



GARISSA UNIVERSITY

REQUEST FOR PROPOSAL FOR THE PROVISION OF SCHEME FUND CUSTODIAL SERVICES.

RFP NO: RFP/GaU/004/2024-2025

ISSUED DATE: 16th June 2025

SUBMISSION DATE: 24th June 2025

1. INVITATION TO QUALIFIED FIRMS

Garissa University

P.O Box 1801-70100 Garissa

1. Garissa University invites sealed Request for Proposals for the Provision of Scheme Fund Custodial Services.
2. Tendering will be conducted through Request for Proposals that has been done through the Open Tendering Method.
3. The Tenderer shall chronologically serialize all pages of the tender documents submitted.
4. Completed applications must be delivered to the address below on or before **24th June 2025 at 10.00 am Local time**. Electronic Tenders will not be permitted.
5. The Tender will be opened immediately after the date and time specified above or any deadline date and time specified later.
6. The quoted amount should be inclusive of **0.03% capacity building levy** payable to Public Procurement Regulatory Authority (PPRA)

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

Name of the Procuring Entity: **Garissa University**

Physical Address: **Department of Supply chain Management**

Address: **P.O Box 1801-70100 Garissa**

Contact person: **Head of Supply Chain Department**, Email: procurement@gau.ac.ke

Address for Submission of Tenders.

Named of Procuring Entity: **Garissa University**

Postal Address: **Head, Supply Chain Department**

P.O Box 1801-70100 Garissa

Physical Address: To be deposited in the tender box at Garissa University Department of Supply chain Management

B. Address for Opening of Tenders.

Name of Procuring Entity: **Garissa University**

Physical address: **P.O Box 1801-70100 Garissa**

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

Name; Prof. Ahmed O. Warfa, PhD

Designation: VICE CHANCELLOR

Signature 

Date **16th June 2025**

TECHNICAL PROPOSAL

Notes on the Preparation of the Technical Proposals

When preparing the technical proposal, the consultant is expected to examine all information and the terms and conditions included in the Request for Proposal (RFP). Failure to provide all required information shall be at the consultant's own risk and may result in rejection of the consultant's proposal.

The technical proposal shall provide all the required information and any other necessary additional information. The proposal shall be prepared using the standard forms provided in this document.

This proposal shall be a two-enveloped system bid with **Technical** and **financial** proposals.

The technical proposal shall contain the following:

- (a) Submission letter;
- (b) Capability statement;
- (c) Particulars of the consultant firm or consultant, including Curriculum Vitae (CV);
- (d) Comments and suggestions of the consultant on the terms of reference, personnel, facility, and other requirements to be provided by the procuring entity;
- (e) Description of the methodology and work plan or execution plan for performing the assignment;
- (f) Any proposed staff to assist in the assignment;
- (g) Consultancy services activities schedule; and
- (h) Reference sites for previous similar works. The Consultant is expected to provide written and certified references from at least two (2) existing clients, complete with telephone & email addresses.

TERMS OF REFERENCE FOR CUSTODIAL SERVICES

The terms of reference for the Custodians include:

1. Open a custody account to maintain the portfolio Assets. The bank account should be opened with a Bank duly licensed by the Central Bank of Kenya under The Banking Act and held on behalf of the Trust.
2. Keep in safe custody of the title documents, securities and cash of the Scheme Fund.
3. Ensure all investment instructions from the Fund Manager are implemented in a timely manner.
4. Transfer, exchange or deliver in the prescribed form securities held by the Custodian upon receipt of Proper instructions from the Fund Manager.
5. Prepare such payments as Fund Manager may request in writing from time to time.
6. Realize such financial assets as the Fund Manager may request in writing from time to time.
7. Exercise subscription, purchase or other similar rights represented by the securities subject to receipt of proper instructions from the Fund Manager.
8. Provide the Fund Manager with inter alia: Daily transaction (inflows and outflows) advice online as and when the transactions (inflows and outflows) occur and a weekly portfolio statement reflecting the book and market value of each financial asset.
9. Provide a monthly statement of the transactions (inflows and outflows).
10. Provide a detailed monthly valuation reflecting the status of the Trust's portfolio as at the last day of the previous month.
11. Make available an account manager for queries as well as for discussions with the Fund Manager.
12. Make records pertaining to the financial assets available for inspection by the or auditors or their duly Authorized representatives, whenever necessary for audit and control purposes.
13. In liaison with the Fund Manager, ensure the collection of all income and other benefits arising from the financial assets, which are paid into the account are invested.
14. A monthly statement of the transactions (inflows and outflows);
15. A detailed monthly valuation reflecting the status of the Scheme's portfolio as at the last day of the previous month.
16. Make available an account manager for queries as well as for discussions with the Scheme Trustees and the Scheme Administrator.
17. Make records pertaining to the financial assets available for inspection by the Scheme Secretariat and or auditors or their duly authorized representatives, whenever necessary for audit and control purposes.
18. Ensure all investment instructions from the Fund Manager are implemented.
19. Realize such financial assets as the Fund Manager may request in writing from time to time.
20. Prepare such payments as the Fund Trustees may request in writing from time to time.
21. In liaison with the Fund Manager, ensure the collection of all income and other benefits arising from the financial assets, which are paid into the Scheme's account or invested, on the Scheme's behalf.

22. Act in the best interest of the Scheme at all times; the Custodian(s) shall indemnify the Scheme for any loss or damage that the Scheme may suffer as a direct or indirect result of dishonesty or gross negligence on the part of the Scheme or any person engaged in carrying out Custodial duties in terms hereof.

Evaluation of Technical Proposal

The Evaluation Committee shall evaluate the Technical Proposals two stages: preliminary and technical evaluation.

Preliminary Evaluation

During this stage, bidder's responsiveness to the tender mandatory requirements will be determined based on a "YES/NO" basis (implying compliance or non-compliant respectively) basis. Only bidders that comply with **all** the mandatory requirements shall proceed to the Technical evaluation.

These are mandatory requirements and bidders are expected to provide all the documents in order proceed to the next stage of evaluation. This stage shall be evaluated on a **YES/NO** basis.

S/No.	Particulars	YES/NO
MR1	A copy of Certificate of Incorporation and/or change of name	
MR2	Attach a valid Registration Certificate from Retirement Benefits Authority as a Custodian for Pensions Scheme	
MR3	A copy of Capital Markets Authority registration certificate and Valid License	
MR4	Copy of CR12 Certificate issued by the Registrar of Companies confirming names of Directors and Shareholding for limited companies or ID card for Sole Proprietorships. (Not older than 6 Months) from tender closing date	
MR5	Attach a copy of Power of Attorney signed by the employer and duly witnessed by an advocate or counsel	
MR6	Attach valid copy of KRA Tax Compliance Certificate.	
MR7	A copy of valid PIN registration certificate from KRA	
MR8	A copy of current Business Permit/ trade license	
MR9	Valid Certificate of registration as Data controller and Data Processor from Office of the Data Protection Commissioner	
MR10	Provide Audited accounts for the last 3 years (2022,2023,2024 Fy)	
MR11	Valid Copy of current Professional Indemnity insurance cover of Amount above 500Milion	
MR12	Must submit two (2) copies of the Tender Document, clearly marked original and copy. i. Technical Proposal Document (Original and Copy) ii. Financial Proposal Document (Original and Copy) Both Envelopes MUST be submitted in <u>ONE</u> Outer Envelope addressed to the procuring entity as instructed.	
MR13	Dully filled, signed and stamped Form of tender in the format attached.	
MR14	The Bid document must be initialed on each page and paginated in the sequential format of 1, 2, 3, 4.... including attachments	
MR15	A copy of current NHIF compliance certificate	
MR16	A copy of current NSSF compliance certificate	

N/B: Tenders that do not pass the Preliminary/mandatory Examination will be considered non- responsive and will not be considered further.

Technical Evaluation Criteria

Bidders who meet all the mandatory requirements above will be subjected to the below technical evaluation criteria.

No	Description of Criteria	Max score																		
TR1	Background (5MARKS) <ul style="list-style-type: none">• Please provide a brief description of your firm’s history, ownership structure (total share capital including proportions owned by locals and foreigners) and the main objects and main business areas.• Please provide the following information for each of the members of your Board of Directors:<ul style="list-style-type: none">• Name• Nationality• Permanent Address• Date of Appointment• Academic and Professional Qualifications• Proportion held of Company’s shares.	5																		
TR2	Personnel (5MARKS) <p>(a) Please provide the following information in respect of your personnel in Kenya: -</p> <p>Total employees split as.</p> <ul style="list-style-type: none">○ Account Managers.○ Client Service/Marketing Manager○ Administrators○ Other Professionals○ Other full-time employees○ Overseas Professionals (if applicable). <p>(b) Provide an organizational flow chart and an organogram of the firm.</p> <p>(c) Please give an indication of turnover of personnel and specify the number of personnel who have left and joined over the last three years.</p>	5																		
TR3	<p>Please provide the following information for the funds under Custody:</p> <table><tr><th>Size of Funds in K Shs</th><th><100m</th><th>100m – 1bn</th><th>1bn – 5bn</th><th>>5bn</th><th>Total</th></tr><tr><td>Number of segregated pension/provident funds</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Total Value</td><td></td><td></td><td></td><td></td><td></td></tr></table>	Size of Funds in K Shs	<100m	100m – 1bn	1bn – 5bn	>5bn	Total	Number of segregated pension/provident funds						Total Value						5
Size of Funds in K Shs	<100m	100m – 1bn	1bn – 5bn	>5bn	Total															
Number of segregated pension/provident funds																				
Total Value																				

TR4	<p>Please also provide the following information for the funds under custody in the form of a table: -</p> <p>Value in KShs of:</p> <ul style="list-style-type: none"> • Government securities (treasury bills and bonds) • Equity stock quoted on the NSE. • Unquoted Stock • Fixed income securities • Corporate bonds • Commercial Paper • Direct property holdings • Offshore equity investments • Offshore fixed-income investments • Cash • Other (please specify) 	5
TR5	<p>Kindly also indicate as at 30 June 2021, 2022 and 2023 the:</p> <ul style="list-style-type: none"> • Value of the largest pension/provident fund • Value of the smallest pension/provident fund • Number of new accounts won in the last three years. • Provide total size of new accounts won in each of last three years. • Number of accounts lost in the last three years. • Provide total size of accounts lost in each of the last three years. 	5
TR6	List the total market value at the time of addition and the number of accounts gained in each of the last three years.	2
TR7	List the total market value at the time of departure and the number of accounts lost in each of the last three years.	1
TR8	Please explain briefly the reasons for the additions and the departures.	1
TR9	Please specify the growth in your company's business over the last three years and how your company's internal structure has changed to accommodate that growth.	1
TR10	<p>The Brief (10 MARKS)</p> <p>(a) Explain what experience you have of managing a mandate of the nature proposed in this RFP.</p> <p>(b) Please note that the custody of the Scheme assets will be carried out in accordance with the requirements of the Retirement Benefits Act 1997. Please confirm that you are familiar with the RBA Act and all RBA Regulations pertaining to Custodianship.</p> <p>(c) How would you accommodate a client-specific reporting requirement?</p> <p>(d) If you have client specific reporting requirement for your other clients, please provide information on these.</p>	10
TR11	<p>The Team (20 MARKS)</p> <p>Please provide a brief background of the proposed technical staff for this assignment e.g. account director and account managers. Please include at least three (3) CVs in</p>	20

	the format prescribed below, the number of client responsibilities for each staff and the degree of responsibility held in various assignments over the last three years.	
TR12	RISK CONTROLS General (10 MARKS) (a) What processes are in place to ensure that the Fund Manager and Trustees receive confirmation of receipt of contributions/other incomes? (b) How soon after receipt of a contribution or other income is the Fund Manager and Trustee advised of the receipt(s)? (c) How soon after can the Fund Manager access new contributions/other incomes for investment? (d) What processes are in place to ensure that the Fund Manager receives prompt advise of a payment request incase an investment needs to be broken to meet the payment? How soon is the Fund Manager advised of such requests? (e) How soon after the money is available is the payment prepared? (f) How do you ensure that potential breaches in your client agreements are addressed <i>ex ante</i> ? (g) Is it possible for a fund manager to deviate from the client's Investment Policy Statement towards asset allocation? If yes, why and to what extent would you as the Custodian permit this? (h) Please enclose a copy of a sample client agreement.	10
TR13	ADMINISTRATION (20 MARKS) 1. How many personnel do you employ in your administration department? (2 Marks) 2. Do you use specific software to maintain and update your portfolio information? Is this system able to cope with local statutory as well as international reporting requirements? (3 Marks) 3. Are your systems able to inter-face with those of the dealing parties? (3 Marks) 4. Please confirm that you are able to provide the following: - (5 Marks) <ul style="list-style-type: none"> • Monthly reconciliation of cash and book values • A quarterly valuation/review of portfolio • Quarterly reconciliation of figures with those of the fund manager on book and market value basis 5. Approximately how long, after the month and quarter ends, are you able to dispatch the relevant valuations? Are you able to guarantee this? (2 Marks) 6. Are you able to provide data and such information requested by the Trustees in an electronic format? (2 Marks) 7. Do you have in place Disaster Recovery/Back-Up Systems? How often is this updated? How often is this tested? (3 Mark)	20
TR14	FEES (10MARKS) Please provide the following information regarding your fees for this assignment: (a) <ul style="list-style-type: none"> i) List or attach your fee schedule. (1 Mark) ii) Explain exactly what this would include. (1 Mark) 	10

	<p>iii) Indicate if your fees include taxes – if this is not indicated the procuring entity will assume that the fees include taxes. In addition, your fee quotation must remain valid for at least 120 days from the date of submission of the proposals. (2 Marks)</p> <p>(b) What is the basis of your fees? (1 Mark)</p> <p>(c) Do you charge transaction fees? If yes, how much? Is there a minimum/maximum? (1 Mark)</p> <p>(d) What is the minimum size of account your firm will accept? (1 Mark)</p> <p>(e) What is the minimum annual fee? (1 Mark)</p> <p>(f) Under what circumstances are your fees negotiable? (1 Mark)</p> <p>(g) What is your billing frequency? (Monthly/Quarterly/In Advance/In Arears?) (1 Mark)</p>	
	PASSMARK 70%	100

NB: - After technical evaluation of the tenders, those tenders that shall not have attained a minimum score of 70% shall be declared Non-responsive and will be eliminated from the evaluation process.

Kindly provide the following information about the company:

- a) Name of the bidding company
- b) Registered office
- c) Postal Address
- d) Telephone number
- e) Email address
- f) Date of incorporation
- g) Country of incorporation
- h) International Affiliations-branches/dealing counterparties
- i) Main company objectives and business areas

Financial Evaluation

- The lowest evaluated tender (F_m) is given the maximum financial score (S_f) of 100.
- The formula for determining the financial scores (S_f) of all other tenders is calculated as following:
$$S_f = 100 \times F_m / F$$
in which “ S_f ” is the financial score, “ F_m ” is the lowest price, and “ F ” the price of the tender under consideration.
- Tenders are ranked according to their combined technical (S_t) and financial (S_f) scores using the weights (T = the weight given to the Technical Proposal; P = the weight given to the Financial Proposal; $T + P = 1$) as following: $S = S_t \times T\% + S_f \times P\%$.
- The weights given to the Technical (T) and Financial (P) Proposals are:
 - $T = \underline{\hspace{1cm}}[0.85]$, and
 - $P = \underline{\hspace{1cm}}[0.15]$
- **The Successful Tenderer shall be the one with the highest combined score.**
- The Successful Bidder May Be Invited for Negotiations.
- The assignment is expected to commence at Garissa, Kenya, when due for execution or as shall be informed.

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5. Prepare such payments as Fund Manager may request in writing from time to time.
6. Realize such financial assets as the Fund Manager may request in writing from time to time.
7. Exercise subscription, purchase or other similar rights represented by the securities subject to receipt of proper instructions from the Fund Manager.
8. Provide the Fund Manager with inter alia: Daily transaction (inflows and outflows) advice online as and when the transactions (inflows and outflows) occur and a weekly portfolio statement reflecting the book and market value of each financial asset.
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22. Act in the best interest of the Scheme at all times; the Custodian(s) shall indemnify the Scheme for any loss or damage that the Scheme may suffer as a direct or indirect result of dishonesty or gross negligence on the part of the Scheme or any person engaged in carrying out Custodial duties in terms hereof.

FIRM'S REFERENCES

Relevant Services Carried Out in the Last Five Years That Best Illustrate Qualifications

Using the format below, provide information on each assignment for which your firm, either individually, as a corporate entity, or in the association, was legally contracted.

Assignment Name:		Country:
Location within the Country:		Professional Staff provided by Your Firm/Entity(profiles):
Name of Client:		Clients contact person for the assignment:
Address:		No of Staff-Months; Duration of Assignment:
Start Date (Month/Year)	Completion Date (Month/Year)	Approx. Value of Services (KES.)
Name of Associated Consultants. If any:		Professional staff time
		Staff provided by Associated Consultants:
Name of Senior Staff (Project Director/Coordinator, Team Leader) Involved and Functions Performed:		
Narrative Description of the project:		
Description of Actual Services Provided by Your Staff:		

Firm's Name: _____
Name and Title of Signatory; _____

**COMMENTS AND SUGGESTIONS OF CONSULTANTS ON THE TERMS OF
REFERENCE AND ON DATA, SERVICES, AND FACILITIES TO BE PROVIDED BY
THE CLIENT.**

Responses/Comments should be given in the same order as contained under Section V (Terms of Reference), using the same sub-headings and numbering:

- a) Background Information
- b) Service Requirements
- c) Proposed Methodology and Tools
- d) Mobilization Period
- e) Reporting
- f) Duration of the Project
- g) Project Plan
- h) Potential Issues/Risks
- i) Terms of Payment

TEAM COMPOSITION AND TASK ASSIGNMENTS

1. Technical/Managerial Staff

Name	Position	Task

2. Support Staff

Name	Position	Task

FORMAT OF CURRICULUM VITAE (CV) FOR PROPOSED PROFESSIONAL STAFF

Proposed Position:

Name of Firm:

Name of Staff:

Profession:

Date of Birth:

Years with the Firm: _____ Nationality: _____

Membership in Professional Societies:

Detailed Tasks Assigned:

Key Qualifications:

[Give an outline of staff member's experience and training most pertinent to tasks on assignment. Describe the degree of responsibility held by the staff member on relevant previous assignments and give dates and locations].

Education:

[Summarize college/university and other specialized education of staff member, giving names of schools, dates attended, and degree[s] obtained.]

Employment Record:

[Starting with the present position, list in reverse order every employment held. List all positions held by staff member since graduation, giving dates, names of employing organizations, titles of positions held, and locations of assignments.]

Certification:

I, the undersigned, certify that these data correctly describe me, my qualifications, and my experience.

_____ Date:

[Signature of staff member]

_____ *Date;* _____
[Signature of an authorized representative of the firm]

Full name of staff member:

Full name of authorized representative:

SECTION 3. TECHNICAL PROPOSAL – STANDARD FORMS

1. FORM TECH-1: TECHNICAL PROPOSAL SUBMISSION FORM

Dated

To:
VICE CHANCELLOR
Garissa University
P.O Box 1801-70100
Garissa, Kenya.

Dear Sir,

**REF: TECHNICAL PROPOSAL FOR REQUEST FOR PROPOSAL FOR SCHEME
FUND MANAGEMENT SERVICES TENDER NO. GaU/RFP/2024-2025/02**

We, the undersigned, offer to provide the consulting services for the above mentioned in accordance with your request for proposals dated **[insert date]**. We are hereby submitting our Technical Proposal, in response to your invitation to us to submit a technical proposal.

We hereby declare that:

- (a) All the information and statements made in this Technical Proposal are true and we accept that any misinterpretation or misrepresentation contained in this Proposal may lead to our disqualification by Garissa University Board Council.
- (b) Our Proposal shall be valid and remain binding upon us for the period of 180 days from the date of tender/proposal opening.
- (c) We have no conflict of interest of the Information to Consultants.
- (d) In competing for (and, if the award is made to us, in executing) the Contract, we undertake to observe the laws against fraud and corruption, including bribery, in force in the country of Kenya
- (e) We undertake to negotiate a Contract on the basis of the technical proposal to carry out the assignment. We accept that there will be no substitution of key personnel for reasons, other than those stated in Section II of the Information to Consultants which may lead to the termination of Contract negotiations and even the contract itself.

(f) Our Proposal is binding upon us and it is subject to any modifications resulting from the Contract negotiations.

We undertake, if our Proposal is accepted and the Contract is signed, to initiate the Services related to the assignment no later than the date indicated in the negotiated contract. We understand that Garissa University is not bound to accept any Proposal that it receives.

We remain,

Yours

Sincerely,

Authorized Signature

Name of Consultant

TENDERER'S ELIGIBILITY-CONFIDENTIAL BUSINESS QUESTIONNAIRE

Instruction to Tenderer

The tenderer is instructed to complete the particulars required in this Form, *one form for each entity if Tender is a JV*. The tenderer is further reminded that giving false information on this Form is an offense.

a) Tenderer's details

	ITEM	DESCRIPTION
1	Name of the Procuring Entity	
2	Reference Number of the Tender	
3	Date and Time of Tender Opening	
4	Name of the Tenderer	
5	Full Address and Contact Details of the Tenderer.	1.Country 2. City 3.Location 4. Building 5.Floor 6. Postal Address Name and email of contact person.
6	Current Trade License Registration Number and Expiring date	
7	Name, country and full address (<i>postal and physical addresses, email, and telephone number</i>) of Registering Body/Agency	
8	Description of Nature of Business	
9	Maximum value of business which the Tenderer handles.	
10	State if Tenders Company is listed in stock exchange, give name and full address (<i>postal and physical addresses, email, and telephone number</i>) of state which stock exchange	

General and Specific Details

b) Sole Proprietor, provide the following details.

Name in full _____ Age _____ Nationality _____ Country
of Origin _____ Citizenship _____

c) Partnership, provide the following details.

	Names of Partners	Nationality	Citizenship	% Shares
1				
2				
3				

d) Registered Company, provide the following details.

- (i) Private or Public Company
- (ii) State the nominal and issued capital of the Company Nominal Kenya Shillings
(Equivalent).....

Issued Kenya Shillings (Equivalent).....
- (iii) Give details of Directors as follows.

	Names of Director	Nationality	Citizenship	% Shares owned
1				
2				
3				

e) DISCLOSURE OF INTEREST - Interest of the Firm in the Procuring Entity.

- i) are there any person/persons in..... (*Name of Procuring Entity*) who has/have an
interest or relationship in this firm? Yes/ No.....

If yes, provide details as follows.

	Names of Person	Designation in the Procuring Entity	Interest or Relationship with Tenderer
1			
2			
3			

FORM OF TENDER

INSTRUCTIONS TO TENDERERS

- i) *The Tenderer must prepare this Form of Tender on stationery with its letterhead clearly showing the Tenderer's complete name and business address.*
- ii) *All italicized text is to help Tenderer in preparing this form.*
- iii) *Tenderer must complete and sign the CERTIFICATE OF INDEPENDENT TENDER DETERMINATION and the SELF DECLARATION FORMS OF THE TENDERER attached to this Form of Tender.*

Date of this Tender submission:..... *[insert date (as day, month and year) of Tender submission]* **Tender Name****and**.....**Identification** *[insert identification]* **Alternative No.**.....*[insert identification No if this is a Tender for an alternative]*

To:*[insert complete name of Procuring Entity]*

- a) **No reservations:** We have examined and have no reservations to the Tendering document, including Addenda issued in accordance with Instructions to tenderers (ITT 7);
- b) **Eligibility:** We meet the eligibility requirements and have no conflict of interest in accordance with ITT 3;
- c) **Tender/Proposal-Securing Declaration:** We have not been suspended nor declared ineligible by the Procuring Entity based on the execution of a Tender-Securing Declaration.
or
Proposal-Securing Declaration in Kenya in accordance with ITT 3.6;
- d) **Conformity:** We offer to supply in conformity with the Tendering document and in accordance with the Delivery Schedules specified in the Schedule of Requirements the following Goods: *[insert a brief description of the Goods and Related Services]*;
- e) **Tender Price:** The total price of our Tender, excluding any discounts offered in item (f) below is:

Option 1, in case of one lot: Total price is: *[insert the total price of the Tender in words and figures, indicating the various amounts and the respective currencies]*;

or

Option 2, in case of multiple lots: (a) Total price of each lot *[insert the total price of each lot in words and figures, indicating the various amounts and the respective currencies]*; and (b) Total price of all lots (sum of all lots) *[insert the total price of all lots in words and figures, indicating the various amounts and the respective currencies]*;

- f) **Discounts:** The discounts offered and the methodology for their application are:

- i) The discounts offered are: *[Specify in detail each discount offered.]*
- ii) The exact method of calculations to determine the net price after the application of discounts are shown below: *[Specify in detail the method that shall be used to apply the discounts]*;

- g) **Tender Validity Period:** Our Tender shall be valid for the period specified in TDS 17.1 (as amended, if applicable) from the date fixed for the Tender submission deadline specified in TDS 21.1 (as amended, if applicable), and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
- h) **Performance Security:** If our Tender is accepted, we commit to obtain performance security in accordance with the Tendering document;
- i) **One Tender per tenderer:** We are not submitting any other Tender(s) as an individual tenderer, and we are not participating in any other Tender(s) as a Joint Venture member, or as a subcontractor, and meet the requirements of ITT 3.9, other than alternative Tenders submitted in accordance with ITT 12;
- j) **Suspension and Debarment:** We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the Procuring Entity. Further, we are not ineligible under the Kenya laws or official regulations or pursuant to a decision of the United Nations Security Council;
- k) **State-owned enterprise or institution:** *[select the appropriate option and delete the other] [We are not a state-owned enterprise or institution] / [We are a state-owned enterprise or institution but meet the requirements of ITT 3.7];*
- l) **Commissions, gratuities, fees:** We have paid, or will pay the following commissions, gratuities, or fees with respect to the Tendering process or execution of the Contract: *[insert complete name of each Recipient, its full address, the reason for which each commission or gratuity was paid and the amount and currency of each such commission or gratuity]*

Name of Recipient	Address	Reason	Amount

(If none has been paid or is to be paid, indicate none.”)

- m) **Binding Contract:** We understand that this Tender, together with your written acceptance thereof included in your Letter of Acceptance, shall constitute a binding contract between us until a formal contract is prepared and executed;
- n) **Procuring Entity Not Bound to Accept:** We understand that you are not bound to accept the lowest evaluated cost Tender, the Best Evaluated Tender, or any other Tender that you may receive; and
- o) **Fraud and Corruption:** We hereby certify that we have taken steps to ensure that no person acting for us or on our behalf engages in any type of Fraud and Corruption.
- p) **Code of Ethical Conduct:** We undertake to adhere to the Code of Ethics for Persons Participating in Public Procurements and Asset Disposal, copy available from _____ (specify website) during the procurement process and the execution of any resulting contract.
- q) **Collusive practices:** We hereby certify and confirm that the tender is genuine, non-collusive, and made to accept the contract if awarded. To this effect we have signed the "Certificate of Independent Tender Determination" attached below.
- r) We, the Tenderer, have completed fully and signed the following Forms as part of our Tender:
- a) Tenderer's Eligibility; Confidential Business Questionnaire – to establish we are not in any conflict to

interest.

- b) Certificate of Independent Tender Determination – to declare that we completed the tender without colluding with other tenderers.
- c) Self-Declaration of the Tenderer – to declare that we will, if awarded a contract, not engage in any form of fraud and corruption.
- d) Declaration and commitment to the Code of Ethics for Persons Participating in Public Procurement and Asset Disposal.

Further, we confirm that we have read and understood the full content and scope of fraud and corruption as informed in

"Appendix 1- Fraud and Corruption" attached to the Form of Tender.

Name of the tenderer:

Name of the person duly authorized to sign the Tender on behalf of the tenderer:

.....

Title of the person signing the Tender:

Signature of the person named above:

Date signed **day of** **Year**

****:** The person signing the Tender shall have the power of attorney given by the tenderer.

The Power of Attorney shall be attached with the Tender Schedules.

CERTIFICATE OF INDEPENDENT TENDER DETERMINATION

I, the undersigned, in submitting the accompanying Letter of Tender to the

[Name of Procuring Entity] for:_____

[Name and number of tender] in response to the request for tenders made by:

*[Name
of Tenderer]*

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of_____

[Name of Tenderer], that:

1. I have read, and I understand the contents of this Certificate;
2. I understand that the Tender will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am the authorized representative of the Tenderer with the authority to sign this Certificate and to submit the Tender on behalf of the Tenderer;
4. For the purposes of this Certificate and the Tender, I understand that the word competitor" shall include any individual or organization, other than the Tenderer, whether or not affiliated with the Tenderer, who:
 - a) Has been requested to submit a Tender in response to this request for tenders;
 - b) could potentially submit a tender in response to this request for tenders based on their qualifications, abilities, or experience;
5. The Tenderer discloses that [check one of the following, as applicable]:
 - a) The Tenderer has arrived at the Tender independently from, and without consultation, communication, agreement, or arrangement with, any competitor;
 - b) The Tenderer has entered into consultations, communications, agreements, or arrangements with one or more competitors regarding this request for tenders, and the Tenderer discloses, in the attached document(s), complete details thereof, including the names of the competitors and the nature of, and reasons for, such consultations, communications, agreements or arrangements;
6. In particular, without limiting the generality of paragraphs (5)(a) or (5)(b) above, there has been no consultation, communication, agreement, or arrangement with any competitor regarding:
 - a) prices;
 - b) methods, factors, or formulas used to calculate prices;
 - c) the intention or decision to submit, or not to submit, a tender; or
 - d) the submission of a tender which does not meet the specifications of the request for Tenders; except as specifically disclosed pursuant to paragraph (5)(b) above;

7. In addition, there has been no consultation, communication, agreement, or arrangement with any competitor regarding the quality, quantity, specifications or delivery particulars of the works or services to which this request for tenders relates, except as specifically authorized by the procuring authority or as specifically disclosed pursuant to paragraph (5)(b) above;
8. The terms of the Tender have not been, and will not be, knowingly disclosed by the Tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the Contract, whichever comes first, unless otherwise required by law or as specifically disclosed pursuant to paragraph (5)(b) above.

Name

Title

Date

Signature

[Name, title, and signature of authorized agent of Tenderer and 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 ofin 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 proceedings under Part IV of the Act.
3. THAT what is deponed to herein above is true to the best of my knowledge, information, and belief.

.....

(Title)

.....

(Signature)

.....

(Date)

Bidder 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 herein 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 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 Authorized signatory

Sign.....

Position.....

Office address.....

Telephone.....

Email.....

Name of the Firm/Company
.....

Date.....

(Company Seal/ Rubber Stamp where applicable)

Witness Name

.....

Sign.....

Date.....