



*An ISO 9001:2015 Certified  
Hospital*



**MOI TEACHING AND REFERRAL HOSPITAL**

**P.O. BOX 3-30100  
ELDORET.**

**TENDER NO. MTRH/AMP/R/097/2023-2026**

**TENDER NAME: REGISTRATION OF SUPPLIERS FOR SUPPLY  
OF GOODS, WORKS AND SERVICES FOR THE FINANCIAL  
YEAR 2024, & 2025**

**CLOSING DATE 8<sup>TH</sup> MAY 2024**

**AT: 10.30 A.M.**

***SUPPLIER REGISTRATION DOCUMENT***

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# **REGISTRATION INSTRUCTIONS**

## **1.1 Introduction**

The Academic Model Providing Access to Health Care (AMPATH) is a project under the auspices of Moi Teaching and Referral Hospital (MTRH) and a Consortium of North American Universities led by Indiana University whose aim is to provide sustainable efforts in access to Health Care, Research, and Training.

## **1.2 Registration Objective**

The main objective of this part is to supply and deliver assorted items and also provides services under relevant tenders/quotations to the Moi Teaching and Referral Hospital on “As- and- When – required” basis during the period ending **30<sup>th</sup> September 2026**. Registration will not automatically result in the award of any work.

## **1.3 Invitation of Registration**

Suppliers duly registered under the Law of Kenya and / or any other state organ in respective merchandise or services are invited to submit their registration documents to the Chief Executive Officer, Moi Teaching and Referral Hospital P.O. BOX 3-30100, Eldoret so that they may be registered for submission of tenders/quotations. Bids will be submitted in complete lots in combination. The client requires prospective suppliers to supply mandatory information for registration.

## **1.4 Experience**

Prospective suppliers and contractors must have carried out successfully supply and delivery of similar items/services to institutions of similar size and complexity. Potential suppliers/contractors must demonstrate the willingness and commitment to meet the criteria.

## **1.5 Registration Document**

This document includes questionnaire forms and documents required of prospective suppliers.

In order to be considered for Registration prospective supplier must submit all the information herein requested.

**INVITATION TO TENDER**  
**OPEN NATIONAL TENDER NOTICE**

**Procuring Entity:** Moi Teaching and Referral Hospital - AMPATH of P.O Box 4606-30100 Eldoret.

**CONTRACT NAME AND DESCRIPTION:** MTRH/R/AMP/57/2023-2026 TENDER FOR REGISTRATION OF SUPPLIERS FOR SUPPLY OF GOODS, WORKS AND SERVICES FOR THE FINANCIAL YEAR 2023-2024, 2024-2025 & 2025-2026

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MTRH-USAID AMPATH Uzima invites sealed tenders for the Registration of Suppliers for Supply of Goods, Works and Services on a three-year period (2023-2024, 2024-2025 and 2025-2026).

**LIST OF AMPATH USAID AMPATH Uzima PROCUREMENT CATEGORIES**

**Instructions to Bidders:**

- i. Bidders **MUST** complete the preferred Category as per the Table format provided below.
- ii. Bidders **MUST** provide a substantive response in the format provided.
- iii. Bidders are allowed to register up to a Maximum of Three (3) Lots in any of the categories (A, B & C) by indicating YES to the preferred category.
- iv. Bidders interested in registering for AGPO opportunities must indicate the Preferred category either with or without previous experience.
- v. Bidders **MUST** only submit one copy of tender Document that includes all categories being bid for.
- vi. Bidders to be considered for registration for the preferred category **MUST** meet the evaluation criteria provided below.

No.	Categories	Must indicate Category
A.	Goods	<b>Maximum of Three (3) lots for all three categories</b>
B.	Works	
C.	Services	

***N/B – Bidders who select more than Three (3) lots will be evaluated on the first Three (3) ONLY.***

**2.0 The categories for consideration are listed below: -**

<b>A. SUPPLY OF GOODS</b>				
<b>LOT NO</b>	<b>CATEGORY REFERENCENO.</b>	<b>CATEGORY NAME</b>	<b>ELIGIBILITY</b>	<b>PREFERRE D CATEGORY (INDICATE YES/NO)</b>
1.	MTRH/AMP/R/097/2023-2026	Supply and Delivery of Various Office Stationery Items	Youth, Women andPersons with Disability	
2.	MTRH/AMP/R/097/2023-2026	Supply and Delivery of Various Toners and Cartridges	Youth, Women andPersons with Disability	
3.	MTRH/AMP/R/097/2023-2026	Supply and Delivery of ICT Equipment - Computers, Laptops, Tablets, Routers, Monitor Screens, Servers, Printers, UPS, Scanners Computer Spare parts, Consumables and Accessories	Open to all Bidders	
4.	MTRH/AMP/R/097/2023-2026	Supply and Delivery of assorted Electrical, Hardware, building materials and Plumbing Items	Open to all Bidders	
5.	MTRH/AMP/R/097/2023-2026	Supply and Delivery of accountable documents, medical records, registers and other paper items.	Open to all Bidders	
6.	MTRH/AMP/R/097/2023-2026	Supply and Delivery of Office Furniture, Carpets, Furnishing and related office fittings	Open to all Bidders	
7.	MTRH/AMP/R/097/2023-2026	Supply and Delivery of FirefightingEquipment	Open to all Bidders	
8.	MTRH/AMP/R/097/2023-2026	Designing, supply printing and Branding of t-shirts, caps, aprons, lab coats, banners, Promotional Materials and otherRelated Items	Open to all Bidders	

9.	MTRH/AMP/R/097/2023-2026	Supply and delivery of medical equipment and consumables.	Open to all Bidders	
10	MTRH/AMP/R/097/2023-2026	Supply and delivery of cleansing and dressing materials	Open to all Bidders	
11	MTRH/AMP/R/097/2023-2026	Supply and delivery of Personal protective equipment (PPEs)	Open to all Bidders	
12	MTRH/AMP/R/097/2023-2026	Supply and Delivery of teleconference equipment	Open to all Bidders	
13	MTRH/AMP/R/097/2023-2026	Supply and delivery of tents	Open to all Bidders	
14	MTRH/AMP/R/097/2023-2026	Supply and delivery of tyres, car parts and related items	Open to all Bidders	
15	MTRH/AMP/R/097/2023-2026	Supply and delivery of Motor Vehicles	Open to all Bidders	
16	MTRH/AMP/R/097/2023-2026	Supply and delivery of tailoring equipment	Youth, Women and Persons With Disability	
17	MTRH/AMP/R/097/2023-2026	Supply and delivery of jua kali made items (productive assets)	Youth, Women and Persons With Disability	

## B. PROVISION OF SERVICES

LOT NO	CATEGORY REFERENCENO.	CATEGORY NAME	ELIGIBILITY	PREFERRED CATEGORY (INDICATE YES/NO)
1.	MTRH/AMP/R/097/2023-2026	Provision of Conference, accommodation and Hospitality Services in all 47 counties	Open to all Bidders	
2.	MTRH/AMP/R/097/2023-2026	Provision of Software development and implementation, Installation and Support of Microsoft Products, Antivirus, Firewalls and other utility software	Open to all Bidders	
3.	MTRH/AMP/R/097/2023-2026	Provision of Documentary Production, News Coverage, all bidders Photography Services, Video Graphics, Public address system, Audiographer production and editing services	Open to all Bidders	
4.	MTRH/AMP/R/097/2023-2026	Provision of Repair and Maintenance of ICT Equipment - Computers, Laptops, Tablets, Routers, Monitor Screens, Servers, Printers, UPS, Scanners Computer	Open to all Bidders	
5.	MTRH/AMP/R/097/2023-2026	Provision of Repair and Maintenance of Electronic Equipment and Systems	Open to all Bidders	
6.	MTRH/AMP/R/097/2023-2026	Provision of Maintenance and repair of Motor Vehicles	Open to all Bidders	
7.	MTRH/AMP/R/097/2023-2026	Provision of Repair and Maintenance of CCTV, Intercom, Server, AC and Electrical Accessories	Open to all Bidders	
8.	MTRH/AMP/R/097/2023-2026	Provision of maintenance services for firefighting equipment	Open to all Bidders	

9.	MTRH/AMP/R/097/2023-2026	Provision of maintenance and repairservices for teleconference equipment	Open to all Bidders	
10.	MTRH/AMP/R/097/2023-2026	Provision of Air Travel & Ticketing Services. Must be registered with Kenya Association Travel Agent (KATA).	Open to all Bidders	
11.	MTRH/AMP/R/097/2023-2026	Provision of Repair and servicing of Furniture/fittings and other OfficeEquipment.	Open to all Bidders	
12.	MTRH/AMP/R/097/2023-2026	Provision of sanitary, Densification, fumigation and pest control services	Open to all Bidders	
13.	MTRH/AMP/R/097/2023-2026	Provision of Transport, Taxis, Hire Services and related	Open to all Bidders	
14.	MTRH/AMP/R/097/2023-2026	Provision of general Insurance services (IRA registered)	Open to all Bidders	
15.	MTRH/AMP/R/097/2023-2026	Provision of Security Services	Open to all Bidders	
16.	MTRH/AMP/R/097/2023-2026	Provision of Courier Services	Open to all Bidders	
17.	MTRH/AMP/R/097/2023-2026	Provision of consultancy for Team building services	Open to all Bidders	
18.	MTRH/AMP/R/097/2023-2026	Provision of radio and Television broadcast	Open to all Bidders	



### C. PROVISION OF MINOR WORKS

LOT NO	CATEGORY REFERENCENO.	CATEGORY NAME	ELIGIBILITY	PREFERRED CATEGORY (INDICATE YES/NO)
1.	MTRH/AMP/R/097/2023-2026	Repair and Maintenance of Buildings, Civil Works, Electrical Works, Office Partitioning Renovations, Repair Worksand Sewerage Services, Interior Design and Related Services	Open to all	

Qualified and interested tenderers may obtain further information and inspect the Tender Document during office hours 9:00 a.m. to 4:00 p.m. at the address given below.

A complete set of tender documents may be obtained by interested tenderers. electronically from [www.mtrh.go.ke](http://www.mtrh.go.ke) and / or government tender dedicated portal [www.tenders.go.ke](http://www.tenders.go.ke). Tender documents obtained electronically will be free of charge.

The Tenderer shall chronologically serialize all pages of the tender documents submitted.

Completed tenders must be delivered to the address below on or before **8<sup>th</sup> May, 2024 at 10:30 a.m.** Hard copies of the tender document shall be deposited in the **Tender Box “A”, located on the Ground Floor, Chandaria Cancer Centre.** Bulky tenders shall be received **at Procurement Department AMPATH Centre Room B 17.**

Electronic tenders will not be permitted.

**Address for obtaining further information and for purchasing tender documents.**

Ag. Procurement Manager  
USAID AMPATH Uzima  
Moi Teaching and Referral Hospital,  
AMPATH Centre, Room B17, Eldoret, Nandi Road,  
P.O. Box 4606-30100,  
ELDORET.  
Tel: 0722912034  
Email: [procurement-info@usaidampathuzima.or.ke](mailto:procurement-info@usaidampathuzima.or.ke)

**Address for Submission of Tenders.**

Completed Registration documents MUST be submitted in plain sealed envelopes clearly marked: - **MTRH/AMP/R/097/2023-2026**; TENDER FOR REGISTRATION OF SUPPLIERS FOR SUPPLY OF GOODS, WORKS AND SERVICES FOR THE FINANCIAL YEAR 2023-2024, 2024-2025 & 2025-2026 and addressed to:

Ag. Chief Executive Officer  
Moi Teaching and Referral Hospital,  
P.O. Box 4606-30100,  
ELDORET.

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.

Moi Teaching and Referral Hospital,  
Ground Floor, Chandaria Cancel Centre,  
P.O. Box 4606-30100,  
ELDORET.

N/B: Venue for tender opening shall be advised by the Tender Opening Committee.

Late tenders will be rejected.

**Questions Arising from Documents**

Questions that may arise from the registration documents should be directed to the Ag. Chief Executive Officer whose address is stated above.

Additional Information

The MTRH reserves the right to request submission of additional information from prospective bidders.

## 1. Invitation to Tenders/Quotations

Bidding documents (Tender/Quotations) will be made available only to those bidders whose qualifications are accepted by **MTRH** after meeting mandatory requirements and **scoring more than 70points** soon after the completion of the registration process.

## 3.0 BRIEF CONTRACT REGULATIONS/GUIDELINES

### 3.1 Taxes on Imported Materials

The supplier will have to pay custom duty and VAT as applicable for all imported materials to be supplied unless the item(s) is/are donor funded.

### 3.2 Customs Clearance

The contractors shall be responsible for custom clearance of their imported goods and materials.

### 3.3 Contract Price

The contract shall be of unit price type or cumulative of computed unit price and quantities required. Quantities may increase or decrease as determined by demand and on the authority of the client's Accounting Officer or Tender Evaluation Committee.

### 3.4 Payments

All local purchase shall be on credit of a minimum of ninety (90 days) or as it may be stipulated in the contract Agreement.

## 4.0 REGISTRATION DATA INSTRUCTIONS

### 4.1 Registration data Forms

The attached questionnaire forms PQ-1, PQ-2, PQ-3, PQ-4, PQ-6, PQ-7 & PQ-8 are to be completed by prospective supplier/contractors who wish to be registered for submission of tender for the **specified tender lot**.

- 4.1.1 The registration of application forms which are not filled out completely and submitted in the prescribed manner may not be considered. All the documents that form part of the proposal must be written in the English language and in ink.

### 4.2 Qualification

It is understood and agreed that the pre-qualification Data on prospective bidders is to be used by MTRH in determining, according to its sole judgement and discretion, the qualifications of prospective bidder to perform in respect to the **Tender lot** as described by the client.

- 4.2.1 Prospective bidders will not be considered qualified unless in the Judgment of MTRH they possess capability, experience, qualified personnel available and suitability of equipment and net current assets or working capital sufficient to satisfactorily execute the contract for goods/Services.

## **5.0 Essential Criteria for Pre-qualification**

Experience: Prospective bidder shall have at least 3 years' experience in the supply of goods, services and allied items in case of potential supplier/contractor should show competence, willingness and capacity to service the contract. Also see 3.3.6,3.3.7 below and note C on page 9 under prequalification documentation.

Prospective supplier requires special Experience and capability to organize, supply and delivery of items, or services at short notice. Also see 3.3.6,3.3.7 below and note C on page 9 under registration documentation.

## **5.2 Personnel**

The names and pertinent information and the CV of the key personnel for individual or group to execute the contract must be indicated in Form PQ.3.

## **5.3 Financial Condition**

The supplier's financial condition will be determined by financial statements submitted with the registration documents as well as Letters of reference and bank statements from their bankers, regarding supplier's credit position. Potential suppliers/contractors will be registered on the satisfactory information given. Also see 3.3.6, 3.3.7 below and note C on page 9 under registration documentation.

5.3.1.1 Special consideration will be given to the financial resources available as working capital, taking into account the amount of uncompleted orders on contract and now in progress. Data on Form PQ-4. However, potential bidders should provide evidence of financial capability to executive contract.

## **5.4 Past Performance**

Past performance will be given due consideration in pre-qualifying bidders. Letters of reference and certificate of completion from past customers should be included in Form PQ-5. Also see 3.3.6,3.3.7 below and note C on page 9 under prequalification documentation.

### **5.4.1 Newly Registered firms**

Such firms may not have any experience or past performance documented. Marks for such criteria shall be awarded in full if the personnel/staff shall be proven to have relevant compensating experience. No prove of LPO's /LSO's/invoices/Contracts shall therefore be required. Litigation history's marks shall also be awarded in full for such new firms.

## **5.5 Firms under preference and reservation Regulations (2011/13)**

Such entities shall be required to have been registered by the National treasury and submit the certificate to be exempted from some aspects of the evaluation criteria and qualify for engagement.

## 6.0 Statement

Application must include a sworn statement Form PQ-6 by the Tenderer ensuring the accuracy of the information given.

## 7.0 Withdrawal of Registration

Should a condition arise between the time firm is registered to bid and the bid opening date which in the opinion of the client/Government could substantially change the performance and registration of the bidder or his ability to perform such as but not limited to bankruptcy, change in ownership or new commitments. The Government reserves the right to reject the tender from such a bidder even though he was initially registered.

## 8.0 Outlined Supply and Delivery Procedures

The registered applicant should **also submit a brief statement of supply and service delivery methods and procedures he plans to use to execute the contract in form PQ-2**

### Registration Criteria

Required Information	Form Type	Points Score
1. Registration Documentation	PQ-1	(Mandatory)
2. Registration Data	PQ-2	15
3. Supervisory Personnel	PQ-3	10
4. Financial Position	PQ-4	15
5. Relevant Past Experience	PQ-5	15
6. Sworn Statement (SD1, SD2, Code of ethics)	PQ-6	15
7. Confidential Questionnaire	PQ-7	10
8. Tender Questionnaire	PQ-8	10
9. Litigation History	PQ-9	10
<b>TOTAL</b>		<b>100</b>

### Qualification Mark

The qualification mark is **70 points** and above.

**All firms MUST provide the under-listed document as a mandatory requirements):**

- a) A valid copy of Registration of Business Certificate
- b) Copy of CR 12 for Limited Companies or CR13 for partners issued within the last 12 months and copies of National IDs for all the Directors / Partners for Sole Business attach registration certificate and copy of Identity card
- c) Valid Tax compliance Certificate from Kenya Revenue Authority.
- d) Letter from the firm giving authority to the person signing the registration documents to represent the firm (power of Attorney), the document shall be fully signed and witnessed.
- e) Copy of Current Single Business permit from the county of operation
- f) Submission of self-declaration form (SD1 and SD2) and Declaration and Commitment to Code of Ethics
- g) Recommendation letters from at least 5 clients you have provided services , goods or works.
- h) All pages of both original and copy of the tender documents submitted MUST be sequentially serialized by the tenderer. Must be binded. No spiral binding.**
- i) Submission of Company Profile
- j) Registration certificate under preference and reservation scheme where applicable (for AGPO)
- k) Copy of valid membership of Kenya Association Travel Agent (KATA) (applicable to only Air Ticketing and travel services).
- l) For Insurance services, provide IRA registration certificate
- m)For Works category provide relevant current NCA certificate
- n) Food hygiene certificate for Hospitality services
- o) Manufacturer authorization letters for HP and Kyocera for category A lot 2 and lot 3
- p) Manufacturer Authorization letters for all ICT licenses for Category B Lot 2

**NOTE:**

**The information provided must be valid and accurate. MTRH reserves the right to verify the validity and accuracy of the information provided by the bidders.**

1. Legal name of firm.....  
Post office address.....  
Street and Address.....  
City.....  
Country.....  
Mobile No.....  
Email address(es).....  
Person to contact.....  
Title.....
2. Organization & Business Information.....  
Management Personnel.....  
Director.....  
General Manager.....  
Other.....  
Partnership (if applicable).....  
Names of Partners.....
3. Business founded or incorporated.....
3. Under present management since.....
4. Net worth equivalent Kshs.....
6. Enclose copy of the organization chart of the firm indicating the main fields of activities.

Name.....

Age.....

Academic Qualification.....

Professional Qualification.....

Length of service with the firm and position held

.....

Supply or service experience

a) Name of Client/Customer.....

b) Character and nature of Contract.....

c) Contract value.....

d) Location of Contract.....

e) Period of Contract.....

f) Title and responsibility in Contract.....

.....

g) Other.....

Proposed Technical Personnel

a) .....

b) .....

c) .....

d) .....

e) .....

f) .....

g) .....

Proposed position in this project if contract is awarded.....

.....

Brief statement of supply and service delivery method the supplier plans to use to execute the contract.....



## **FORM PQ-4 FINANCIAL POSITION**

Attach copies of firm's audited financial statements for the last 3 years (2021, 2022 and 2023) or current bank statement for the last 6 months preceding tender opening date.

**FORM PQ-5 PAST EXPERIENCE**

**NAMES OF THE APPLICANTS' CLIENTS IN THE LAST THREE YEARS**

**NAMES OF APPLICANTS OTHER CLIENTS AND VALUES OF CONTRACT/ORDERS**

1.
  - i) Name of client 1<sup>st</sup> Client (Organization).....
  - ii) Address of Client (Organization).....
  - iii) Name of contact person at the client (Organization).....
  - iv) Mobile No. of Client..... Email .....
  - v) Value of contract.....
  - vi) Duration of contract (date).....
  
2. Name of 2<sup>nd</sup> client (Organization)
  - (i) Name of client (Organization).....
  - (ii) Address of client (Organization).....
  - (iii) Name of contact person at the client (Organization).....
  - (iv) Mobile No. of Client..... Email .....
  - (v) Value of contract.....
  - (vi) Duration of contract (Date).....
  
3. Name of 3<sup>rd</sup> Client (Organization)
  - i) Name of client (Organization).....
  - ii) Address of Client (Organization).....
  - iii) Mobile No. of Client..... Email .....
  - iv) Name of contact person at the client (Organization).....
  - v) Value of contract.....
  - vi) Duration of contract (Date).....
  
4. Name of 4<sup>th</sup> Client (Organization)
  - v) Name of client (Organization).....
  - vi) Address of Client (Organization).....
  - vii) Mobile No. of Client..... Email .....
  - viii) Name of contact person at the client (Organization).....
  - v) Value of contract.....
  - vi) Duration of contract (Date).....
  
5. Name of 5<sup>th</sup> Client (Organization)
  - ix) Name of client (Organization).....
  - x) Address of Client (Organization).....
  - xi) Mobile No. of Client..... Email .....
  - xii) Name of contact person at the client (Organization).....
  - v) Value of contract.....
  - vi) Duration of contract (Date).....

**NOTE:** -The projects/contracts/services/works shall all be within the last Three years, for at least 5 majors clients.

-Attach copies of contract awards/ LPOs/LSOs

**FORM PQ-6 SELF DECLARATION FORMS**

**(r.47)  
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 Company) who is a bidder in respect of Tender No. .... for ..... (insert tender title/description) for..... (insert name of 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 hereinabove is true to the best of my knowledge, information and belief.

.....  
(Title)

.....  
(Signature)

.....  
(Date)

Bidder Official Stamp

**FORM SD2 SELF DECLARATION FORMS**

**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 the 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 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 entry.
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.

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

(Title)

(Signature)

(Date)

Bidder' 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 and my responsibilities under the Code.

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

Name of Authorize signatory.....

Sign.....

Position.....

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

E-mail.....

Name of the Firm/Company.....

Date.....

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

Witness

Name .....

Sign.....

Date.....

## APPENDIX 1- FRAUD AND CORRUPTION

*(Appendix 1 shall not be modified)*

### 1. Purpose

- 1.1 The Government of Kenya's Anti-Corruption and Economic Crime laws and their sanction's policies and procedures, Public Procurement and Asset Disposal Act (*no. 33 of 2015*) and its Regulation, and any other Kenya's Acts or Regulations related to Fraud and Corruption, and similar offences, shall apply with respect to Public Procurement Processes and Contracts that are governed by the laws of Kenya.

### 2. Requirements

- 2.1 The Government of Kenya requires that all parties including Procuring Entities, Tenderers, (applicants/proposers), Consultants, Contractors and Suppliers; any Sub-contractors, Sub-consultants, Service providers or Suppliers; any Agents (whether declared or not); and any of their Personnel, involved and engaged in procurement under Kenya's Laws and Regulation, observe the highest standard of ethics during the procurement process, selection and contract execution of all contracts, and refrain from Fraud and Corruption and fully comply with Kenya's laws and Regulations as per paragraphs 1.1 above.
- 2.2 Kenya's public procurement and asset disposal act (*no. 33 of 2015*) under Section 66 describes rules to be followed and actions to be taken in dealing with Corrupt, Coercive, Obstructive, Collusive or Fraudulent practices, and Conflicts of Interest in procurement including consequences for offences committed. A few of the provisions noted below highlight Kenya's policy of no tolerance for such practices and behavior:
- 1) a person to whom this Act applies shall not be involved in any corrupt, coercive, obstructive, collusive or fraudulent practice; or conflicts of interest in any procurement or asset disposal proceeding;
  - 2) A person referred to under subsection (1) who contravenes the provisions of that sub-section commits an offence;
  - 3) Without limiting the generality of the subsection (1) and (2), the person shall be—
    - a. disqualified from entering into a contract for a procurement or asset disposal proceeding; or
    - b. if a contract has already been entered into with the person, the contract shall be voidable;
  - 4) The voiding of a contract by the procuring entity under subsection (7) does not limit any legal remedy the procuring entity may have;
  - 5) An employee or agent of the procuring entity or a member of the Board or committee of the procuring entity who has a conflict of interest with respect to a procurement:-
    - a. shall not take part in the procurement proceedings;
    - b. shall not, after a procurement contract has been entered into, take part in any decision relating to the procurement or contract; and
    - c. shall not be a subcontractor for the bidder to whom was awarded contract, or a member of the group of bidders to whom the contract was awarded, but the subcontractor appointed shall meet all the

requirements of this Act.

- 6) An employee, agent or member described in subsection (1) who refrains from doing anything prohibited under that subsection, but for that subsection, would have been within his or her duties shall disclose the conflict of interest to the procuring entity;
  - 7) If a person contravenes subsection (1) with respect to a conflict of interest described in subsection (5)(a) and the contract is awarded to the person or his relative or to another person in whom one of them had a direct or indirect pecuniary interest, the contract shall be terminated and all costs incurred by the public entity shall be made good by the awarding officer. Etc.
- 23 In compliance with Kenya's laws, regulations and policies mentioned above, the Procuring Entity:
- a) Defines broadly, for the purposes of the above provisions, the terms set forth below as follows:
    - i) “corrupt practice” is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
    - ii) “fraudulent practice” is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;
    - iii) “collusive practice” is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
    - iv) “coercive practice” is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
    - v) “obstructive practice” is:
      - deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede investigation by Public Procurement Regulatory Authority (PPRA) or any other appropriate authority appointed by Government of Kenya into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
      - acts intended to materially impede the exercise of the PPRA's or the appointed authority's inspection and audit rights provided for under paragraph 2.3 e. below.
  - b) Defines more specifically, in accordance with the above procurement Act



provisions set forth for fraudulent and collusive practices as follows:

"fraudulent practice" includes a misrepresentation of fact in order to influence a procurement or disposal process or the exercise of a contract to the detriment of the procuring entity or the tenderer or the contractor, and includes collusive practices amongst tenderers prior to or after tender submission designed to establish tender prices at artificial non-competitive levels and to deprive the procuring entity of the benefits of free and open competition.

- c) Rejects a proposal for award<sup>1</sup> of a contract if PPRA determines that the firm or individual recommended for award, any of its personnel, or its agents, or its sub-consultants, sub-contractors, service providers, suppliers and/ or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;
- d) Pursuant to the Kenya's above stated Acts and Regulations, may sanction or debar or recommend to appropriate authority (ies) for sanctioning and debarment of a firm or individual, as applicable under the Acts and Regulations;
- e) Requires that a clause be included in Tender documents and Request for Proposal documents requiring (i) Tenderers (applicants/proposers), Consultants, Contractors, and Suppliers, and their Sub-contractors, Sub-consultants, Service providers, Suppliers, Agents personnel, permit the PPRA or any other appropriate authority appointed by Government of Kenya to inspect<sup>2</sup> all accounts, records and other documents relating to the procurement process, selection and/or contract execution, and to have them audited by auditors appointed by the PPRA or any other appropriate authority appointed by Government of Kenya; and
- f) Pursuant to Section 62 of the above Act, requires Applicants/Tenderers to submit along with their Applications/Tenders/Proposals a "Self-Declaration Form" as included in the procurement document declaring that they and all parties involved in the procurement process and contract execution have not engaged/will not engage in any corrupt or fraudulent practices.

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<sup>1</sup>For the avoidance of doubt, a party's ineligibility to be awarded a contract shall include, without limitation, (i) applying for pre-qualification, expressing interest in a consultancy, and tendering, either directly or as a nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.

<sup>2</sup> Inspections in this context usually are investigative (i.e., forensic) in nature. They involve fact-finding activities undertaken by the Investigating Authority or persons appointed by the Procuring Entity to address specific matters related to investigations/audits, such as evaluating the veracity of an allegation of possible Fraud and Corruption, through the appropriate mechanisms. Such activity includes but is not limited to: accessing and examining a firm's or individual's financial records and information, and making copies thereof as relevant; accessing and examining any other documents, data and information (whether in hard copy or electronic format) deemed relevant for the investigation/audit, and making copies thereof as relevant; interviewing staff and other relevant individuals; performing physical inspections and site visits; and obtaining third party verification of information.

**FORM PQ-7 CONFIDENTIAL BUSINESS QUESTIONNAIRE**

You are requested to give the particulars indicated in part 1 and either part 2 (a) 2 (b) or 2 (c) whichever applies in 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.....Mobile No.....  
Nature of business.....  
Current Trade License No.....Expiring date.....  
Maximum value of business which you can handle at any one time Ksh.....  
Name of your bankers.....Branch.....  
**Functioning e-mail address(es).....**

**PART 2(A) – Sole Proprietor**

Your name in full.....Age.....  
Nationality.....Country of origin.....  
Citizenship details.....

**Part 2 (b) – Partnership:**

Name	Nationality	citizenship Details	Shares
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....
3.	.....	.....	.....
4.	.....	.....	.....

Date .....Signature of Candidate .....Official Rubber Stamp.....

**Part 2 (c) - Registered Company**

Private or Public  
State the nominal and issue capital of the company

Nominal Kshs.....

Issued Kshs.....

Give details of all directors as follows:

Name	Nationality	Citizenship Details	Shares
1. ....			
2. ....			
3. ....			
4. ....			
5. ....			

Date.....Signature & Stamp of

Tenderer.....

If Kenyan Citizen indicate under Citizenship Details whether by Birth, naturalization or Registration.

GPK(L)

**FORM PQ – 8 TENDER QUESTIONNAIRE**

Please fill in block letters

1. Full names of tenderer

.....  
.....

2. Full address of tenderer to which tender correspondence is to be sent (unless an agent has been appointed below)

.....

3. Mobile numbers

.....

4. Official and working email address (es).

.....  
.....

5. Name of tenderers representative to be contacted on matters of the tender during the tender period.

.....

6. Details of tenderers nominated agent (if any) to receive tender notices. This is essential if the tenderer does not have his registered address in Kenya (name, address, mobile number(s) and email address(es))

.....

**Signature and stamp/seal of tenderer**

**Name of Contractor/Supplier**

Contractors/Supplier should provide information on any history litigation or arbitration resulting from contractsexecuted in the last five years or currently under execution.

Year	Award for or against	Name of client cause of Litigation and matter in dispute	Disputed Amount (current value, Kshs. Equivalent

**Signature and stamp/seal of tenderer**

**END**