilities
This form is to be completed by all applicants. It shall include specific positions essential to contract implementation. The applicants shall provide the names of at least two candidates qualified to meet the specified

requirements stated for each position. The data on their experience shall be supplied on Form 5A

- Application Form 5A - Candidate Summary
This form is to be completed by all applicants. The information provided will complement information on Form 5. A separate form shall be used for each personnel
- Application Form 6 - Equipment Capability
This form is to be completed by all applicants. It should provide adequate information to demonstrate clearly that the applicant has the capability to meet the requirements for each and all items of equipment listed in the instructions to candidates. A separate form shall be prepared for each item of equipment or for alternative equipment proposed by the applicant.
- Application Form 7 - Financial Capability
This form shall be completed by every applicant and each member of a joint venture. It should contained financial information to demonstrate that they meet the requirements stated in the instructions to candidates. If necessary separate sheets should be used to provide complete banker information. A copy of the audited balance sheet if available should be attached. The information should include the summary of actual assets and liabilities for the last five years.
- Application Form 8 - Litigation History
This form is to be completed by all applicants including each member of a joint venture. It should provide information on any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution. A separate sheet should be used for each member of a joint venture
- Form RB1 - Request for Review
This form is only to be filled by the tenderer when aggrieved by the MAVWASCO and submitted to the Review Board at anytime during the tender process but not later than 14 days after date of notification of award

APPLICATION FORM (1)

GENERAL INFORMATION

1.	Name of firm	
2.	Head office address	
3.	Telephone	Contact
4.	Fax	E-mail
5.	Place of incorporation/registration	Year of incorporation/registration

Nationality of owners		
	Name	Nationality
1.		
2.		
3.		
4.		
5.		

In addition

1. Pin No.:(*Attach a copy*).....
2. We accept purchases by L.P.O Yes No (Tick appropriately)
3. Valid Certificate of Tax Compliance (*Attach copy*).....
4. **Class of registration** as a contractor by Relevant Statutory Body (*Attach copy*).....

APPLICATION FORM (2)

GENERAL EXPERIENCE RECORD

Name of Applicant or partner of a joint venture

Annual turnover data (Construction only)		
Year	Turnover	Kshs.
1.		
2.		
3.		
4.		
5.		

APPLICATION FORM (2A)

JOINT VENTURE SUMMARY

Names of all partners of a joint venture
1. Lead partner
2. Partner
3. Partner
4. Partner
5. Partner
6. Partner

Total value of annual construction turnover, in terms of work billed to clients, in Kshs.

Annual turnover data (construction only): Kshs.

Partner	Form 2 Page no.	Year 1	Year 2	Year 3
1. Lead Partner				
2. Partner				
3. Partner				
4. Partner				
5. Partner				
6. Partner				
	Totals			

APPLICATION FORM (3)

PARTICULAR EXPERIENCE RECORD

Name of Applicant or partner of a joint venture

APPLICATION FORM (4)

**SUMMARY SHEET: CURRENT CONTRACT
COMMITMENTS/WORK IN PROGRESS**

Name of Applicant or partner of a joint venture

Name of contract	Value of outstanding work Kshs.	Estimated completion date
1.		
2.		
3.		
4.		
5.		
6.		

APPLICATION FORM (5)

PERSONNEL CAPABILITIES

Name of Applicant

1.	Title of position Name of prime candidate Name of alternate candidate
2.	Title of position Name of prime candidate Name of alternate candidate
3.	Title of position Name of prime candidate Name of alternate candidate
4.	Title of position Name of prime candidate Name of alternate candidate

APPLICATION FORM (5A)

CANDIDATE SUMMARY

Name of Applicant

Position	Candidate * Prime * Alternate	
Candidate information	1. Name of candidate	2. Date of birth
	3. Professional qualifications	
Present employment	4. Name of employer	
	5. Address of employer	
Telephone	Contact (manager/personnel officer)	
Fax	E mail	
Job title of candidate	Years with present employer	

Summarize professional experience over the last 20 years, in reverse chronological order. Indicate particular technical and managerial experience relevant to the Project.

From	To	Company/Project/Position/Relevant technical and management experience

APPLICATION FORM (6)

APPLICATION FORM (7)

FINANCIAL CAPABILITY

Name of Applicant or partner of a joint venture

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

Financial information in Kshs.	Actual : previous five years		Projected: next two years	
	1.	2.	3.	4.
1. Total assets				
2. Current assets				
3. Total liabilities				
4. Current liabilities				

5. Profits before taxes				
6. Profits after taxes				

Source of finance	Amount Kshs.
1.	
2.	
3.	
4.	

LETTER OF NOTIFICATION OF AWARD

Address of MAVWASCO

To: _____

RE: Tender No. _____

Tender Name _____

This is to notify that the contract/s stated below under the above mentioned tender have been awarded to you.

1. Please acknowledge receipt of this letter of notification signifying your acceptance.
2. The contract/contracts shall be signed by the parties within 30 days of the date of this letter but not earlier than 14 days from the date of the letter.
3. You may contact the officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

(FULL PARTICULARS) _____

SIGNED FOR ACCOUNTING OFFICER

REQUEST FOR REVIEW FORM

FORM RB 1

REPUBLIC OF KENYA

PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

APPLICATION

NO.....OF.....20.....BETWEEN.....APPLICANT
AND.....RESPONDENT (MAVWASCO)

Request for review of the decision of the..... (MAVWASCO) ofdated
the...day of20.....in the matter of Tender No.....of20...

REQUEST FOR REVIEW

I/We.....the above named Applicant(s), of address: Physical
address.....Fax 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.
- etc.

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

- 1.
- 2.
- etc

SIGNED(Applicant)

Dated on.....day of/...20...

FOR OFFICIAL USE ONLY

Lodged with the Secretary Public Procurement Administrative Review Board on day of
.....20.....

SIGNED
Board Secretary