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1. GENERAL PART

1.1. Scope of Application

1.1.1 The Procuring and Disposing Entity invites applications for the pre-qualification of works, services or supplies described in **Appendix B**.

1.1.2 Throughout this document:

- (a) the “Procuring and Disposing Entity” means the Uganda Consulate General in Mombasa;
- (b) the “Applicant” means the bidder submitting an application; and
- (c) “Application” means a bid or submission to be short-listed.

as defined in the Public Procurement and Disposal of Public Assets Act and Regulations, 2015 of the Government of Kenya.

1.2. Source of Funds

1.2.1 The project is financed by the Government of Uganda through The Consulate in Mombasa

1.3. Corrupt Practices

1.3.1 It is the Partner States of East the African Community (including Kenya & Uganda) policy to require that Procuring and Disposing Entities, as well as Applicants and Providers, observe the highest standards of ethics during procurement and the execution of contracts. In pursuit of this policy, the Partner States of the East African Community (herein referred to as the Authority):

- (a) defines, for the purposes of this provision, the terms set forth below as follows:
 - (i) “corrupt practice” includes the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution; and
 - (ii) “fraudulent practice” includes a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the Procuring and Disposing Entity, and includes collusive practices among Providers prior to or after bid submission designed to establish bid prices at artificial, non-competitive levels and to deprive the Procuring and Disposing Entity of the benefits of free and open competition;
- (b) will reject a recommendation for award if it determines that the Bidder recommended for award has engaged in corrupt or fraudulent practices in competing for the Contract; and
- (c) will suspend a Provider from engaging in any public procurement proceeding for a stated period of time, if it at any time determines that the Provider has engaged in corrupt or fraudulent practices in competing for, or in executing, a government contract.

1.3.2. In pursuit of the policy, The East African Partner States require representatives of both the Procuring and Disposing Entity and of Providers to adhere to the relevant codes of ethical conduct. The Code of Ethical Conduct for Providers is available from the Authority and Providers are required to indicate their acceptance of this code through the declarations in the Application Submission Sheet.

2. INSTRUCTIONS TO APPLICANTS

2.1. Introduction

The Uganda Consulate General - Mombasa will appoint an Evaluation committee comprising of Government officials and representatives of the consultants to evaluate and short list all eligible companies for the provision of the Construction work, described in **Appendix B** of this document. Once a company has been short listed, it will be invited to submit a bid for the Construction works. The **Uganda Consulate General -Mombasa** reserves the right to add similar types of works to that described in *Appendix B*.

2.2. Objectives

Uganda Consulate General -Mombasa invites sealed Applications from reputable providers for the Construction works. The scope of works required is given in *Appendix B*.

2.3. Eligible Applicants

2.3.1 An Applicant, and all parties constituting the Applicant, shall meet the following criteria to be eligible to participate in public procurement:

- (a) the applicant has the legal capacity to enter into a contract;
- (b) the applicant is not:
 - (i) insolvent;
 - (ii) in receivership;
 - (iii) bankrupt; or
 - (iv) being wound up
- (c) the applicant's business activities have not been suspended;
- (d) the applicant is not the subject of legal proceedings for any of the circumstances in (b);
and

2.3.2 The applicant has fulfilled his or her obligations to pay taxes and social security contributions.

2.3.3 An Applicant shall be a natural person, private entity, government-owned entity, subject to 2.3.9, or any combination of them with the formal intent to enter into an agreement or under an existing agreement in the form of a joint venture, consortium or association. In the case of a joint venture, consortium or association, unless otherwise specified in the Application Submission Sheet, all parties shall be jointly and severally liable.

2.3.4 An Applicant and all parties constituting the Applicant shall have the nationality of an eligible country. An Applicant shall be deemed to have the nationality of a country if the Applicant is a citizen, or is constituted, incorporated or registered and operates in conformity with the provisions of the laws of that country.

2.3.5 This criterion shall also apply to the determination of the nationality of proposed subcontractors or providers for any part of the Contract including related services.

2.3.6 Applicants shall not have a conflict of interest. All Applicants found to be in conflict of interest shall be disqualified. Applicants shall be considered to have a conflict of interest with one or more parties in this short listing process, if they:

- (a) have controlling shareholders in common; or
- (b) receive or have received any direct or indirect subsidy from any of them; or
- (c) have the same legal representative for purposes of this application; or
- (d) have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the application of another Applicant, or influence the decision of the Procuring and Disposing Entity regarding this short listing process; or
- (e) Participated as a consultant in the preparation of the design or technical specifications of the works, services or supplies that are the subject of this short listing.

- 2.3.7 A firm shall submit only one bid in the same bidding process, either individually as a Bidder or as a partner of a joint venture. No firm can be a subcontractor while submitting a bid individually or as a party of a joint venture in the same bidding process. A firm, if acting in the capacity of Subcontractor in any bid, may participate in more than one bid, but only in that capacity. A Bidder who submits, or participates in, more than one bid will cause all the proposals in which the Bidder has participated to be disqualified.
- 2.3.8 A firm that is under a declaration of suspension by the Authority at the date of submission of the application or thereafter, shall be disqualified.
- 2.3.9 Applicants shall provide such evidence of their continued eligibility satisfactory to the Procuring and Disposing Entity, as the Procuring and Disposing Entity shall reasonably request.

2.4. Cost of Applying

The Applicant shall bear all costs associated with the preparation and submission of its Application and **Uganda Consulate General -Mombasa** will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the short listing process.

2.5. Clarification of Short-listing Documents

A prospective Applicant requiring any clarification of the short-listing documents may notify **Uganda Consulate -Mombasa** in writing or by cable (hereinafter, the term cable is deemed to include telephone and e-mail) at the client's address indicated below. **Uganda Consulate General -Mombasa** will respond in writing to any request for clarification on the short-listing documents, which it receives no later than seven (7) days prior to the deadline for the submission of Applications. Written copies of **Uganda Consulate General -Mombasa's** response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective applicants that have received the short-listing documents.

For clarification purposes only, Procuring and Disposing Entity's address is;

Attention: **Accounting Officer**
Uganda Consulate General -Mombasa

Street Address: **Sub - Division no. 3589, Coral Drive - off Moyne drive, Nyali**
85468 – 80100,

Town/City: **Mombasa**

Country: **Kenya.**

Telephone: **+254712569860, +254712569915**

Electronic mail address: **mombasa@mofa.go.ug**

2.6. Amendment of Short-listing Document

- 2.6.1 At any time prior to the deadline for submission of applications, the Procuring and Disposing Entity may amend the Short-listing Document by issuing addenda.
- 2.6.2 Any addendum issued shall be part of the Short-listing Document and shall be communicated in writing to all who have obtained the short-listing document from the Procuring and Disposing Entity.
- 2.6.3 To give prospective Applicants reasonable time to take an addendum into account in preparing their applications, the Procuring and Disposing Entity may, at its discretion, extend the deadline for the submission of applications.

3 PREPARATION OF APPLICATIONS

3.1. Language of Application

The Application prepared by the Applicant, as well as all correspondence and documents relating to the Application exchanged by the Applicant and **Uganda Consulate General -Mombasa** shall be **written in English**. Supporting documents and printed literature provided by the Applicant may be in another language provided they are accompanied by an accurate translation of the relevant passages in English, in which case, for purposes of interpretation of the Application, the translation shall govern.

3.2. Documents Establishing Applicant's Eligibility and Qualifications

The Applicant shall provide as part of its Application, the documentary evidence of the Applicant's legal status, financial, technical and production capability to provide the works if a contract is awarded in the format provided in the Application Submission Sheet (**Forms A1–A7**). Failure to provide the required information shall result in disqualification.

3.3. Format and Signing of Applications

3.3.1. The Applicant is requested to submit its Pre-Qualifications Documents (included in Annex A) in one envelope marked: **“Pre-qualification Document for the Proposed Construction of Chancery Building and Staff Apartments for Uganda Consulate General -Mombasa Kenya.”**

The envelope shall contain one (1) original, Six (6) hard copies and a soft copy of the original on a memory stick. In case of differences between the original and / or copies and soft copy, the content of the original shall supersede.

3.3.2 The original and the copies of the Application shall be typed or written in indelible ink and shall be signed by the Applicant or a person or persons duly authorized to sign the short-listing documents. All pages of the Application, except for unamended printed literature, shall be initialed by the person or persons signing the Application and each page numbered.

3.3.3 Any interlineations, erasures, or overwriting shall be valid only if they are initialed by the person or persons signing the Application.

3.3.4 All Pages of the proposal MUST be numbered sequentially starting with page number one (1) being the cover page.

4 SUBMISSIONS OF APPLICATIONS

4.1. Sealing and Labelling of Applications

4.1.1 The Prequalification Application shall be composed of one envelope marked **“Pre-qualification Document for the Proposed Construction of Chancery Building and Staff Apartment for Uganda Consulate General -Mombasa Kenya.”** The envelope shall contain one (1) original (marked “Original”) and Six (6) copies (marked “Copy”) and a soft copy of the original in an envelope labelled clearly. No documents shall be submitted by electronic submission/email.

4.1.2 For application submission purposes only, the Procuring and Disposing Entity’s address is:

Attention:	Accounting Officer
	Uganda Consulate General-Mombasa
Street Address:	Sub - Division no. 3589, Coral Drive - off Moyne drive, Nyali
	85468 – 80100,
Town/City:	Mombasa
Country:	Kenya.
Telephone:	+254712569860, +254712569915
Electronic mail address:	<u>mombasa@mofa.go.ug</u>

- 4.1.3 The envelope shall also indicate the name and address of the Applicant to enable the Application to be returned unopened in case it is declared “late”.
- 4.1.4 If the envelope is not sealed and marked as required by Clause 4.1, **Uganda Consulate General -Mombasa** will assume no responsibility for the Application misplacement or premature opening.

4.2. Deadline for Submission of Applications

Applications must be received by the **Uganda Consulate General -Mombasa** the address specified under Clause 4.1.2 no later than **Monday 15th January 2024 at 10:00am**

4.3. Late Applications

Any Application received after the deadline for submission of Applications prescribed by **Uganda Consulate General -Mombasa** will be rejected and returned unopened to the Applicant.

5 OPENING AND EVALUATION OF APPLICATIONS

5.1. Opening of Applications by Uganda Consulate General -Mombasa

- 5.1.1 There will be a public opening of applications on **Monday 15th January 2024 at 10:30am**
- 5.1.2 No Application shall be rejected at Application opening, except for late Applications, which shall be returned unopened to the Applicants.
- 5.1.3 **Uganda Consulate General -Mombasa** will prepare minutes for the Application opening.

5.2. Evaluation of Applications:

- a) The **Entity** will carry out the evaluation of proposals on the basis of their responsiveness to:
- I. Legal Status,
 - II. Tax Payment,
 - III. Financial Position – Presentation of copies of Audited reports for the last three years,
 - IV. Technical; and
 - V. Evidence of payment for the Prequalification Document
- b) Specific evaluation criteria as given in Appendix C.
- c) Any application that fails to meet the requirements in 5.2 (a) will be considered unsuitable and shall be rejected at this stage. The Procuring and Disposing Entity shall notify the Applicant of the rejection of their application.

5.3. Clarification of Applications

- 5.3.1 During evaluation of the Applications, **Uganda Consulate General-Mombasa** may, at its discretion, ask the Applicant for clarification of its Application. A request for clarification shall be signed and sent to a bidder by the Chairperson of the evaluation committee and all

requests for clarifications shall be copied to all bidders for information purposes only and noted in the evaluation report.

5.3.2 A bidder shall be instructed to reply to clarifications in writing within a specified time, addressing their responses to the Head of the Procurement and Disposal Unit.

5.3.3 The Head of the Procurement and Disposal Unit shall ensure that all replies are promptly forwarded to the Chairperson of the evaluation committee.

5.3.4 Failure of a bidder to respond to a request for clarification may result in the rejection of its bid.

5.4. Contacting the Procuring and Disposing Entity

5.4.1 No Applicant shall contact the Entity on any matter relating to its Application from the time of Application opening to short listing of Applicants.

5.4.2 Any effort by the Applicant to influence the Entity in its decisions on the Application evaluation may result in the rejection of the Application.

5.5. Confidentiality

5.5.1 Information relating to the evaluation of applications, and recommendation for short listing, shall not be disclosed to Applicants or any other persons not officially concerned with such process until the notification of short listing is made to all Applicants.

5.5.2 From the deadline for submission of applications to the time of notification of the results of the short listing, any Applicant that wishes to contact the Procuring and Disposing Entity on any matter related to the short-listing process, may do so but only in writing.

6 SHORT LISTING/PREQUALIFYING

6.1. Notification to the Short-listed Applicants

Uganda Consulate General -Mombasa will notify all Applicants in writing by registered letter or by email that they have been short listed to provide the construction works described in this document.

6.2. Inspection

Uganda Consulate General -Mombasa reserves the right to conduct a physical inspection of the premises of the Applicant at its own cost and discretion. If, after the inspection, it is deemed that the physical structure and quality of service equipment is unsatisfactory, then the Application will be rejected. The Procuring and Disposing Entity reserves the right to verify all information submitted.

6.3 Currency

All monetary/financial information furnished, must be quoted in **Kenyan shillings (KES)**.

6.4. Changes in Qualifications of Applicants

- 6.4.1 Applicants and those subsequently short listed or conditionally short listed, shall inform the Procuring and Disposing Entity of any material change in information that might affect their qualification status. Providers shall be required to update key short-listing information at the time of bidding.
- 6.4.2 Prior to award of contract, the best evaluated bidder may be required to confirm its continued qualified status in a post-qualification review process.

**APPENDIX A: FORM A1
APPLICANT SUBMISSION SHEET**

Date:

Applicant's Legal Name:

Procurement Reference No: **UCM/WRKS/2023-24/00002**

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To:

We, the undersigned declare that:

- (a) We have examined and have no reservations to the short listing document, including Addenda No:.....
- (b) We hereby apply to be short listed for the following works:

Reference Number	Description of the construction Works

- (c) We, including any subcontractors or providers for any part of the contract or contracts resulting from this short listing process, are eligible to participate in public procurement;
- (d) We undertake to abide by the Code of Ethical Conduct for Providers and Providers during the procurement process and the execution of any resulting contract;
- (e) We, including any subcontractors or providers for any part of the contract or contracts resulting from this short listing process do not have any conflict of interest, and are not associated, nor have been associated in the past, directly or indirectly, with the consultant or any other entity that has prepared the design or technical specifications of the Supplies;
- (f) We, our affiliates or subsidiaries, including any subcontractors for any part of the contract or contracts resulting from this short listing process, have not been suspended by the Public Procurement and Disposal of Public Assets Authority in Kenya from participating in public procure
- (h) We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the short-listing process, the corresponding bidding process or execution of the Contract: *[insert complete name of each Recipient, their full address, the reason for which each*

commission or gratuity was paid and the amount and currency of each such commission or gratuity. If none has been paid or is to be paid, indicate “none”.]

Name of Recipient	Address	Purpose/Reason	Amount & currency

- (j) We understand that you may amend the scope and value of any contracts to be bid or cancel the short listing process at any time and that you are neither bound to accept any application that you may receive nor to invite the short listed applicants to bid for the contract or contracts, which are the subject of this short listing, without incurring any liability to the Applicants;
- (k) We understand that qualification information will be subject to verification through a post-qualification process prior to any award of contract;
- (l) We hereby authorize you and your authorized representatives, to conduct any enquiries or investigations to verify the statements, documents and information submitted in connection with this application and to seek clarification from our bankers and clients regarding any financial and technical aspects. This Application Submission Sheet will also serve as authorisation to any individual or authorized representative of any institution referred to in the supporting information to provide such information deemed necessary and as requested by yourselves to verify statements and information provided in this application.

Signed.....

Name:

In the capacity of

Duly authorised to sign the application for and on behalf of:

Dated on _____ day of _____, _____

APPENDIX A: FORM A2
APPLICANT INFORMATION SHEET

STRUCTURE AND ORGANIZATION	
1	Name of Company: <i>[insert full legal name]</i>
	Physical address: <i>[insert street/ number/ town or city/ country]</i>
	Postal address:
	Telephone number:
	Telefax number:
	Email:
2	Description of the Company's activities:
3	Number of years of experience in the provision of the construction works under reference

4 In case of a Joint Venture, the following documentation shall be required for each member of the joint venture:

- a. a copy of the Bidder's Trading license for the year 2023 or equivalent;
- b. a copy of the Bidder's Certificate of Registration or equivalent;
- c. a copy of the Bidder's Current Income tax clearance certificate specific for this assignment; For foreign bidders, the bidder shall attach an equivalent showing status of their tax compliance.
a copy of the Bidders Tax registration certificate or equivalent;
- d. Power of Attorney of the signatory(ies) of the bid authorizing signature of the bid on behalf of the joint venture;
- e. a certified copy of the Joint Venture Agreement, which is legally binding on all partners, showing that all partners shall be jointly and severally liable and one of the partners will be nominated as being in charge, authorized to incur liabilities, and receive instructions for and on behalf of any and all partners of the joint venture.

The Applicant's Authorised representative for information is:

Name: *[insert full legal name]*

Address: *[insert street/ number/ town or city/ country]*

Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]*

E-mail address: *[indicate e-mail address]*

APPENDIX A: FORM A3

APPLICANT'S PARTY INFORMATION FORM

[This form shall be filled in for the Applicant's parties including partner(s) of a joint venture, subcontractors, suppliers and other parties]

Date: *[insert day, month, year]*
Applicant's Legal Name: *[insert full name]*
Procurement Reference No: *[insert No.....]*
Page *[insert page number]* of *[insert total number]* pages

JV applicant legal name: <i>[insert full legal name]</i>
Applicant's Party legal name: <i>[insert full legal name of Applicant's Party]</i>
Applicant's Party country of registration: <i>[indicate country of registration]</i>
Applicant Party's year of constitution: <i>[indicate year of constitution]</i>
Applicant Party's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant Party's authorized representative information Name: <i>[insert full legal name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation or Documents of Constitution, and Registration Documents of the legal entity named above. <input type="checkbox"/> In case of a Government owned entity, documents establishing legal and financial autonomy and compliance with commercial law.

APPENDIX A: FORM A4
REQUIRED DOCUMENTS ON LEGAL STATUS

1	A copy of the Memorandum and Articles of Association or its equivalent. A separate list of Directors/Partners/Proprietors should be attached. A joint venture agreement should be attached where applicable
2	A copy of the Bidder's Trading license for 2023 or equivalent and a copy of the Bidder's Certificate of Incorporation/Registration or equivalent for bidders not currently registered with the PPDA;
3	Income Tax Clearance Certificate addressed to Uganda Consulate General for this particular purpose. The Entity shall only accept original income tax clearance certificates. For foreign bidders, the bidder shall attach an equivalent showing status of their tax compliance.
4	A Power of Attorney which if signed in Kenya shall be registered; or if signed outside Kenya, shall be notarized authorizing signature of the bid on behalf of the Bidder.
5	Evidence of fulfillment of obligations to pay social security contributions where applicable.
6	<p>For a Joint Venture, the documentation in 1 - 5 above shall be required for each member of the Joint Venture and the following additional documentation shall be required:</p> <p>(a) A certified copy of the Joint Venture Agreement or letter of intent to enter into such an agreement, which is legally binding on all partners, showing that:</p> <p>i) All partners shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms;</p> <p>ii) One of the partners will be nominated as being in charge, and receive instructions for and on behalf of any and all partners of the joint venture;</p> <p>iii) The execution of the entire Contract, including payment, shall be done exclusively with the partner in charge;</p> <p>(b) A Power of Attorney from each member of the JV nominating a Representative in the JV and a Power of Attorney from the JV nominating a representative who shall have the authority to conduct all business for and on behalf of any and all the parties of the JV during the bidding process and, in the event the JV is awarded the Contract, during contract execution.</p>

**APPENDIX A: FORM A5
HISTORICAL CONTRACT PERFORMANCE**

[This form shall be filled in for the Applicant and for each partner of a Joint Venture]

Date: *[insert day, month, year]*

Applicant's Legal Name: *[insert full name]*

Procurement Reference No: *[insert No.....]*

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Non-Performing Contracts in accordance with Section 2, Qualification Criteria and Requirements			
<input type="checkbox"/> Contract non-performance did not occur during the <i>[number]</i> years specified in Section 2, Qualification Criteria sub-section 2.1.			
<input type="checkbox"/> Contract(s) not performed during the <i>[number]</i> years specified in Section 2, Qualification Criteria sub-section 2.1.			
Year	Non performed portion of contract	Contract Identification	Total Contract Amount (current value, KSHS or Equivalent in specified convertible currency)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract [insert amount in name/ number, and any other identification]</i> Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Reason(s) for non performance: <i>[indicate main reason(s)]</i>	<i>(KSHS equivalent)</i>

Pending Litigation, in accordance with Section 2, Qualification Criteria sub-section 2.2.

No pending litigation in accordance with Section 2, Qualification Criteria sub-section 2.2.

Pending litigation in accordance with Section 2, Qualification Criteria sub-section 2.2 as indicated below.

Year	Outcome as Percentage of Total Assets	Contract Identification	Total Contract Amount (current value, KSHS or Equivalent in specified convertible currency)
<i>[insert year]</i>	<i>[insert percentage]</i>	Contract Identification: [indicate complete contract name, number, and any other identification] Name of Employer: <i>[insert full name]</i> Address of Employer: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i>	<i>[insert amount in the KSHS equivalent]</i>

**APPENDIX A: FORM A6
GENERAL EXPERIENCE**

[This form shall be filled in for the Applicant and for each partner of a Joint Venture]

Date: *[insert day, month, year]*

Applicant's Legal Name: *[insert full name]*

Procurement Reference No: *[insert No.....]*

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*[Identify contracts that demonstrate continuous work over the past **Seven (7)** years pursuant to Section 3, Qualification Criteria sub-section 3.1. List contracts chronologically, according to their commencement (starting) dates.]*

Starting Month / Year	Ending Month / Year	Contract Identification	Role of Applicant
<i>[indicate month/year]</i>	<i>[indicate month/year]</i>	Contract name: <i>[insert full name]</i> Brief Description of the assignment performed by the Applicant: <i>[describe assignment performed briefly]</i> Amount of contract: <i>[insert amount in KSH equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Contractor" or "Subcontractor" or "Contract Manager"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the assignment performed by the Applicant: <i>[describe assignment performed briefly]</i> Amount of contract: <i>[insert amount in KSH equivalent]</i> Name of Employer: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Contractor" or "Subcontractor" or "Contract Manager"]</i>

APPENDIX A: FORM A7
SPECIFIC CONSTRUCTION EXPERIENCE

[This form shall be filled in for contracts performed by the Applicant, each partner of a Joint Venture, and specialist sub-contractors]

Date: *[insert day, month, year]*
 Applicant's Legal Name: *[insert full name]*
 Procurement Reference No: *[insert No.....]*
 Page *[insert page number]* of *[insert total number]* pages

[List contracts that meet the criteria in Section 3, Qualification Criteria sub-section 3.2. List contracts chronologically, according to their commencement (starting) dates.]

Contract No. <i>[insert number of similar contracts required]</i>	Information		
Contract Identification	<i>[insert contract name and number, if applicable]</i>		
Award date	<i>[insert day, month, year, e.g. 15 June, 2018]</i>		
Completion date	<i>[insert day, month, year, e.g. 03 October, 2020]</i>		
Role in Contract <i>[check the appropriate box]</i>	Supplier	Owner	Operator
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		KSHS <i>[insert total contract amount in KSHS equivalent]</i>
If partner in a JV, or subcontractor, specify participation in total contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	KSHS <i>[insert total contract amount in KSHS equivalent]</i>
Employer's Name:	<i>[insert full name]</i>		
Address: Telephone/fax number E-mail:	<i>[indicate street / number / town or city / country]</i> <i>[insert telephone/fax numbers, including country and city area codes]</i> <i>[insert e-mail address, if available]</i>		

For Contracts cited above, the applicant must attach documentary evidence in form of copies of contract agreements or completion certificates. Projects considered for evaluation shall be only those with copies of contract agreements or completion certificates.

**APPENDIX A: FORM A8
KEY PERSONNEL**

[This form shall be filled in for the Applicant and for each partner of a Joint Venture]

Date: *[insert day, month, year]*

Applicant's Legal Name: *[insert full name]*

Procurement Reference No: *[insert No.....]*

Page *[insert page number]* of *[insert total number]* pages

1. Number of staff
 - a. Management staff:
 - b. Technical staff:
 - c. Support staff:

2. Please list the present key personnel and management staff (refer to Section 3 of Appendix B – Statement of Requirements for the list of key staff required for the assignment).

Name	Qualification	Years of relevant experience

3. Provide details of the proposed personnel and their signed CVs and qualifications/ academic documents. The format of the CV of the proposed personnel should be as below.

Position		
Personnel information	Name	Date of birth
	Professional qualifications	
Present employment	Name of Employer	
	Address of Employer	
	Telephone	Contact (manager / personnel officer)

	Fax	E-mail
	Job title	Years with present Employer

Summarize professional experience in reverse chronological order. Indicate particular technical and managerial experience relevant to the project.

From	To	Company, Project , Position, and Relevant Technical and Management Experience*

**APPENDIX A: FORM A9
EQUIPMENT CAPACITY**

[This form shall be filled in for the minimum key equipment to be provided for establishment of Plant Hire Facilities by the Applicant, each partner of a Joint Venture, and specialist sub contractors]

Date: *[insert day, month, year]*
 Applicant's Legal Name: *[insert full name]*
 Procurement Reference No: *[insert No.....]*
 Page *[insert page number]* of *[insert total number]* pages

Item of Equipment	Description, make and age (years)	Condition (new, good, poor) and number available	Owned, leased or to be purchased (from whom?)

In addition to the list of equipment above, for each of the proposed equipment the applicant must attach documentary evidence as proof of full ownership in form of log books (as appropriate) in the names of the applicant.

Type of Equipment	
Equipment Information	Name of manufacture Model and power rating
	Capacity Year of manufacture
Current Status	Current location
	Details of current commitments
Source	Indicate source of the equipment <input type="checkbox"/> Owned <input type="checkbox"/> Rented <input type="checkbox"/> Leased <input type="checkbox"/> Specially manufactured (Attach evidence of ownership, lease or hire in the form of registration books, agreements or memoranda or purchaser order)

The following information shall be provided only for equipment not owned by the Bidder.

Owner	Name of owner	
	Address of owner	
	Telephone	Contact name and title
	Fax	Telex
Agreements	Details of rental / lease / manufacture agreements specific to the project. (Attach evidence of lease or hire in the form of registration books, agreements or memoranda or purchaser order)	

**APPENDIX A: FORM A10
FINANCIAL CAPACITY**

[This form shall be filled in for the Applicant and for each partner of a Joint Venture Autonomous construction subdivisions of parent conglomerate businesses shall submit financial related only to the particular activities of the subdivision]

Date: *[insert day, month, year]*
 Applicant’s Legal Name: *[insert full name]*
 Procurement Reference No: *[insert No.....]*
 Page *[insert page number]* of *[insert total number]* pages

1. Share capital

Authorized share capital:

2. Annual value of business undertaken in the last Three financial years (construction works only)

Year	2019	2020	2021	2022
Turnover (KSHS)				

Please attach copies of the company’s audited accounts for the previous three years (profit/loss, assets/liabilities) and any financial data, which you consider to be useful in the shortlisting. Please provide a list of all the attachments.

3. Please provide name and address of Bankers from which references can be obtained and authority to seek references.

4. Please summarize actual assets and liabilities in KSHS equivalent for the previous Four years in the format shown in the Table below.

Name of Applicant or partner of a joint venture	Previous Four years			
	2022	2021	2020	2019
Financial information in KSHS equivalent				
1. Total assets				
2. Current assets				
3. Total liabilities				
4. Current liabilities				
5. Profits before taxes				
6. Profits after taxes				

**APPENDIX A: FORM A11
CURRENT CONTRACT COMMITMENTS/ WORKS IN PROGRESS**

[This form shall be filled in for the Applicant and for each partner of a Joint Venture]

Date: *[insert day, month, year]*

Applicant's Legal Name: *[insert full name]*

Procurement Reference No: *[insert No.....]*

Page *[insert page number]* of *[insert total number]* pages

Provide information on current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.

Name of contract	Employer, contact address/tel/fax	Value of outstanding work	Estimated completion date	Average monthly invoicing over last six months (KSHS /month)
1.				
2.				
etc.				

APPENDIX B

STATEMENT OF REQUIREMENTS

1. Brief Scope of Works: The objective of the Works services is to enable **Ugandan Consulate General -Mombasa** to develop the facilities that will support attainment of strategic objectives of a conducive operational, corporate and diplomatic environment for attainment of the outputs of the goals of its mission.

The Works comprise the construction of a three storey Chancery office building, two storey residential buildings and associated Utility Buildings, External Works, Plumbing and Electrical works.

The buildings are reinforced concrete framed structures complete with fixtures and fittings – shall be constructed in accordance with Architectural, engineering drawings, technical specifications and bills of quantities.

2. Brief description of the Works

The contractor will be required to undertake the following:

- a) Site preparation- Shall include excavations and earth works, and removal of unwanted materials on site.
- a) Main works:
 - (i) Undertake substructure, superstructure, roofing and ceiling works, including finishes and associated Mechanical, Electrical, Plumbing and ICT works as per the detailed Architectural and Engineering drawings;
 - (ii) External works: Undertake external works comprising paving/parking areas, boundary wall construction, storm water drainage works, etc as per the detailed Architectural and Engineering drawings.
 - (iii) Tests and commissioning: Undertake the testing and commissioning of all installations for both the development and associated infrastructure and amenities to ensure their optimal functionality.
 - (iv) As-built drawings; Prepare as-built drawings to the approval of the Project Manager.
 - (v) Undertake a Defects Liability Period of 12 months after completion of the works or sections of works to remedy defects/ damage as may be notified by the Client

APPENDIX C

EVALUATION CRITERIA

The evaluation criteria shall be based on the following main areas:

1. Supplier Eligibility

- a. **Ugandan Consulate General -Mombasa** shall entertain bids from, or award contracts to, suppliers who meet its legal, ethical and quality requirements. This will require the ascertainment and confirmation of the qualifications of suppliers or contractors at any stage of the procurement proceedings.
- b. Potential contractors shall also be required to comply with other regulatory requirements

2. General Eligibility

The documentation required to provide evidence of eligibility shall be: -

- (a) A copy of the Memorandum and Articles of Association or its equivalent as it may apply in different countries. A separate list of Directors/Partners/Proprietors should be attached.
- (b) A joint venture agreement should be attached where applicable.
- (c) A copy of the Bidder's Trading license for 2023 or equivalent as it may apply in different countries.
- (d) A copy of the Bidder's Certificate of Incorporation/Registration or equivalent for bidders not currently registered with the PPDA;
- (e) Income Tax Clearance Certificate addressed to **Uganda Consulate General -Mombasa** for this particular purpose. The Entity shall only accept original income tax clearance certificates. For foreign bidders, the bidder shall attach an equivalent showing status of their tax compliance;
- (f) A copy of the National Construction Authority (NCA) of Kenya for Companies Registered in Kenya. In case of Foreign contractors they shall be required to seek registration with the National Construction Authority after issuance of an award letter and before signing the contract and should only undertake construction works or projects with a value limit of category NCA 1.
- (g) A Power of Attorney which if signed in Kenya shall be registered; or if signed outside Kenya shall be notarized authorizing signature of the bid on behalf of the Bidder. The power of attorney submitted will be examined to verify accuracy, validity and authenticity of the document and in accordance with the enabling law.
- (h) A statement in the Bid Submission Sheet that the bidder meets the eligibility criteria stated in ITP 2.3.1; That where "a statement in the Bid Submission Sheet that the bidder meets the eligibility criteria stated in ITP 2.3.1" is not indicated in the Application Submission Sheet of an application as required, a separate statement that the bidder meets the eligibility criteria stated in ITP 2.3.1 should be submitted by an Applicant and signed off by the authorized signatory.
- (i) A declaration in the Bid Submission Sheet of nationality of the Bidder;
- (j) A declaration in the Bid Submission Sheet that the Bidder is not under suspension by the Authority (PPDA) in case of Kenya or equivalent authority for the case of other countries.
- (k) Signed Ethical Code of Conduct in Business by the authorized signatory.
- (l) Signed Curriculum Vitae (CVs) and academic Certificates of key staff.
- (m) Certified Audited books of accounts for the last 4 years (2019, 2020, 2021, 2022) audited by auditors who are in the registry of auditors for the year 2023

For a Joint Venture, the documentation in 1.1 above shall be required for each member of the Joint Venture and the following additional documentation shall be required:

- (a) A certified copy of the Joint Venture Agreement or letter of intent to enter into such an agreement, which is legally binding on all partners, showing that:
 - i) All partners shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms;
 - ii) one of the partners will be nominated as being in charge, and receive instructions for and on behalf of any and all partners of the joint venture; and
 - iii) the execution of the entire Contract, including payment, shall be done exclusively with the partner in charge.
- (b) A Power of Attorney from each member of the JV nominating a Representative in the JV and a Power of Attorney from the JV nominating a representative who shall have the authority to conduct all business for and on behalf of any and all the parties of the JV during the bidding process and, in the event the JV is awarded the Contract, during contract execution. The power of attorney submitted will be examined to verify accuracy, validity and authenticity of the document and in accordance with the enabling law; and as provided for in Regulation 17 (1) of PPDA (Evaluation) Regulations, 2015 and any other laws including the Companies Act.

c. Historical Contract Performance

2.1. History of non-performing contracts

Non-performance of a contract did not occur within the last **3** years prior to the deadline for application submission, based on all information on fully settled disputes or litigation.

2.2. Pending litigation

Indicate any pending litigation against the bidder if any or indicate if there is no pending litigation against the bidder using the form below for each dispute:

d. Experience

3.1. General Experience.

Experience under building contracts in the role of contractor, subcontractor, or management contractor for at least the last 5 years prior to the submission deadline, and with activity in at least 8 months in each year. Provide completion certificates as evidence. (In case of JV each party must meet the requirements).

3.2. Specific Construction Experience

Participation as main contractor, in at least **three (3)** contracts each with a value of at least **KSHS 500,000,000=(Kenya Shillings, Five Hundred Million)** within the last **Five (5)** years. The projects should have been successfully and substantially completed (**at least 70 percent complete**).

For Contracts cited above in 3.1 and 3.2, the applicant must attach documentary evidence in form of copies of contract agreements clearly showing the value of contracts and completion certificates. The completion certificates must have been achieved within the 5 years. Projects considered for evaluation shall be only those with copies of contract agreements which clearly show the value of the contracts and completion certificates.

e. Capacity

The following shall be considered:

- a) Key Personnel
- b) Equipment
- c) Financial position

The applicant should propose a list of key staff that meets the specifications in the Table below:

No.	Position	Number required on the project	Minimum Qualification	General Experience (years)	Specific Experience (In the role proposed)
1.	Construction Manager	1	Degree in either Building or Civil Engineering or Architecture or an Equivalent/related field. Registered with the Engineers Registration Board or Architects Registration Board of Kenya or by recognized international competent authority and having a valid practicing license. Should have experience in works of an equivalent or similar nature in value, scope and complexity.	15	7
2.	Site Engineer	1	BSc. Civil/ Structural Engineering from a recognized university. (Evidence in form of Academic qualifications)	7	5

3.	Quantity Surveyor	1	Bsc in Quantity Surveying or Building Economics from a recognized university (Evidence in form of Academic qualifications)	7	5
4.	Mechanical Engineer	1	Bsc in Mechanical Engineering from a recognised university (Evidence in form of Academic qualifications)	5	4
5.	Electrical Engineer	1	Bsc in Electrical engineering from a recognized university (Evidence in form of Academic qualifications)	5	4
6.	ICT Specialist	1	BSc. Electrical engineering, Information Technology or Telecom Engineering from a recognized university	5	3
7.	Quality Control Officer	1	BSc. Civil/ Structural Engineering from a recognized university. (Evidence in form of Academic qualifications)	5	3
8.	Civil & Building Foreman	1	Higher National Diploma in Civil and building Engineering from a recognised institution. (Evidence in form of Academic qualifications)	7	5
9.	Finishing Foreman	1	Higher National Diploma in Civil and building Engineering/ Architecture from a recognised Institution. (Evidence in form of Academic qualifications)	7	5
10.	Plumbing Foreman	1	Higher Diploma in Mechanical Engineering or an equivalent from a recognized institution (Evidence in form of Academic qualifications)	7	5
11.	Electrical Foreman	1	Higher Dip. in Electrical engineering from a recognized	7	5

			institution (Evidence in form of Academic qualifications)		
12.	Environmental, Health and Safety Specialist	1	Bsc. in Environmental Science or related field from a recognized university (Evidence in form of Academic qualifications) or related qualification with additional specialised training in Occupation Safety, Health and environmental management	7	3

The Bidder shall provide details of the proposed personnel and their experience records in the relevant Forms included as provided in this document, Bidding Forms. **All proposed staff MUST attach signed CVs and academic certificates. The CVs should be signed by the staff confirming the content and information provided.**

f. Equipment

The applicant must demonstrate access to or ownership of the key equipment listed in the Table below (either by ownership, lease, hire). Attach documentary evidence of ownership, lease, hire such as registration books, agreements or memoranda or purchase order.

No.	Equipment Type and Characteristics	Minimum Number required
1.	Concrete Mixer - minimum 700litre capacity (with self-loading Hooper)	2No.
2.	Backhoe-0.26CM Bucket capacity	1No.
3.	Motorised material hoist (1 tonne)	1No.
4.	Tipper Trucks- not less than 15 tons	3No.
5.	Concrete Vibrator – 40mm diameter	3sets
6.	Jumper Compactor	2No.
7.	Steel Formwork for suspended slabs – to cover a minimum of 500 sq. metres	1 Set
8.	Steel Scaffolding for access – to cover a minimum of 2000 sq. metres	1 Set
9.	Air Compressor	1No.

10.	Metal Fabrication Set	1No
11.	Supervision Pick-Up	2No.
12.	Welding Machine or Welding Generator-300 Amp	1No.
13.	Total Station	1No.
14	Standby Generator- 5kva	1No.

g. Financial Situation

(i) Historical Financial Performance

Applicants should demonstrate the current soundness of their financial position and its prospective long-term profitability. Current assets/Current liability ratio must be greater than 1.0 for the last 4 years and a positive net worth for at the last 4 years. Submit audited accounts and other financial statements acceptable to the Employer, for the last four (4) years i.e. 2019,2020, 2021 and 2022.

(ii) Financial Resources:

- (a) The Applicant must demonstrate access to, or availability of, financial resources such as liquid assets, unencumbered real assets, lines of credit, and other financial means of not less than **KHS 50,000,000=.**
- (b) Please provide name and address of Bankers from which references can be obtained and authority to seek references.