



TENDER NOTICE

Kakuma Ventures (KV) is a social enterprise in Kakuma that specializes in tech and logistics entrepreneurship business models for innovation and access to essential goods and services.

This tender Notice invites qualified bidders from the general public who have a valid NCA (National Construction Authority – Kenya) registration under the Building Class and having experience in similar works for **the construction of an educational center in Kakuma Ref: KV0102/19** under the terms set forth in the bid documents.

The complete set of tender documents and information may be obtained from the below address or may be downloaded from <https://www.kakumaventures.com/procurement/> or requested through email from info@kakumaventures.com upon payment of a non-refundable fee of Kshs 2,000.

Bank: Equity Bank (LTD) Kakuma
Account: 1650277324022
Account name: Kakuma Ventures

Sealed envelopes of duly completed proposal documents should be delivered, in accordance with the tender instruction to the address below:

**Tender Committee
Kakuma Ventures,
Jitegemee Center, YVK building,
Opposite WFP compound
Kakuma Refugee Camp
+254 764 615 797 | info@kakumaventures.com**

The bids should be submitted on/or before **12.00PM on Monday 20th March 2019**. Bids submitted after this time will not be accepted. Bids will be **opened the same day at 3.00PM**. Bidders or their authorized representatives may be present at the opening of the bids as witness.

INSTRUCTIONS TO TENDERERS.

1. General

- 1.1 Kakuma Ventures invites tenders for Works Contract as described in the tender documents. The successful bidder will be expected to complete the Works by the Intended Completion Date as will be specified in the work schedule.
- 1.2 Bidders shall include the following information and documents with their tenders, unless otherwise stated:
 - (a) copies of certificates of registration, and principal place of business;
 - (b) total monetary value of construction work performed for each of the last five years;
 - (c) experience in works of a similar nature and size for each of the last five years, and clients who may be contacted for further information on these contracts;
 - (d) major items of construction equipment owned;
 - (e) qualifications and experience of key site management and technical personnel proposed for the Contract;
 - (f) reports on the financial standing of the Tenderer, such as profit and loss statements and auditor's reports for the last five years;
 - (g) authority to seek references from the Tenderer's bankers.
- 1.3 The Tenderer shall bear all costs associated with the preparation and submission of his tender, and Kakuma Ventures will in no case be responsible or liable for those costs.
- 1.4 The Bidder, at the Bidder's own responsibility and risk, is encouraged to visit and examine the Site of the Works and its surroundings, and obtain all information that may be necessary for preparing the tender and entering into a contract for construction of the Works. The costs of visiting the Site shall be at the Tenderer's own expense.
- 1.5 The procurement entity's employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the tender.
- 1.6 The price to be charged for the tender document shall not exceed Kshs.2,000/=
- 1.7 The procuring entity shall allow the tenderer to review the tender document free of charge before purchase.

2. Tender Documents

- 2.1 The complete set of tender documents comprises the documents listed here below and any addenda issued in accordance with clause 2.4 herebelow:-
- (a) Tender Notice (Invitation)
 - (b) These instructions to Tenderers
 - (c) Qualification Information form
 - (d) Tender Questionnaire form
 - (e) Confidential Business Questionnaire form
 - (f) Specifications (Drawings and Bill of Quantity)
 - (g) Other materials required to be filled and submitted in accordance with these Instructions and Conditions
- 2.2 The bidder shall examine all instructions, forms and specifications in the tender documents. Failure to furnish all information required by the tender documents may result in rejection of his/her tender.
- 2.3 A prospective Tenderer making inquiries of the tendering documents may notify Kakuma Ventures in writing or by email at the address indicated in the letter of invitation to tender/tender notice. Kakuma Ventures will respond to any request for clarification received earlier than three [3] days prior to the deadline for submission of tenders. Copies of the Kakuma Ventures' response will be forwarded to all persons issued with tendering documents, including a description of the inquiry, but without identifying its source.
- 2.4 Before the deadline for submission of tenders, Kakuma Ventures may modify the tendering documents by issuing addenda. Any addendum thus issued shall be part of the tendering documents and shall be communicated in writing or by email to all bidders. Prospective Bidders shall acknowledge receipt of each addendum in writing to Kakuma Ventures.
- 2.5 To give prospective Tenderers reasonable time in which to take an addendum into account in preparing their tenders, Kakuma Ventures shall extend, as necessary, the deadline for submission of tenders in accordance with clause 4.2 herebelow.

3. Preparation of Tenders

- 3.1 All documents relating to the tender and any correspondence shall be in English Language.

- 3.2 The tender submitted by the Bidder shall comprise the following:-
- (a) The Tender;
 - (b) Priced Bill of Quantities/Schedule of Rates for lump-sum Contracts
 - (c) Any other materials required to be completed and submitted by Tenderers.
- 3.3 The Bidder shall fill in rates and prices for all items of the Works described in the Bill of Quantities/Schedule of Rates. Items for which no rate or price is entered by the Bidder will not be paid for when executed and shall be deemed covered by the other rates and prices in the Bill of Quantities/Schedule of Rates. All duties, taxes and other levies payable by the Contractor under the Contract, as of 30 days prior to the deadline for submission of tenders, shall be included in the tender price submitted by the Bidder.
- 3.4 The rates and prices quoted by the Bidder shall not be subject to any adjustment during the performance of the Contract.
- 3.5 The unit rates and prices shall be in Kenya Shillings.
- 3.6 Tenders shall remain valid for a period of sixty (120) days from the date of submission. However in exceptional circumstances, Kakuma Ventures may request that the Bidders extend the period of validity for a specified additional period. The request and the Bidders' responses shall be made in writing.
- 3.7 The Bidder shall prepare one original of the documents comprising the tender documents as described in these Instructions to Bidders.
- 3.8 The original shall be typed or written in indelible ink and shall be signed by a person or persons duly authorized to sign on behalf of the Bidder. All pages of the tender where alterations or additions have been made shall be initialed by the person or persons signing the tender and stamped.
- 3.9 Clarification of tenders shall be requested by the Bidder to be received by the procuring entity not later than 3 days prior to the deadline for submission of tenders.
- 3.10 The procuring entity shall reply to any clarifications sought by the tenderer within 3 days of receiving the request to enable the Bidder to make timely submission of its tender.

4. Submission of Tenders

- 4.1 The tender duly filled and sealed in an envelope shall;-
- (a) be addressed to Kakuma Ventures at the address provided in the tender notice;
 - [b] bear the name and identification number of the Contract as defined in the tender notice; and
 - [c] provide a warning not to open before the specified time and date for tender opening.
- 4.2 Tenders shall be delivered to Kakuma Ventures at the address specified above not later than the time and date specified in the tender notice.
- 4.3 The Bidder shall not submit any alternative offers unless they are specifically required in the tender documents.
- Only one tender may be submitted by each Bidder. Any Bidder who fails to comply with this requirement will be disqualified.
- 4.4 Any tender received after the deadline for opening tenders will be returned to the Bidder un-opened.
- 4.5 Kakuma Ventures may extend the deadline for submission of tenders by issuing an amendment in accordance with sub-clause 2.5 in which case all rights and obligations of Kakuma Ventures and the Bidders previously subject to the original deadline will then be subject to the new deadline.

5. Tender Opening and Evaluation

- 5.1 The tenders will be opened in the presence of the Bidders' representatives who choose to attend at the time and in the place specified in the tender notice.
- 5.2 The Bidders' names, the total amount of each tender and such other details as may be considered appropriate, will be announced at the opening by Kakuma Ventures. Minutes of the tender opening, including the information disclosed to those present will also be prepared by Kakuma Ventures.
- 5.3 Information relating to the examination, clarification, evaluation and comparison of tenders and recommendations for the award of the Contract shall not be disclosed to Bidders or any other persons not officially concerned with such process until the award to the

successful Bidder has been announced. Any effort by a Bidder to influence the Kakuma Ventures' officials, processing of tenders or award decisions may result in the rejection of his/her tender.

- 5.4 Tenders determined to be substantially responsive will be checked for any arithmetic errors. Errors will be corrected as follows:
- (a) where there is a discrepancy between the amount in figures and the amount in words, the amount in words will prevail; and
 - (b) where there is a discrepancy between the unit rate and the line item total resulting from multiplying the unit rate by the quantity, the unit rate as quoted will prevail, unless in the opinion of the Kakuma Ventures' representative, there is an obvious typographical error, in which case the adjustment will be made to the entry containing that error.
 - (c) In the event of a discrepancy between the tender amount as stated in the Form of Tender and the corrected tender figure in the main summary of the Bill of Quantities/Quotation, the amount as stated in the Tender Commitment Note shall prevail.
 - (d) The Error Correction Factor shall be computed by expressing the difference between the tender amount and the corrected tender sum as a percentage of the Corrected Builder's Work (i.e. corrected tender sum less P.C. and Provisional Sums).
 - (e) The Error Correction Factor shall be applied to all Builder's Work (as a rebate or addition as the case may be) for the purposes of valuations for Interim Certificates and valuation of variations.
 - (f) The amount stated in the tender will be adjusted in accordance with the above procedure for the correction of errors and with concurrence of the Bidder, shall be considered as binding upon the Bidder. If the Bidder does not accept the corrected amount, the tender may be rejected.
- 5.5 The tender evaluation committee shall evaluate the tender within 5 days of the validity period from the date of opening the tender.
- 5.6 Contract price variations shall not be allowed for contracts not exceeding one year (12 months)
- 5.7 Where contract price variation is allowed, the valuation shall not exceed 15% of the original contract price.

- 5.8 Price variation requests shall be processed by the procuring entity within 30 days of receiving the request.
- 5.9 Preference where allowed in the evaluation of tenders shall not exceed 15%
- 5.10 To assist in the examination, evaluation, and comparison of tenders, Kakuma Ventures at his discretion, may request [in writing] any Bidder for clarification of the tender, including breakdowns of unit rates. The request for clarification and the response shall be in writing or email but no change in the tender price or substance of the tender shall be sought, offered or permitted.
- 5.11 The Bidder shall not influence Kakuma Ventures on any matter relating to his tender from the time of the tender opening to the time the Contract is awarded. Any effort by the Bidder to influence Kakuma Ventures or its employees in his/her decision on tender evaluation, tender comparison or Contract award may result in the rejection of the tender.

6. Award of Contract

- 6.1 The award of the Contract will be made to the Bidder who has offered the lowest evaluated tender price.
- 6.2 Notwithstanding the provisions of clause 6.1 above, Kakuma Ventures reserves the right to accept or reject any tender and to cancel the tendering process and reject all tenders at any time prior to the award of Contract without thereby incurring any liability to the affected Bidder or Tenderers or any obligation to inform the affected Bidder or Bidder of the grounds for the action.
- 6.3 The Bidder whose tender has been accepted will be notified of the award prior to expiration of the tender validity period in writing or by cable, telex or facsimile. This notification (hereinafter and in all Contract documents called the "Letter of Acceptance") will state the sum [hereinafter and in all Contract documents called the "Contract Price" which the Employer will pay the Contractor in consideration of the execution, completion, and maintenance of the Works by the Contractor as prescribed by the Contract. The contract shall be formed on the parties signing the contract. At the same time the other Bidders shall be informed that their tenders have not been successful.
- 6.4 The Contract Agreement will incorporate all agreements between Kakuma Ventures and the successful Bidder. It will be signed by

Kakuma Ventures and sent to the successful Bidder, within 3 days following the notification of award. Within 3 days of receipt, the successful Bidder will sign the Agreement and return it to Kakuma Ventures.

- 6.5 The procuring entity may at any time terminate procurement proceedings before contract award and shall not be liable to any person for the termination.
- 6.6 The procuring entity shall give prompt notice of the termination to the Bidders and on request give its reasons for termination within 14 days of receiving the request from any Bidder.

7. Corrupt and fraudulent practices

- 7.1 The procuring entity requires that the tenderer observes the highest standard of ethics during the procurement process and execution of the contract. A Bidder shall sign a declaration that he has not and will not be involved in corrupt and fraudulent practices.
- 7.2 The procuring entity will reject a tender if it determines that the Bidder recommended for award has engaged in corrupt and fraudulent practices in competing for the contract in question.

CONFIDENTIAL BUSINESS QUESTIONNAIRE

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

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

Part 1 – General

Business Name

Location of business premises; Country/Town.....

Plot No..... Street/Road

Postal Address..... Tel No.....

Nature of Business.....

Current Trade Licence No..... Expiring date.....

Maximum value of business which you can handle at any time: K.
pound.....

Name of your bankers.....

Branch.....

Part 2 (a) – Sole Proprietor

Your name in full..... Age.....

Nationality..... Country of Origin.....

Citizenship details

Part 2 (b) – Partnership

Give details of partners as follows:

	<i>Name in full</i>	<i>Nationality</i>	<i>Citizenship Details</i>	<i>Shares</i>
1			
2			
3			

TENDER QUESTIONNAIRE

Please fill in block letters.

1. Full names of Bidder;

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

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3. Telephone number (s) of Bidder;

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4. Email of Bidder;

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5. Name of Bidder's representative to be contacted on matters of the tender
during the tender period;

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6. Details of Bidder's nominated agent (if any) to receive tender notices.

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Signature of Bidder

official seal

QUALIFICATION INFORMATION

1. Individual Bidders

- 1.1 Constitution or legal status of Bidder (attach copy of Incorporation Certificate);

Place of registration: _____

Principal place of business _____

- 1.2 Total annual volume of construction work performed in the last five years

Year	Volume	
	Currency	Value

- 1.3 Work performed as Main Contractor on works of a similar nature and volume over the last five years. Also list details of work under way or committed, including expected completion date.

Project name	Name of client and contact person	Type of work performed and year of completion	Value of contract

Major items of Contractor's Equipment proposed for carrying out the Works. List all information requested below.

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

1.4 Qualifications and experience of key personnel proposed for administration and execution of the Contract. Attach biographical data.

Position	Name	Years of experience (general)	Years of experience in proposed position

1.6 Financial reports for the last five years: balance sheets, profit and loss statements, auditor's reports, etc. List below and attach copies.

- 1.7 Evidence of access to financial resources to meet the qualification requirements: cash in hand, lines of credit, etc. List below and attach copies of supportive documents.

- 1.8 Name, address, telephone, and email address of bank that may provide reference if contacted by Kakuma Ventures.

- 1.9 Statement of compliance with the requirements of Clause 1.2 of the Instructions to Tenderers.

- 1.10 Proposed program (work method and schedule) for the whole of the Works.

CHECKLIST

1. *Confirmation of non-refundable payment of ksh 2000 for the set of the tender document*
2. *Signed and stamped all the pages*
3. *Dully filled tender forms*
4. *Attachements:*
 - *NCA certificate*
 - *Copy of incorporation Certificate*
 - *Copy of tax compliance and PIN certificate*
 - *Copies of evidence of previous works*
 - *Work method and schedule*
5. *Only companies that will support their application with the above listed documents will be financially evaluated*