## **TENDER NO: BRS/OR/PQS/002/2025-2026**

# PREQUALIFICATION/REGISTRATION OF ADDITIONAL INSOLVENCY PRACTITIONERS FOR OFFICIAL RECEIVER.

RELEASE DATE: FRIDAY,26<sup>TH</sup> SEPTEMBER,2025

CLOSING DATE: FRIDAY,  $3^{RD}$  OCTOBER,2025AT 10.00AM

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1.0 SECTION I-INVITATION FOR PREQUALIFICATION (IFQ)	

# PREQUALIFICATION/REGISTRATION OF ADDITIONAL INSOLVENCY PRACTITIONERS FOR OFFICIAL RECEIVER FOR THE PERIOD 2025- 2026.

The Office of the Official Receiver in Insolvency is established under the Insolvency Act, 2015 as the Official Receiver in Insolvency. The office is a department under the Business Registration Service, a Semi-Autonomous Government Agency under the Office of the Attorney General & Department of Justice. Our governing law is the

Insolvency Act, 2015 and its Regulations.

#### MANDATE, POWERS AND FUNCTION

Implementation of the Insolvency Act 2015 and its Regulations.

Regulate Insolvency Practice in Kenya.

Manage affairs of Bankrupts' estates (Bankruptcy Trustee).

Liquidation and administration of insolvent and financially distressed companies.

Investigate into the conduct of any person or company subject to the Insolvency Act.

Act as officers of the Court.

Investigate offences under the Insolvency Act

- 1. Business Registration Service-Official Receiver intends to Prequalify /Register insolvency practitioners for Official Receiver for the provision of insolvency services for the period 2025-2026. Interested eligible service providers are invited to apply for registration.
- 2. Insolvency practitioners who are currently in the list of Official Receiver are advised to participate.

#### **SUPPLY OF GOODS**

S/NO	ITEM DECSRIPTION	REQUIREMENTS
1.	BRS/OR/PQS/002/2025-2026 PREQUALIFICATION/REGISTRATION OF ADDITIONAL INSOLVENCY PRACTITIONERS FOR THE OFFICIAL RECEIVER.	Must be license Insolvency Practitioners

The firms to attach qualifications of the technical personnel, CV & recommendation letters from Government Institutions/Agencies.

Interested and eligible bidders can view and download the prequalification document free of charge from the BRS website: <a href="www.brs.go.ke">www.brs.go.ke</a> and on the Public Procurement Information Portal(ppip) (www.tenders.go.ke)

Duly completed pre-qualification documents enclosed in plain sealed envelopes clearly marked with the **CATEGORY NUMBER** and **ITEM DESCRIPTION** addressed to: -

THE OFFICIAL RECEIVER,

BUSINESS REGISTRATION SERVICE.

17th FLOOR, 316 UPPER HILL CHAMBERS, 2nd NGONG AVENUE,

P.O BOX 30404-00100,

NAIROBI, KENYA

Or be deposited in the tender box located at 316 upper hill Chambers, 2<sup>nd</sup> Ngong Avenue 17<sup>th</sup> Floor so as to be received on or before Friday, 3<sup>rd</sup> October,2025 at 10.00 a.m. on the closing date.

#### Documents received after the closing time shall not be accepted.

The prequalification documents will be opened immediately after the closing time at the Business Registration Service Main boardroom ,17<sup>th</sup> floor 316 upper hill chambers Bidders or their representatives are welcome to attend.

#### 2.0 SECTION II - INSTRUCTIONS TO CANDIDATES

#### 2.1 Introduction

2.1.1

Business Registration Service-Official Receiver intend to prequalify/register insolvency practitioners for the period 2025-2026, interested eligible candidates who must qualify by meeting the set-out criteria as provided for in clause 2.6 are encouraged to apply.

- 2.1.2 Applicants are informed d that the consultancies will be procured on the basis of *as and when required*.
- 2.1.3 Upon pre-qualification THE OFFICIAL RECEIVER does not bind itself for the provision or procurement

of any consultancies but shall endeavor to ensure equitable distribution of available briefs/Quotations/tenders among the pre-qualified firms taking into account the experience, qualifications and geographical location of the individual firms.

2.1.4 Applicants will be informed in writing/ electronic media/adverts of the results of the application.

#### 2.2 Eligible Candidates

- 2.2.1 This invitation for pre-qualification is open to all candidates who are eligible under as defined in Kenya 'Public Procurement Law and regulations and as indicated in the appendix to instructions to candidates.
- 2.2.2 The BRS employees, committee members, board members and their relatives (spouse and children) are not eligible to participate in this tender.
- 2.2.3 All terms found capable of performing the contract satisfactorily in accordance to the set prequalification criteria shall be prequalified

#### 2.3 Cost of Application

2.3.1 The applicant shall bear all costs associated with the preparation and submission of its tender, and BRS, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process. The tender document can be downloaded from the company website <a href="www.brs.go.ke">www.brs.go.ke</a> or Public Procurement Information Portal (<a href="www.tenders.go.ke">www.tenders.go.ke</a>) free of Charge.

#### 2.4 Format of application

- 2.4.1 The applicant shall prepare an original and copy of Pre-qualification document, clearly marked "**ORIGINAL**" and **COPY** of the Pre-qualification. In the event of discrepancy, the original shall prevail.
- 2.4.2 The **ORIGINAL** and **COPY** of the pre-qualification document shall be typed or written in indelible ink (photocopies are acceptable for the COPY) and shall be signed by persons or persons duly authorized on behalf of the applicant. The person or persons signing the pre-qualification document shall initial all pages of the pre-qualification document.

The pre-qualification document shall be without alterations, omissions or conditions except as necessary to correct errors made by Applicant, in which case such corrections shall be initialed by the person or persons signing the pre-qualification document.

- 2.4.3 All the information requested for pre-qualification shall be provided in the English language only
- 2.4.4 The Bidders who already bided and were successful need NOT to submit their documents again.

#### 2.5 Validity Period

2.5.1 The request for pre-qualification must remain valid for not less than 30 days from the date of submission. BRS will make best effort to complete the evaluation and communicate within this period.

#### 2.6 Submission and Deadline of Application.

- 2.6.1 Applications for prequalification shall be submitted in sealed envelopes clearly marked with the tender No, tender name, Category number and Item description and **deposited** in the tender box at reception area 17thFloor at Business Registration Service, 316 upper hill chambers, 2<sup>nd</sup> Ngong Avenue so as to be received on or before 3<sup>rd</sup> October,2025 10.00 a.m. on the closing date.
- 2.6.2 The candidate shall seal the **ORIGINAL** and the **COPY** of the pre- qualification document in separate envelopes duly marking the envelopes "**ORIGINAL**" and "**COPY**". The envelopes shall then be sealed in an outer separate envelope

The inner and outer envelopes shall:

- (a) Be addressed, delivered or posted to The Official Receiver, at the address given in the Invitation to Tender.
- (b) Bear the tender No, tender name, Category code and Item description.
- (c) On the back of both of the inner envelope the applicant shall indicate its name and address to enable the application to be returned unopened in case it is declared "late" pursuant to clause 2.6.1
- 2.6.3 If the outer envelope is not sealed and marked as instructed in clause 2.6.2. The Official Receiver will assume no responsibility for the misplacement or premature opening of the pre-qualification document.

#### 2.7 Oualification Criteria

- 2.7.1 The official Receiver evaluation committee will examine the applicants to determine completeness, general orderliness and sufficiency in responsiveness.
- 2.7.2 The applicants should have registered offices and THE OFFICIAL RECEIVER reserves the discretion of visiting physical premises from which the applicant conducts business if so desired to confirm existence and capability to deliver the said service.
- 2.7.3 Pre-qualification will be based on meeting the minimum requirements to pass in the criteria set out in the Appendix to instructions to candidates. The declaration will be either pass or fail regarding the applicant's completed/submission of Mandatory requirement and completion of the following attached forms-PQ-1, PQ- PQ-3, PQ-4, PQ-5, PQ-6, PQ-7 and Form-8 to be submitted together with the letter of application.
  - TTHE OFFICIAL RECEIVER reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the contract.
- 2.7.4 The pre-qualification application Form–FORM PQ-1 which are not dully filled out Page 8 of 32

and submitted in the prescribed manner will not be considered.

2.7.5 Statutory Registration documents

The applicant **must** attach certified statutory registration documents.

2.7.6 Confidential business Questionnaire

The general information and details of nature and location of the applicant should be included in Form PQ-2

- 2.7.7 Experience. The applicant shall meet the following minimum criteria
  - (a) experience in the supply of the mentioned services
  - (b) Past performance –Dully filled Form PQ-3
- 2.7.8 Financial position. The applicant shall demonstrate that it has access to, or has available, liquid assets, lines of The Audited Accounts for the last 1 year for firms which have been in existence for the last one year (individuals and partnership firms may not necessarily submit the audited accounts but must submit the bank statements).
- 2.7.9 Personnel capabilities.

The applicant must have suitably two (2) qualified personnel with their CV provided in form PQ-5.

2.7.10 Litigation history

The applicant should provide accurate information on any litigation or arbitration resulting from contracts completed or under its execution over the **last one year** in Form PQ-6. A consistent history of awards against the applicant or any partner of a joint venture may result in failure of the application.

2.7.11 Declaration statement

The applicant should make a declaration statement ensuring the accuracy of the information g i v e n in Form PQ-8.

#### 2.8 Clarification of Pre-Qualification Documents

- 2.8.1 An applicant making inquiries of the pre-qualification documents may notify THE OFFICIAL RECEIVER in writing or e-mail which it receives not later than seven (7) days prior to the deadline for the submission of the pre-qualification documents.
- 2.8.2 BRS shall reply to any clarifications sought by the applicant within 2 working days of receiving the request to all prospective applicants who will have downloaded the pre-qualification documents to enable the applicants to make timely submission of its application.
- 2.8.3 To assist in the examination, evaluation and comparison of tenders THE OFFICIAL RECEIVER may, at its discretion, ask the applicant 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

#### 2.9 Amendments of Pre-Qualification Documents

- 2.9.1 At any time prior to the deadline for submission of tenders THE OFFICIAL RECEIVER, for any reason, whether at its own initiative or in response to a clarification requested by a prospective applicant, may modify the tender documents by issuing an addendum
- 2.9.2 All prospective applicants who have obtained the tender documents will be notified of the amendment by post, or email and such amendment will be binding on them.
- 2.9.3 In order to allow prospective applicants reasonable time in which to take the amendment into account in preparing their tenders, the THE OFFICIAL RECEIVER, at its discretion, may extend the deadline for the submission of tenders.

## 2.10 Opening of Pre-qualification documents

- 2.10.1 BRS will open all applications documents in the presence of applicant's representatives who choose to attend, at *10.00AM on 3<sup>rd</sup>OCTOBER 2025*, and in the location specified in the invitation for pre- qualification. The applicant's representatives who are present shall sign a register evidencing their attendance
- 2.10.2 BRS will prepare minutes of the opening of the Pre-qualification documents which will be submitted to applicants that signed the tender opening register and will have made the request.
- 2.10.3 Applications not opened and read out at opening shall not be considered further for evaluation, irrespective of any circumstances.

#### 2.11 Process to be confidential

2.11.1 Information relating to the examination, evaluation of applications and recommendations for the successful candidate shall not be disclosed to applicants or any other persons not officially concerned with such process until approval to the successful applicant has been announced. Any effort by any applicant to influence BRS evaluation process or approval decisions will result in the rejection of the applications.

#### 2.12 Preliminary examination and determination of responsiveness of prequalification documents

- 2.12.1 Prior to the technical evaluation of the pre-qualifications, THE OFFICIAL RECEIVER will determine whether each application substantially responsive that's:
  - Has been properly signed and delivered/submitted pursuant to clause 2.5
  - Meets all the mandatory requirements
- 2.12.2 If an application is not substantially responsive, it will be rejected and will not subsequently be made responsive by correction or withdrawal of the nonconforming deviation or reservations.

2.13 Technical evaluation of applications

- 2.13.1 THE OFFICIAL RECEIVER will evaluate and compare only the applications determined to be substantially responsive in accordance with clause 2.11
- 2.13.2 Prequalification will be based on meeting the minimum requirements to pass in the criteria as set out in the instructions to applicants or pursuant to clause 2.6

#### 2.14 BRS right to accept or reject any or all applications

2.14.1 BRS reserves the right to accept or reject any application, and to annul the prequalification process and reject all applications at any time prior to prequalification approval, without thereby incurring any liability to the affected applicant or applicants or any obligation to inform the affected applicant or applicants of the grounds for the BRS's action.

#### 2.15 Notification of approval

2.15.1 Prior to expiration of the period of prequalification validity period clause-THE OFFICIAL RECEIVER will notify the successful applicant that its application has been accepted, the BRS will simultaneously inform the other applicants that their applications have not been successful.

#### 2.16 Acceptance of the Approval

2.16.1 The successful suppliers shall be required to acknowledge in writing the acceptance of their pre-qualification to BRS.

#### 2.17 Conflict of Interest

2.17.1 The applicant shall not be associated, nor have been associated in the past, with the consultant or any other entity that has prepared the specifications and bidding documents for the tender, Quotations and/or proposal. Any such association must be disclosed and may result in the dis-qualification of the applicant.

#### 2.18 Updating Pre-Qualification Information

2.18.1 Prequalified 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.

#### 2.19 Corrupt or Fraudulent Practices

2.19.1 BRS requires that applicants observe the highest standard of ethics during the

selection process and execution of contracts. Applicants shall sign a

declaration that he has not and will not be involved in corrupt or fraudulent practices.

2.19.2 THE OFFICIAL RECEIVER will reject application for award if it determines that the applicant recommended for award has engaged in corrupt or fraudulent practices in competing for the contract in question

#### 3.0 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.

#### 3.1 PRELIMINARY EVALUATION -MANDATORY REQUIREMENTS

NO.	REQUIREMENT	Mandatory
1.	Must be a license Insolvency practitioner	Mandatory
2.	Certificates of membership to a recognized professional body (ICPAK & LSK).	Mandatory
3.	Copy of degree and academic certificates	Mandatory
4.	Tax clearance certificate and PIN Certificate copy from KRA	Mandatory
5	A Certificate of Good Conduct from the Kenya Police	Mandatory
6	Evidence of having undertaken insolvency assignments (deeds of appointment, gazette Notices, Orders)	Mandatory
7	A detailed CV detailing the Insolvency Assignments handled by the applicant	Mandatory
8	Copy of the National Identity Card or passport of the applicant	Mandatory

The applicant must provide/meet the above Mandatory requirements to proceed to the next stage.

# 3.2 TECHNICAL REQUIREMENTS CRITERIA

NO.	REQUIREMENT	YES	NO
1.	Dully filled Pre-qualification data-Form –PQ 1(Application)		
2.	Dully filled confidential business questionnaire-Form PQ 2		
3.	Dully filled Applicant Past Experience-Form PQ 3		
4.	Dully filled Applicant Financial Position-Form PQ 4		
5.	Dully filled Applicant Key Personnel-Form PQ 5		
6.	Dully filled Applicant Litigation History-Form PQ 6		
7.	Dully filled Applicant Declaration Statement-Form PQ 7		
8.	Dully filled Applicant Declaration Statement-Form PQ 8		
	FINAL SCORE (Pass or fail)		

Failure to dully fill any of the above forms will lead to disqualification.

# 4.0 APPLICATION FORMS

# 4.1 FORM PQ-1-LETTER OF APPLICATION

To: The Official Receiver,
Business Registration Service
P.O Box 30404-00100,
Nairobi.

I/We	_	duly			-				on	behalf	
	(h	ereinafter	referred	to	as	"the	App	olicant"),	of		
Town											
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Tender N	lo										
Tender N	James										

organization & Business Information  Innagement and Personnel
Item Description:
Organization & Business Information  Management and Personnel
Chief Executive
Secretary
General Manager
Other

Name of partners	<u>ietor.</u>	
Business founded or inc	corporated in	
Under present managen	nent since	
Net worth equivalent K	shs	
Bank reference and add	ress	
investigations to verify the this application, and to see technical aspects. This leauthorized representative such information deemed provided in this application.	d representatives are hereby author the statements, documents, and inform eek clarification from our bankers and etter of Application will also serve as the of any institution referred to in the dinecessary and as requested by you to son, such as the resources, experience, a representatives may contact the form	nation submitted in connection with a clients regarding any financial and is authorization to any individual or supporting information, to provide to verify statements and information, and competence of the Applicant.
information.  Name position	n	signature
1.		
2.		
· ·	e that the statement made and the re complete, true, and correct in every	•
Signed		

Name	•
Position	••
Date	••
Firms Stamp	

# 4.2 FORM PQ-2-Confidential Business Questionnaire

You are requested to give the particulars indicated in Part I 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 the Business Premises
Plot No	Street/Road
Postal Address	
Tel No-Landline	Mobile
Email:	
Nature of Business	
Current Trade License No	
Maximum Value of business which you can handle at any o	one-time Kshs
Name of Bankers	Branch

	Age	
Nationality	Country of Origin	
County		
Citizenship		

# Part 2 (b) Partnership

Give details of pa	artnership as follows:		
Name	Nationality	Citizenship	Shares

Part 2 (c)-Registered	_ompany		
Private or Public			
	ed capital of company		
Issued Ksiis.			
Give details of all directo	rs as follows		
Name	Nationality	Citizenship	Shares
Date:	Signature	of Applicant	

Attach copies of identity cards/pass ports of Directors/partners/proprietors

# 4.3 FORM PQ-3 APPLICANT PAST EXPERIENCE (FIRM)

i.ii.iv.v.vi.vii.

1. Namo	e of 1 <sup>st</sup> Client (Organization)
i.	Name of Client:
ii.	Adress:
iii.	Name of Contact Person:
iv.	Telephone No
v.	Value of Contract:
vi.	Contract Description:
vii.	Validity/Duration of Contract (Must be within current or last financial year)
(1	Attach evidence of same service)
2. Name	e of 2 <sup>nd</sup> Client (Organization)
i.	Name of Client:
ii.	Adress:
iii.	Name of Contact Person:
iv.	Telephone No.
v.	Value of Contract:
vi.	Contract Description:
vii.	Validity/Duration of Contract (Must be within current or last financial year)
(1	Attach evidence of same service)
3. Name	e of 3 <sup>rd</sup> Client (Organization)
Name of Cl	ient:
	Contact Person:
Telephone	e No
Value of C	ontract:
Contract I	Description:
Validity/I	Ouration of Contract (Must be within current or last financial year)
(	Attach evidence of same service)

# 4.4 FORM PQ-4 APPLICANT FINANCIAL POSITION AND TERMS OF TRADE

- 1. Attach a copy of firms audited accounts (companies/partnership) or Bank Statements (sole proprietor) for the previous one year
- 2. Attach letters of reference from the bankers regarding suppliers credit position

# **4.5 FORM PQ-5 APPLICANT KEY PERSONNEL** Provide at least two staff.

1.					
	Name:				
	Title of position:				
	Age:				
	Highest Academic/Professional Qualification:				
	Years of Experience with the firm				
	Attach CV, not more than two pages				
2.	Name:				
	Title of position:				
	Age:				
	Highest Academic/Professional Qualification:				
	Years of Experience with the firm				
	Attach CV, not more than two pages				
3.	Name:				
	Title of position:				
	Age:				
	Highest Academic/Professional Qualification:				
	Years of Experience with the firm				
	Attach CV, not more than two pages				

# 4.6 FORM PQ-6 APPLICANT LITIGATION HISTORY

Applicants, including each of the partners of a joint venture, should provide information of any history of litigation or arbitration resulting from contracts executed in the one year or currently under execution.

Year	Award FOR or AGAINST Applicant	Name of client, cause of litigation, and matter in dispute	Disputed amount (current value Kshs)

#### 4.7 FORM PQ-7 APPLICANT DECLARATION STATEMENT

To: The Official Receiver **Business Registration** Service P.O Box30404-00100, Nairobi. Dear Sir, I/we the undersigned offer to provide the required service in accordance with your and we hereby submit our pre-qualification instructions document. I/We understand that our application is binding to us and if found acceptable we shall be pleased to be included in the list of pre-qualified firms. I/We understand that upon pre-qualification, you are not bound to assign any work to any of the pre-qualified firms, but you will endeavor to ensure that quotations/tenders/request for proposals will be distributed equitably AS AND WHEN REQUIRED.

I/we understand that you are not bound to accept any application you receive.

Date:	
Applicant Name/Company Name:	
Authorized Representative Name: _	

Signature & stamp

#### 4.8 FORM PQ-8 APPLICANT DECLARATION STATEMENT

I/We having studied the pre-qualification document for the above goods/services I/We hereby certify that the information provided for in response to this pre-qualification is accurate and complete as at the date set out below.

I/we understand that the Provision of false information in response to this application will result in the firm being excluded from the list of those who may be invited to tender/quote for a contract with BRS

I/We undertake to inform BRS promptly following any matter which could alter or add to any of the information given in response to this application.

I/We make this declaration for and on behalf of the firm/company

Signature & stamp

Date:
Applicant Name/Company Name:
Authorized Representative Name:

# 4.9 REQUEST FOR REVIEW FORM REPUBLIC OF KENYA PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

		LICATIO	ON 					
		•••	•••••	••••••	••••••	•••••		
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			ETWEEN					
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No	o			Tel.				
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			strative Review Boaving grounds, namel		whole/part	of the above-	-mentioned	
Etc	c.							
By this 1	memorand	um, the A	Applicant requests the	ne Board for order/o	orders that:	-		
2.								