

**TENDER NO: OR/OT/010/2022-2023**

**DISPOSAL OF ASSETS (MILK-PROCESSING EQUIPMENTS)  
FOR COUNTRYSIDE DAIRY LIMITED (IN LIQUIDATION)**

**IN THE MATTER OF COUNTRYSIDE DAIRY LIMITED (UNDER  
ADMINISTRATION) – HCCOMMIC/E013/2022**

**RELEASE DATE: THURSDAY ,25<sup>TH</sup> MAY,2023**

**CLOSING DATE: FRIDAY, 9<sup>th</sup>JUNE,2023 AT 11.00AM**

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## INVITATION TO TENDER

### BUSINESS REGISTRATION SERVICE

### DISPOSAL OF ASSETS (MILK-PROCESSING EQUIPMENTS)

### FOR COUNTRYSIDE DAIRY LIMITED (IN LIQUIDATION)

1. The (BUSINESS REGISTRATION SERVICE) now invites sealed tenders from eligible candidates to purchase DISPOSAL OF ASSETS (MILK-PROCESSING EQUIPMENTS) FOR COUNTRYSIDE DAIRY LIMITED (IN LIQUIDATION)
2. Interested eligible candidates may obtain further information at the address provided below. Items will be sold as they are, without any encumbrances.
3. Interested tenderers may inspect the goods to be sold during office hours [0900 HRS - 1600HRS] at the address given below.
4. A complete set of tender documents may be obtained by interested candidates for free and to be downloaded from BRS Website [www.brs.go.ke](http://www.brs.go.ke)
5. Tenderers will be required to pay in advance a fundable deposit as indicated in the Appendix to Instructions to tenderers.
6. Completed tenders must be delivered to the address below on or before [9<sup>th</sup> June,2023]. Electronic Tenders *will not* be permitted.
7. Prices quoted should be net, must be in Kenya Shillings and shall remain valid for the period to be determined by the Procuring Entity from the closing date of the tender.
8. Tenders will be opened immediately after the deadline date and time specified above or any deadline date and time specified later. Tenders will be publicly opened in the presence of the Tenderers' designated representatives who choose to attend at the address below.
9. Late tenders will be rejected.
10. The addresses referred to above are:
  - A. Address for obtaining further information, and for inspecting the goods to be sold.
    - (1) OFFICIAL RECEIVER - BUSINESS REGISTRATION SERVICE
    - (2) Physical address for hand Courier Delivery to an office or Tender Box Nairobi, 2<sup>nd</sup> Ngong Av, 316 Upper hill Chambers, Floor 17<sup>th</sup> Floor
    - (3) Postal Address P.O Box 30404-00100 Nairobi
    - (4) (+254)011 112 7000

(5) Procurement @brs.go.ke

B. Address for Submission of Tenders.

- (1) OFFICIAL RECEIVER - BUSINESS REGISTRATION SERVICE
- (2) P.O BOX 30404 -00100 NAIROBI SCMO
- (3) NAIROBI,2<sup>nd</sup> Ngong, Av,316 Upper hill Chambers,17<sup>th</sup> Floor

C. Address for Opening of Tenders.

- (1) OFFICIAL RECEIVER - BUSINESS REGISTRATION SERVICE
- (2) NAIROBI,2<sup>nd</sup> Ngong, Av,316 Upper hill Chambers,17<sup>th</sup> Floor

**IDY PEMBERE**

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[Authorized Official (name, designation, Signature and date)]

- (3) Name\_\_\_OFFICIAL RECEIVER - BUSINESS REGISTRATION SERVICE

Designation SENIOR SUPPLY CHAIN MANAGEMENT OFFICER

Signature IP

Date: 25<sup>TH</sup>MAY,2023

# SECTION I - INSTRUCTIONS TO TENDERERS

## 1 Eligible Tenderers

- 1.1 This Invitation for Tenders is open to all tenderers eligible as described in the Appendix to instructions to tenderers.
- 1.2 Tenderers shall be under a declaration of ineligibility for corrupt or fraudulent practices
- 1.3 The Procuring Entity's employees, committee members, board members and their Spouses, Child, Parent, Brothers or Sister. Child, Parent, Brother or Sister of a Spouse are not eligible to participate in the tender unless where specifically allowed under section 131 of the Act.
- 1.4 A Kenyan tenderer shall provide evidence of having fulfilled his/her tax obligations by producing a valid tax compliance certificate or tax exemption certificate issued by the Kenya Revenue Authority.

## 2. Cost of Tendering

- 2.1 The tenderer shall bear all costs associated with the preparation and submission of its tender, and the Procuring Entity, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process.
- 2.2 The Procuring Entity shall allow the tenderer to review the tender document and the goods to be sold free of charge before tendering.

## 3. The Tender Document

- 3.1 The tender document comprises the documents listed below and any addenda issued in accordance with clause 2.5 of these instructions to tenderers.
  - i) Invitation to tender,
  - ii) Instructions to tenderers,
  - iii) Schedule of items and prices,
  - iv) Conditions of Tender,
  - v) Form of tender,
  - vi) Confidential Business Questionnaire Form,
  - vii) Tender Commitment Declaration Form.
- 2.1 The tenderer is expected to examine all instructions, forms, terms and specifications in the tender documents. Failure to meet all the requirements of the tender will be at the tenderer's risk and may result in the rejection of its tender.

## 4 Clarification of Documents

- 4.1 A prospective tenderer requiring any clarification of the tender document may notify the Procuring Entity in writing or by post at the entity's address indicated in the Invitation for tenders. The Procuring Entity will respond in writing to any request for clarification of the tender documents, which it receives not later than thirty (30) days prior to the deadline for the submission of tenders, prescribed by the Procuring Entity. Written copies of the Procuring entities response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective tenderers that have received the tender document.
- 4.2 Clarification of tenders shall be requested by the tenderer to be received by the Procuring Entity not later than 7 days prior to the deadline for submission of tenders.
- 4.3 The Procuring Entity shall reply to any clarifications sought by the tenderer within 3 days of

receiving the request to enable the tenderer to make timely submission of its tender.



## **5 Amendment of Documents**

- 5.1 At any time prior to the deadline for submission of tenders, the Procuring Entity, may for any reasons, whether at its own initiative or in response to a clarification requested by a prospective tenderer, modify the tender documents by amendment
- 5.2 All prospective candidates that have received the tender documents will be notified of the amendment in writing or by post and will be binding on them.
- 5.3 In order to allow prospective tenderers reasonable time in which to take the amendment in to account in preparing their tenders, the Procuring Entity, at its discretion, may extend the deadline for the submission of tenders.

## **6 Tender Prices and Currencies**

- 6.1 The tenderer shall indicate on the appropriate Price Schedule the unit prices and total tender price of the item it proposes to purchase under the contract.
- 6.2 Prices quoted by the tenderer shall be fixed during the tender validity period and not subject to variation on any account. A tender submitted with an adjustable price quotation will be treated as non-responsive and will be rejected.
- 6.3 The Price quoted shall be in Kenya Shillings.

## **7 Tender deposit**

- 7.1 The tenderer shall put a deposit for every item tendered for in the amount indicated in the schedule of items and prices, to the Bank account indicated in Section III - Schedule of Items and Prices
- 7.2 Failure to put the required deposit for any items tendered for will lead to disqualification of the tender for the items.
- 7.3 Unsuccessful Tenderer's tender deposit will be discharged or returned as promptly as possible but not later than Seven (7) days after the expiration of the period of tender validity prescribed by the Procuring Entity.
- 7.4 The successful Tenderer's tender deposit will be credited to his tender price so that it forms part of the amount of the tender and the tenderer will be required to pay the tender price less the deposit security.
- 7.5 The tender deposit shall be forfeited:
- a) If a tenderer withdraws its tender during the period of tender validity specified by the Procuring Entity.
  - b) In the case of a successful tenderer, if the tenderer fails to pay the balance of the tender price.

## **8 Validity of Tenders**

- 8.1 Tenders shall remain valid for 60 days or as specified in the appendix to instruction to tenderers after date of tender opening prescribed by the Procuring Entity, pursuant to paragraph 2.10. Tender valid for a shorter period shall be rejected by the Procuring Entity as non-responsive.
- 8.2 In exceptional circumstances, the Procuring Entity may solicit the Tenderer's consent to an extension of the period of validity. The request and the responses there to shall be made in writing. The tender deposit provided under paragraph 2.7 shall also be suitably extended. A tenderer may refuse the request without forfeiting its tender deposit. A tenderer granting

the request will not be required nor permitted to modify its tender.

## **9. Viewing of Tender Items**

9.1 Prospective tenders are advised to view the items to be sold before tendering. This will enable them to arrive at the most reasonable and competitive tenders. Tenders are based on "AS WHERE IT IS AND THE CONDITION IT IS IN" and the conditions of the items are not guaranteed or warranted by the seller.

## 10. Sealing and Marking of Tenders

- 10.1 The Tenderer shall deliver the Tender in a single, sealed envelope bearing the name and Reference number of the Tender, addressed to the Procuring Entity and a warning not to open before the time and date for Tender opening date. Within the single outer envelope, the Tenderer shall place another sealed envelope containing the list of and prices of the items tendered for and addressed as follows.
- a) Bear the name and address (including telephone number and email) of the Tenderer;
  - b) Bear the name and Reference number of the Tender;
  - c) Bear the name and address of the Procuring Entity; and
  - d) Attach a payment slip or certified banking details from a bank, warranting the deposit payment made for the items tender for.
- 10.2 If all envelopes are not sealed and marked as required, the *Procuring Entity* will assume no responsibility for the misplacement or premature opening of the Tender, or failure to contact the tenderer in case of advice on the status of the tender or refund of deposit. Tenders that are misplaced or opened prematurely will not be accepted.

### Deadline for Submission of Tenders

Tenders must be received by the Procuring Entity at the address specified not later than *9<sup>th</sup> June, 2023 at 11:00 am.*

The Procuring Entity may, at its discretion, extend this deadline for the submission of tenders by amending the tender documents in accordance with paragraph 2.5. in which case all rights and obligations of the Procuring Entity and tenderers previously subject to the deadline will thereafter be subject to the deadline as extended.

## 12. Modification of tenders

- 12.1 The tenderer may modify or withdraw its tender after the tender's submission, provided that written notice of the modification, including substitution or withdrawal of the tenders, is received by the Procuring Entity prior to the deadline prescribed for submission of tenders.
- 12.2 The Tenderer's modification or withdrawal notice shall be prepared, sealed, marked, and dispatched in accordance with the provisions of paragraph 2.9.1. A withdrawal notice may also be sent by fax or email but followed by a signed confirmation copy, post marked not later than the deadline for submission of tenders.
- 12.2 No tender may be modified after the deadline for submission of tenders

## 13. Withdrawals and tenders

- 13.1 No tender may be withdrawn in the interval between the deadline for submission of tenders and the expiration of the period of tender validity specified by the tenderer. Withdrawal of a tender during this interval may result in the tenderer's forfeiture of its tender deposit, pursuant to paragraph 2.7.5

## 14. Opening of Tenders

- 14.1 The Procuring Entity will open all tenders in the presence of tenderers' representatives who choose to attend at

**9<sup>th</sup> June, 2023 11.00am** and in the location specified in the invitation to tender.

The tenderers or representatives who are present shall sign a register evidencing their attendance.

14.2 The tenderers' names, tender modifications or withdrawals, tender prices, and the presence or absence of requisite tender deposit and such other details as the Procuring Entity, at its discretion, may consider appropriate, will be announced at the opening.

14.3 The Procuring Entity will prepare minutes of the tender opening.

## **15 Clarification of tenders**

15.1 To assist in the examination, evaluation and comparison of tenders the Procuring Entity may, at its discretion, ask the tenderer for a clarification of its tender. The request for clarification and the response shall be in writing, and no change in the prices or substance of the tender shall be sought, offered, or permitted.

15.3 Any effort by the tenderer to influence the Procuring Entity in the Procuring Entity's tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderers' tender.

## **16 Evaluation and Comparison of Tenders**

16.1 The Procuring Entity will examine the tenders to determine whether they are complete, whether the tenderer has fulfilled the eligibility criteria, whether any computation errors have been made, whether required deposits have been furnished, whether documents have been properly signed and whether the tenders are generally in order. After examination a tender that will be determined to be substantially non-responsive, will be rejected by the Procuring Entity.

16.2 Provided that the Tender is substantially responsive, the Procuring Entity shall handle errors on the following basis:

- a) Any error detected if considered a major deviation that affects the substance of the tender, shall lead to disqualification of the tender as non-responsive.
- b) Any errors in the submitted tender arising from a miscalculation of unit price, quantity, subtotal and total bid price shall be considered as a major deviation that affects the substance of the tender and shall lead to disqualification of the tender as non-responsive .and
- c) If there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail.

16.3 The Procuring Entity will evaluate and compare the tenders, which have been determined to be substantially responsive.

16.4 The tender evaluation committee shall evaluate the tender within 30 days of the validity period from the date of opening the tender.

## **17 Award Criteria**

17.1 The Procuring Entity will award the contract to the successful tenderer(s) whose tender has been determined to be substantially responsive and has been determined to be the highest tendered price, subject to the reserve price.

## **18 Notification of Intention to enter into a Contract/Notification of Award**

18.3 Prior to the expiration of the period of tender validity, the Procuring Entity will notify the successful tenderer in writing that its tender has been accepted.

18.4 Simultaneously the other tenderers shall be notified that their tenders have been unsuccessful.

## 18 Canvassing/Contacting the Procuring Entity

18.1 No tenderer shall contact the Procuring Entity on any matter relating to its tender, from the time of the tender opening to the time the contract is awarded.

18.2 Any effort by a tenderer to influence the Procuring Entity in its decisions on tender evaluation, tender comparison, or contract award may result in the rejection of the tenderer's tender.

### Appendix to Instructions to tenderers.

The following information shall complement, supplement or amend, the provisions of the instructions to tenderers. Whenever there is a conflict between the provisions of the instructions to tenderers and the provisions of the Appendix, the provisions of the appendix herein shall prevail over those of the instructions to tenderers.

Instructions to Tenderers Reference	<i>Particulars of appendix to Instructions to tenderers</i>																												
18.3	Bidders should submit only One (1) original and drop in the tender box located on the 17 <sup>th</sup> Floor , 316 Upperhill Chambers Nairobi, before closing date																												
18.3.1	Open to Kenyan citizens except employees of the Business Registration Service who are directly involved in the disposal proceeding.																												
19.0	<p><b>Tenderers will be required to pay in advance a refundable deposit of a minimum Ksh. As follows:</b></p> <table border="1" data-bbox="344 1469 1487 1921"> <thead> <tr> <th data-bbox="344 1469 395 1547"></th> <th data-bbox="395 1469 1007 1547">ITEMS</th> <th data-bbox="1007 1469 1487 1547">DEPOSIT OF A MINIMUM KSH:</th> </tr> </thead> <tbody> <tr> <td data-bbox="344 1547 395 1592">1</td> <td data-bbox="395 1547 1007 1592">Carton Sealer</td> <td data-bbox="1007 1547 1487 1592"><b>38,200</b></td> </tr> <tr> <td data-bbox="344 1592 395 1637">2</td> <td data-bbox="395 1592 1007 1637">Storage tank</td> <td data-bbox="1007 1592 1487 1637"><b>115,000</b></td> </tr> <tr> <td data-bbox="344 1637 395 1682">3</td> <td data-bbox="395 1637 1007 1682">Aseptic pouch filler</td> <td data-bbox="1007 1637 1487 1682"><b>383,000</b></td> </tr> <tr> <td data-bbox="344 1682 395 1727">4</td> <td data-bbox="395 1682 1007 1727">UHT sterilizer</td> <td data-bbox="1007 1682 1487 1727"><b>1,683,000</b></td> </tr> <tr> <td data-bbox="344 1727 395 1771">5</td> <td data-bbox="395 1727 1007 1771">Homogenizer</td> <td data-bbox="1007 1727 1487 1771"><b>268,000</b></td> </tr> <tr> <td data-bbox="344 1771 395 1816">6</td> <td data-bbox="395 1771 1007 1816">Ink jet coder</td> <td data-bbox="1007 1771 1487 1816"><b>38,000</b></td> </tr> <tr> <td data-bbox="344 1816 395 1921">7</td> <td data-bbox="395 1816 1007 1921">Uninterrupted power supply (UPS) system</td> <td data-bbox="1007 1816 1487 1921"><b>650,000</b></td> </tr> <tr> <td data-bbox="344 1921 395 1921"></td> <td data-bbox="395 1921 1007 1921"></td> <td data-bbox="1007 1921 1487 1921"></td> </tr> </tbody> </table>			ITEMS	DEPOSIT OF A MINIMUM KSH:	1	Carton Sealer	<b>38,200</b>	2	Storage tank	<b>115,000</b>	3	Aseptic pouch filler	<b>383,000</b>	4	UHT sterilizer	<b>1,683,000</b>	5	Homogenizer	<b>268,000</b>	6	Ink jet coder	<b>38,000</b>	7	Uninterrupted power supply (UPS) system	<b>650,000</b>			
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19.1	<i>Tenders</i> should remain valid for 120 days after date of tender opening																												

19.2	<p><b>Evaluation and Comparison of Tenders</b></p> <table border="1"> <thead> <tr> <th data-bbox="359 226 464 371"><b>No.</b></th> <th data-bbox="464 226 1050 371"><b>Mandatory Requirements</b></th> <th data-bbox="1050 226 1310 371"><b>Responsive or Not Responsive</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="359 371 464 775">MR1</td> <td data-bbox="464 371 1050 775">Must Submit a copy of Certificate of Registration /Incorporation and a copy of CR12 not older than 12 months and copies of IDs of all the directors and shareholders for a Company or National ID for an Individual, for Sacco's certificate of registration and bylaws, Tax compliance</td> <td data-bbox="1050 371 1310 775"></td> </tr> <tr> <td data-bbox="359 775 464 920">MR2</td> <td data-bbox="464 775 1050 920">Bidders must submit a valid Tax Compliance Certificate from Kenya Revenue Authority</td> <td data-bbox="1050 775 1310 920"></td> </tr> <tr> <td data-bbox="359 920 464 1066">MR3</td> <td data-bbox="464 920 1050 1066">Must fill the Schedule of items, reserve and bid prices in the format provided.</td> <td data-bbox="1050 920 1310 1066"></td> </tr> <tr> <td data-bbox="359 1066 464 1178">MR4</td> <td data-bbox="464 1066 1050 1178">Must Fill the Form of Tender in the Format provided</td> <td data-bbox="1050 1066 1310 1178"></td> </tr> <tr> <td data-bbox="359 1178 464 1368">MR5</td> <td data-bbox="464 1178 1050 1368">Must submit a duly filled <b>Confidential Business Questionnaire Form in the format provided</b></td> <td data-bbox="1050 1178 1310 1368"></td> </tr> <tr> <td data-bbox="359 1368 464 1514">MR6</td> <td data-bbox="464 1368 1050 1514">Must fill the Tender Deposit Commitment Declaration Form in the format provided.</td> <td data-bbox="1050 1368 1310 1514"></td> </tr> <tr> <td data-bbox="359 1514 464 1659">MR7</td> <td data-bbox="464 1514 1050 1659">Must fill the SELF-DECLARATION FORMS SD1 and SD2 in the formats provided.</td> <td data-bbox="1050 1514 1310 1659"></td> </tr> <tr> <td data-bbox="359 1659 464 1854">MR8</td> <td data-bbox="464 1659 1050 1854">Must fill and sign the form of Declaration and Commitment to The Code of Ethics in the format provided</td> <td data-bbox="1050 1659 1310 1854"></td> </tr> </tbody> </table>	<b>No.</b>	<b>Mandatory Requirements</b>	<b>Responsive or Not Responsive</b>	MR1	Must Submit a copy of Certificate of Registration /Incorporation and a copy of CR12 not older than 12 months and copies of IDs of all the directors and shareholders for a Company or National ID for an Individual, for Sacco's certificate of registration and bylaws, Tax compliance		MR2	Bidders must submit a valid Tax Compliance Certificate from Kenya Revenue Authority		MR3	Must fill the Schedule of items, reserve and bid prices in the format provided.		MR4	Must Fill the Form of Tender in the Format provided		MR5	Must submit a duly filled <b>Confidential Business Questionnaire Form in the format provided</b>		MR6	Must fill the Tender Deposit Commitment Declaration Form in the format provided.		MR7	Must fill the SELF-DECLARATION FORMS SD1 and SD2 in the formats provided.		MR8	Must fill and sign the form of Declaration and Commitment to The Code of Ethics in the format provided	
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19.3	<p><b>Award Criteria</b></p> <p>The Business Registration Service will award the contract to the successful tenderer(s) whose tender has been determined to be substantially responsive and has been determined to be the highest evaluated tender, which must be higher than reserve price per lot.</p>																											

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## SECTION II - SCHEDULE OF ITEMS AND PRICES

### **Notes on schedule of Items and Prices**

1. The Procuring Entity will prepare the schedule of items being sold, marking each item with a unique number. Where items are to be sold as a lot, the lots must be clearly indicated in the schedule.
2. The schedule of items and prices will include a column for the deposit to be paid by the tenderer for the item and lot. The deposit amount should be indicated by the Procuring Entity.
3. The tenderer shall complete the tender by preparing and completing the Table below, indicating the items tendered for and the prices offered and striking out those not tendered for. The Procuring Entity will complete columns 1-4 and 7 and the Tenderer will complete columns 5 and 6, and sign as indicated below.

### **SCHEDULE OF ITEMS AND PRICES**

	<b>ITEMS</b>	<b>MODEL</b>	<b>LOCATION</b>	<b>TOTAL TENDER PRICE</b>	<b>REQUIRED DEPOSIT</b>
1	Carton Sealer	Siat Carton, MJ Mailis Group (20 cartons/min)	OI kalou Dairy (2016) Limited premises in OIKalou Town		<b>38,200</b>
2	Storage tank	Alfa laval Aseptic (15,000 ltrs)	premises, OI Kalou Town		<b>115,000</b>
3	Aseptic pouch filler	WB64B-9000PLS2019 (3,000 LPH)	Ziara Dairies Limited, Magomano Kipipiri town		<b>383,000</b>
4	UHT sterilizer	PLS2019-5000LPH-UHT (5000LPH)	Rented godown in Nakuru City		<b>1,683,000</b>
5	Homogenizer	GEA Double Stage (5000LPH)	Rented go down in Nakuru City		<b>268,000</b>
6	Ink jet coder	IN-100-230VAC:3A-1A50/60HZ	OI kalou Dairy (2016) Limited premises in OIKalou Town		<b>38,000</b>
7	Uninterrupted power supply (UPS) system	(electrical panel + 40 batteries) – ABB 200KVA	OI kalou Dairy (2016) Limited premises, OI Kalou Town		<b>650,000</b>

N/B

1. The viewing date for the Assets(Milk-processing equipment's) shall be Tuesday 30<sup>th</sup> May,2023 between 8.30am -4.00pm at OI kalou Dairy (2016) Limited premises, OI Kalou Town,31<sup>st</sup> May,2023 between 8.30am -4.00pm at Ziara Dairies Limited, Magomano Kipipiri town.1<sup>st</sup>,2<sup>nd</sup> & 5<sup>th</sup> June,2023 between 8.30am -4.00pm at Rented godown in Nakuru City.

The Deposit(s) have been made to the Account as detailed below (details to be completed by the Procuring Entity).

Name of Account Holder: OFFICIAL RECEIVER- COMPANY LIQUIDATION

Name of the Bank NATIONAL BANK OF KENYA

Branch Name HARAMBEE AVENUE

and City NAIROBI

Account Number 01001000904300

Code SWIFT

Sort code

Banking correspondent (If any)

Name of Tenderer

Name of Authorized official

Signature

Date

## SECTION III - CONDITIONS OF TENDER

### **1.1 A tenderer shall tender for each item.**

- 1.2 A tenderer will pay a deposit in advance before the closing date of the tender for each and every item tendered for as indicated in the schedule of items and prices.
- 1.3 Tenderers who will be awarded contracts will be required to pay for the items after 14 days and not later than 21 days. Failure to which the contract award will be cancelled and the deposit forfeited. If there is an administrative review, the review procedures shall be followed.
- 1.4 Tenderers who will not be awarded contracts will be refunded the deposits within fourteen (14) days after notification of the communication of the contract awards.
- 1.5 Tenderers will be required to collect the items they have paid for within fourteen (14) days after making the payment, failure to which storage charges will be charged as indicated in the appendix to Conditions of Tender.
- 1.6 The Procuring Entity will retain confidential reserve prices for all the items. Items tendered for below the reserve price will be retained by the Procuring Entity.

## SECTION IV - STANDARD FORMS

### **Note on Standard Forms**

The form of tender, the confidential business questionnaire form and the tender deposit commitment declaration form must be completed by the tenderers and returned with the tender. Failure to complete any of these forms will lead to the disqualification of the tenderer.

1. Form of Tender

Date: .....

Tender No.....

To: .....

..... [Name  
and address of Procuring Entity]

Gentlemen and/or Ladies:

1. Having examined the tender documents including addenda and having examined the items on sale, we the undersigned, offer to purchase and collect all the items offered to us in conformity with the said tender documents for the sum of..... [total tender amount in words and figures] or such other sums as may be ascertained in accordance with the Schedule of Items and Prices attached here with and made part of this Tender.
2. We undertake, if our Tender is accepted, to pay for and collect the items in accordance with the requirements of the tender.
3. We agree to adhere by the tender price for a period of...[number] days from the date fixed for tender opening of the Instructions to tenderers, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.
4. We understand that you are not bound to accept the highest or any tender that you may receive.

SCHEDULE OF ITEMS AND PRICES

1	2	3	4	5	6	7
Item No.	Description of Item	Unit of Issue	Total Quantity	Unit price	Total Tender Price	Required Deposit
1						
2						
3						
4						
5						

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[In the capacity of]

Duly authorized to sign tender for and on behalf of \_\_\_\_\_

**Confidential Business Questionnaire Form**

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

You are advised that it is a serious offence to give false information on this form.

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

You are advised that it is a serious offence to give false information on this form

**Part 1 – General**

Business Name.....  
..... Location of business Premises..... Plot  
No..... Street/Road..... Postal Address..... Tel  
No..... Nature of  
business..... Current Trade License  
No..... Expiring date.....  
Maximum value of business which you can handle at any one time Kenya  
shillings..... (In words) .....  
Name of your Bankers ..... Branch  
.....

**Part 2 (a) – Sole Proprietor or Individual**

Your Name in full ..... Age  
.....  
Nationality ..... Country of origin  
.....  
Citizenship details (ID and or Passport Number).....  
.....  
Name.....and  
signature.....

**Part 2 (b) Partnership**

Given details of partners as follows:

Name	Nationality	Citizenship Details	Shares
1. .....			
2. .....			
3. .....			

[Name, Designation and Signature of Tenders Representative in the Company]

Name  
.....  
.....  
Designation.....  
.....  
Signature and Company stamp or



[Name, Designation and Signature of Tenders Representative in the Company]

Name

.....

.....  
Designation

.....

Signature and Company stamp or  
Seal.....

Date .....

**6. Tender deposit commitment Declaration Form**

Tender No. .... (As per tender documents)

As indicated in the schedule of items and prices, we do confirm that we have put deposits for the items tendered for as supported by the attached copies of receipts as follows: -

ITEM No. or Lot No.	Item Description	Deposit (Kshs.)	Receipt No. and Date
1			
2			
3			
4			
5			

Authorizing Official \_\_\_\_\_  
(Name)

Designation \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)



**SELF-DECLARATION FORMS**

**FORM SD1**

**SELF DECLARATION THAT THE PERSON/TENDERER IS NOT DEBARRED IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015.**

I,....., of Post Office Box ..... being a resident of ..... in the Republic of ..... do hereby make a statement as follows:-

1. THAT I am the Company Secretary/Chief Executive/Managing Director/Principal Officer/Director of ..... (Insert name of the Company) who is a Bidder in respect of **Tender No.** ..... for..... (Insert tender title/description) for..... (Insert name of the Procuring entity) and duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its Directors and subcontractors have not been debarred from participating in procurement proceeding under Part IV of the Act.
3. THAT what is deponed to here in above is true to the best of my knowledge, information and belief.

.....  
.....  
..... (Title) (Signature)  
(Date)

Bidder's Official Stamp

FORM SD2

**SELF-DECLARATION THAT THE PERSON/TENDERER WILL NOT ENGAGE IN ANY CORRUPT OR FRAUDULENT PRACTICE.**

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

1. THAT I am the Chief Executive/Managing Director/Principal Officer/Director of.....  
..... (*Insert name of the Company*) who is a Bidder in respect of **Tender No.**..... for  
..... (*Insert tender title/description*) for..... (*Insert name of the Procuring entity*) and  
duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its servants and/or agents/subcontractors will not engage in any corrupt or  
fraudulent practice and has not been requested to pay any inducement to any member of the Board,  
Management, Staff and/or employees and/or agents of.....(*insert name of the Procuring entity*)  
which is the procuring entity.
3. THAT the aforesaid Bidder, its servants and/or agents /subcontractors have not offered any inducement to any  
member of the Board, Management, Staff and/or employees and/or agents of .....(*name of the  
procuring entity*).
4. THAT the aforesaid Bidder will not engage/has not engaged in any corrosive practice with other bidders  
participating in the subject tender
5. THAT what is deponed to here in above is true to the best of my knowledge information and belief.

.....  
.....  
..... (Title) (Signature)  
(Date)

Bidder's Official Stamp

**DECLARATION AND COMMITMENT TO THE CODE OF ETHICS**

I ..... (person) on behalf of (*Name of the Business/ Company/Firm*).....declare that I have read and fully understood the contents of the Public Procurement & Asset Disposal Act, 2015, Regulations and the Code of Ethics for persons participating in Public Procurement and Asset Disposal Activities in Kenya and my responsibilities under the Code.

I do here by commit to abide by the provisions of the Code of Ethics for persons participating in Public Procurement and Asset Disposal.

Name of Authorized signatory.....

Sign.....

Position.....

Office address.....Telephone.....

..... E-mail.....

Name of the Firm/Company.....

Date.....

**(Company Seal/ Rubber Stamp where applicable)**

Witness

Name.....

.....

Sign.....

Date.....

**LETTER OF NOTIFICATION OF AWARD**

[Letter head paper of the Procuring Entity] [Date]

To: [name and address of the Contractor] This is to notify you that your Tender dated [date] for the purchase of the items and at prices listed on the table below is here by accepted by..... (Name of Procuring Entity).

Please acknowledge receipt of this letter of notification by signing the attached copy and returning it to us within 14 days of the issue of the notification to signify your acceptance of this award. Your signing the attached copy will constitute a contract between us and yourselves for sale of the said items.

On signature of the copy of the letter of notification, you are required to pay the balance of the tender price within 14 days and collect the items.

In connection with this award, you may contact the Officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

**OFFERED ITEMS AND PRICES**

1	2	4	5	6
Item No.	Description of Item	Total Quantity	Unit price	Offered Price
1				
2				
3				
4				
TOTAL PRICE OF ALL ITEMS				xxxxxx

Authorized Signature:  
.....

Name and Title of Signatory:  
.....

Name of Procuring Entity.....

**COPY OF THE LETTER OF NOTIFICATION OF AWARD**

*(To be signed by the Purchaser)  
[Letterhead paper of the Procuring  
Entity] [Date]*

To: *[name and address of the Purchaser]*

This is to notify you that your Tender dated *[date]* for the purchase of the items and at prices listed on the table below is hereby accepted by.....  
*(name of Procuring Entity).*

Please acknowledge receipt of this letter of notification by signing the attached copy and returning it to us within 14 days of the issue of the notification to signify your acceptance of this award. Your signing the attached copy will constitute a contract between us and yourselves for sale of the said items.

On signature of the copy of the letter of notification, you are required to pay the balance of the tender price within 14 days and collect the items.

In connection with this award, you may contact the Officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

**OFFERED ITEMS AND PRICES**

1	2	4	5	6
Item No.	Description of Item	Total Quantity	Unit price	Offered Price
1				
2				
3				
4				
TOTAL PRICE OF ALL ITEMS				xxxxxx

Authorized Signature: .....

Name and Title of Signatory: .....

Name of Procuring Entity: .....

Officer(s) to be contacted

Name of Officer \_\_\_\_\_

Postal Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

email Address \_\_\_\_\_

Physical Address (City, Street, Building, Floor number and room number)

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SIGNED BY THE PURCHASER

I/we, the undersigned accept the award and will execute the sale of the items as per conditions of the award. We understand that the award will remain cancelled and no deposits will be refunded if we do not:

- a) Return this letter signed within 14 days; or
- b) Pay the balance of the tender amount within fourteen (14) days after notification of the award.

We further understand that if we do not collect the items we have paid for within fourteen (14) days after making the payment, you charge storage charges at rates to be determined by yourselves.

Name of Purchaser

Authorized Signature: \_\_\_\_\_ Date \_\_\_\_\_

*Name and Title of Signatory*

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

**REQUEST FOR REVIEW**

I/We.....,the above named Applicant(s), of address: Physical address.....P. O. Box 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 of .....20.....

**SIGNED**

**Board Secretary**





