



GEOHERMAL DEVELOPMENT COMPANY LIMITED

PREQUALIFICATION OF AUDIT FIRMS

TENDER NO : GDC/SC/PQ/020/2021-2022

**TENDER CLOSING DATE AND TIME: 17th NOVEMBER, 2021 at 2.00PM
(1400HOURS EAST AFRICA TIME)**

Geothermal Development Company Limited

P.O. Box 100746-00101

NAIROBI

Website: www.gdc.co.ke

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SECTION I - PRE-QUALIFICATION OF AUDIT FIRMS.

1. Geothermal Development Company Limited invites sealed applications from eligible candidates for the **“Pre-qualification of Audit Services.**

2. Interested eligible candidates may obtain further information from and inspect the tender documents from the office of Manager, Supply Chain at Kawi House Office, located at South C Bellevue, Off Mombasa Road, Red Cross Road between 9.00am and 4.00pm during weekdays.

3. The prequalification document may be viewed and downloaded from the website **www.gdc.co.ke** or PPIP portal **www.tenders.go.ke** free of charge or at no cost. Bidders who download the tender document from the website **MUST** forward their particulars immediately for records and any further tender clarifications and addenda.

4. Applications for pre-qualification must be submitted in plain sealed envelopes clearly marked with Tender No. and Tender Reference Name; and addressed to;

The Managing Director & CEO,
Geothermal Development Company Limited
P.O Box 100746-00101
Nairobi, Kenya

And be deposited in the tender box provided at ground floor, GDC Kawi House Office so as to be received on or before **17th November, 2021 at 2.00PM (1400Hours East Africa Time)**

5. The applications will be opened immediately thereafter in the presence of the Candidates or their representatives who choose to attend at GDC Kawi House Office Ground Floor boardroom.

6. Late applications/prequalification documents shall not be received and opened.

MANAGER SUPPLY CHAIN

SECTION II-INSTRUCTIONS TO TENDERERS

1.0 Introduction

- 1.1. The Geothermal Development Company Limited (GDC) will pre-qualify and enlist prospective Firms who will be invited to submit bid for **Provision of Audit Service** from among those who will have submitted their tenders, in accordance with the tender requirements to undertake the assignments described herein.
- 1.2. Bidders are invited to submit a proposal for **Pre-Qualification of Audit Firms**.
- 1.3. The Pre-qualification document and the Tenderers response thereof shall be the basis for pre-qualification. Tenderers must familiarize themselves with the requirements described in this document including all attachments and take them into account while preparing their response.
- 1.4. Applicants will be informed in writing of the results of the prequalification, without assigning any reason for GDC's decision thereof.
- 1.5. Tenderers will meet all costs associated with preparation and submission of their applications.
- 1.6. It is GDC's policy to require that Tenderers observe the highest standard of professional and moral ethics during the selection and execution of such contracts. In pursuance of this policy, GDC:
 - a) Defines for the purpose of this provision, the terms set forth below as follows:-
 - (i) "Corrupt practice" means the offering, giving, receiving or soliciting of anything of value to influence the action of an officer of the Purchaser/Employer in the pre-qualification process and
 - (ii) "Fraudulent practice" means a misrepresentation of facts in order to influence the pre-qualification process to the detriment of the Purchaser/Employer, and includes collusive practices among Tenderers (prior to or after submission of Tenders) designed to establish prices at artificial, non-competitive levels and to deprive the Purchaser of the benefits of free and open competition.

- b) Will reject a Tender for pre-qualification if it determines that a Tenderer has engaged in corrupt or fraudulent activities in competing for the contract in question;
 - c) Will declare a Tender ineligible, for pre-qualification if at any time it determines that Tenderer has engaged in corrupt or fraudulent practices in competing for, or in executing, a similar contract; and
 - d) Will have the right to examine financial records relating to the performance of such services to determine capability.
 - e) Will have the right to inspect the business premises of the tenderer.
 - f) Will declare a Tender ineligible for prequalification if at any time it determines that the Tender has no legal capacity to enter into a contract for the procurement.
 - g) Will declare a Tenderer ineligible for prequalification if at any time it determines that the Tenderer is insolvent, in receivership, bankrupt or in the process of being wound up and is not the subject of legal proceedings related to the foregoing.
 - h) Will declare a Tenderer ineligible for prequalification if at any time, it determines that the Tenderer has committed an offence relating to procurement, has breached for procurement before by another public company, has in procurement proceedings, given false information about its actions and/or has been blacklisted before by another public company.
- 1.7 Tenderers shall furnish information as described in the pre-qualification tender document.

2.0 DOCUMENTS COMPRISING THE REQUEST FOR PRE-QUALIFICATION

- 2.1 Tenderers to prepare one (1) original and two (2) copies of the prequalification documents duly labeled, sealed, paginated and should be well bound. The documents to be addressed to the;

The Managing Director& CEO,
Geothermal Development Company Limited
P.O Box 100746-00101
Nairobi, Kenya

2.2 Clarification

2.2.1 Any prospective tenderer requiring any clarification of the tender document may notify GDC in writing (email in PDF format or by facsimile) at the following address up to seven (7) days before the application submission date:

Manager, Supply Chain
Geothermal Development Company Limited,
Kawi House Office

P.O. Box 100746 – 00101
NAIROBI, KENYA
E-mail: dkyaka@gdc.co.ke
Copy to: procurement@gdc.co.ke; pkapto@gdc.co.ke

NB: Any request for clarification must be in the firm's letterhead, signed and must be in reference to the specific parts of the tender document properly numbered. GDC will respond in writing (e-mail in PDF format) to any request for clarification within three (3) days.

3.0 PREPARATION OF TENDER DOCUMENTS

- 3.1 Tenderers are requested to submit a Tender written in English language.
- 3.2 Tenderers are expected to examine the documents comprising this Request for pre-qualification in detail. Material deficiencies in providing the information requested may result in rejection of a tender.
- 3.3 Tenderers are required to meet the qualification criteria stipulated in this document. Those who do not meet the requirements need not submit tenders. Only tenders, which fulfill these requirements, will be considered for detailed evaluation.

4.0 SUBMISSION, RECEIPT, AND OPENING OF TENDERS

- 4.1 The original prequalification document shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the Tenderer. Any such corrections must be initialed by the person or persons who sign(s) the prequalification document.
- 4.2 **Authorized representative of the Tenderer should initial all pages of the prequalification document.**
- 4.3 The Tender should be prepared and submitted as **one original** and 2 **(two) copies** in a plain sealed envelope clearly marked:

“PRE-QUALIFICATION OF AUDIT FIRMS” TENDER NO: GDC/SC/PQ/020/2021-2022 and the statement: DO NO OPEN BEFORE 17th NOVEMBER, 2021 AT 2.00 PM and delivered to;

The Managing Director & CEO,
Geothermal Development Company Limited
P.O Box 100746-00101
Nairobi, Kenya

4.4 **Deadline for Submission**

The closing date and time for the Tender shall be on **Wednesday 17th November, 2021 at 2.00 Pm** and shall be sent to the above address. Tenders shall be marked **One original** and **2 (two) copies** in a plain sealed envelope clearly marked: **“PRE-QUALIFICATION OF AUDIT FIRMS”**.

4.5 **Late Tender**

Any Tender received after the deadline pursuant to clause 4.4 shall be rejected as a late tender and shall not be considered.

4.6 **Tender Opening and Evaluation**

4.6.1 A committee of officials shall open the Tender immediately after the closing time for submission of the Tender.

4.6.2 GDC will prepare a record of the Tender opening.

SECTION III - FURTHER INSTRUCTIONS TO TENDERERS

5.0 EVALUATION CRITERIA

- 5.1 GDC will examine the tenders to determine completeness, general order lines and sufficiency in responsiveness.
- 5.2 Bidders shall not contact GDC on the matter relating to their tender from the time of opening to the time the evaluation is finalized and official communication is sent to them. Any effort by the Bidder to influence GDC in the Tender evaluation shall result in the rejection of their tender.
- 5.3 Pre-qualification will be based on meeting the mandatory evaluation criteria as stated in the appendix to instruction to tenderers.
- 5.5 Tenderers who qualify according to the selection criteria will be invited to submit their bids in the next tendering stage.
- 5.6 GDC reserves the right to accept or reject any or all Tenders without the obligation to assign any reason (s) for its decision thereof.

6.0 MANDATORY/PRELIMINARY REQUIREMENTS

Tenderers are required to meet the qualification criteria stipulated in the appendix to instruction to tenderers. Only tenders, which fulfill these requirements, will be invited to submit bids in the next tendering stage.

7.0 CONFIDENTIALITY

Information relating to evaluation of Tenders and recommendations concerning pre-qualification shall not be disclosed to the Tenderers until the pre-qualified firms have been advised accordingly.

7.3 VERIFICATION OF INFORMATION

GDC reserves the right to verify any information provided by prospective bidders as a qualification for consideration.

APPENDIX TO INSTRUCTION TO TENDERERS

The following information regarding the particulars of the tender shall complement supplement or amend the provisions of the instructions to tenderers. Wherever there is a conflict between the provision of the instructions to tenderers and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the instructions to tenderers.

Instruction Clause	Particulars of Appendix to Instructions to Tenderers																
Eligibility	The Prequalification is Open to all Firms providing Auditing Services.																
Clarification Request	<p>Clarification period for bidders is not later than seven (7) days prior to tender closure. Clarification request should be sent to procurement@gdc.co.ke . Copy to; dkyaka@gdc.co.ke, pkapto@gdc.co.ke and copied to bjkosgei@gdc.co.ke. The client shall respond to clarification request not later than 7 days to tender closure.</p> <p>Bidders are advised to be checking GDC website from time to time for any uploaded information (addenda) on the tender</p>																
Tender Closing Date and Time	The tender closes on 17th November, 2021 at 2:00 p.m. and will be opened immediately thereafter in the presence of bidder representatives who choose to attend at GDC Kawi House, South C, Nairobi.																
Submission	Bidders are advised to ensure Pagination/serialization of ALL pages of the submitted proposal document for both the original and the copies i.e. paginated/serialized every page in the whole document in a sequential manner, from the beginning of the document to the end. This includes ALL the attachments submitted by the bidder and all the pages already paginated by GDC. Properly organize bid documents and use Thermal Binding.																
Submission	Number of copies to be submitted is One (1) Original and Two (2) Copies sealed, paginated and well bound.																
Evaluation Criteria	<p>The evaluations criteria for this prequalification will be based on compliance to the mandatory requirements as tabulated below;</p> <table><tr><th colspan="2">Preliminary/Mandatory Requirements/Criteria</th><th>Evaluation</th><th>Compliance (Yes/No)</th></tr><tr><th>No.</th><th>Requirement</th><th></th><th></th></tr><tr><td>1.</td><td>Certified copy of Certificate of Incorporation/Registration in Kenya by an advocate or equivalent for foreign firms Notarized by a Notary Public for foreign firms</td><td></td><td></td></tr><tr><td>2.</td><td>Certified copy of Tax compliance certificate by an advocate valid at the time of opening. The validity of the Tax certificate shall be confirmed</td><td></td><td></td></tr></table>	Preliminary/Mandatory Requirements/Criteria		Evaluation	Compliance (Yes/No)	No.	Requirement			1.	Certified copy of Certificate of Incorporation/Registration in Kenya by an advocate or equivalent for foreign firms Notarized by a Notary Public for foreign firms			2.	Certified copy of Tax compliance certificate by an advocate valid at the time of opening. The validity of the Tax certificate shall be confirmed		
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No.	Requirement																
1.	Certified copy of Certificate of Incorporation/Registration in Kenya by an advocate or equivalent for foreign firms Notarized by a Notary Public for foreign firms																
2.	Certified copy of Tax compliance certificate by an advocate valid at the time of opening. The validity of the Tax certificate shall be confirmed																

		from KRA Tax Checker or equivalent for foreign firms Notarized by a Notary Public	
	3.	Certified copy of Certificate of Confirmation of Directors and Shareholding (CR12) for limited companies by an advocate or ID card for Sole Proprietorships or equivalent for foreign firms Notarized by a Notary Public	
	4.	Certified copy of Valid Business Permit by an advocate or equivalent for foreign firms Notarized by a Notary Public.	
	5.	<p>Provide a Power of Attorney witnessed by an advocate or equivalent for foreign firms Notarized by a Notary Public indicating that the prequalification application document has been duly signed by the person lawfully authorized to do so.</p> <p>In the case of Bids submitted by an existing or intended Joint Venture Consortium Agreement/Association (JVCA), provide an undertaking signed by all parties;</p> <ul style="list-style-type: none"> (i) stating that all parties shall be jointly and severally liable, and (ii) Nominating a Representative who shall have the authority to conduct all business for and on behalf of any and all the parties of the JVCA during the bidding process and, in the event the JVCA is awarded the Contract, during contract execution.” 	
	6.	Duly filled, Signed and Stamped Certificate of Independent Tender Determination in the format provided.	
	7.	Duly filled, Signed and Stamped Self Declaration Form (FORM SD1) That The Person/Tenderer Is Not Debarred In The Matter Of The Public Procurement And Asset Disposal ACT 2015 in the format provided. <i>In the case of JV, all parties in the JVCA must individually meet this requirement.</i>	
	8.	Duly filled, Signed and Stamped Self Declaration Form (FORM SD2) That The Person/Tenderer Will Not Engage In Any Corrupt Or Fraudulent Practice in the format provided. <i>In case of a JV, all parties in the JVCA must individually meet this requirement.</i>	
	9.	Duly filled, Signed and Stamped Declaration and Commitment to The Code of Ethics in the format provided. <i>In case of a JV, all parties in</i>	

		<i>the JVCA must individually meet this requirement.</i>	
	10.	Duly filled, Signed and Stamped Tenderer Information Form in the format provided.	
	11.	Duly filled, Signed and Stamped Tenderer's Eligibility - Confidential Business Questionnaire Form in the format provided. <i>In case of a JV, all parties in the JVCA must individually meet this requirement.</i>	
	12.	Duly filled, Signed and Stamped Tenderer's JV Members Information Form in the format provided. <i>This is applicable to parties in JV agreement only.</i>	
	13.	Duly filled, signed, and stamped tender/prequalification submission form in the format provided.	

Note:

Only those firms that will meet the above mandatory requirements shall be prequalified and considered for the next stage of the tendering process.

1.TENDER/PREQUALIFICATION SUBMISSION FORM

Managing Director& CEO
Geothermal Development Company Limited
Kawi House, South C Bellevue,
Off Mombasa Road, Red Cross Road
P.O.Box 100746-00101, Nairobi
Tel: (254) 20 2427516/0719036000/7000
info@gdc.co.ke/www.gdc.co.ke

Dear Madam/Sir,

We, the undersigned, hereby submit our proposal for prequalification of audit services in accordance with your Request for Pre-qualification and we hereby submit our Tender Document.

Our Tender/proposal/application is binding to us and if found acceptable we shall be pleased to be included in the list of pre-qualified firms.

We understand you are not bound to accept any tender/application you receive.

Yours sincerely,

Authorized Signature:
Name and Title of Signatory:
Name of Tenderer:
Address:.....

2. 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 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 ever comes first, unless otherwise required by law or as specifically disclosed pursuant to paragraph (5) (b) above.

Name _____

Title _____

Date _____

[Name, title and signature of authorized agent of Tenderer, Date and
Official Stamp]

3. SELF-DECLARATION FORMS

3.FORM SD1

SELF DECLARATION THAT THE PERSON/TENDERER IS NOT DEBARRED IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015

I,, of Post Office Box being a resident of.....
..... in the Republic of do hereby make a statement as follows:-

1. THAT I am the Company Secretary/ Chief Executive/ Managing Director /Principal Officer/Director of
..... (*insert name of 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 proceeding 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.

.....

.....
(Signature)

..... (Title)
(Date)

Bidder Official Stamp

4.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 here in above is true to the best of my knowledge information and belief.

.....

.....

..... (Title)

(Signature)

(Date)

Bidder's Official Stamp

5.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..... E-

mail.....

Name of the Firm/Company.....

Date.....

(Company Seal/ Rubber Stamp where applicable)

Witness

Name.....

Sign.....

Date.....

Bidder's Official Stamp:

APPENDIX 1-FRAUD AND CORRUPTION

(Appendix 1 shall not be modified)

1. Purpose

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

2. Requirements

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

In compliance with Kenya's laws, regulations and policies mentioned above, the Procuring Entity:

- a) Defines broadly, for the purposes of the above provisions, the terms set forth below as follows:

- i) “corrupt practice” is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;

- ii) “fraudulent practice” is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;
 - iii) “collusive practice” is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
 - iv) “coercive practice” is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
 - v) “obstructive practice” is:
 - a) deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede investigation by Public Procurement Regulatory Authority (PPRA) or any other appropriate authority appointed by Government of Kenya into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
 - b) acts intended to materially impede the exercise of the PPRA's or the appointed authority's inspection and audit rights provided for under paragraph 2.3e. below.
 - c) Defines more specifically, in accordance with the above procurement Act provisions set forth for fraudulent and collusive practices as follows:

“fraudulent practice” includes a misrepresentation of fact in order to influence a procurement or disposal process or the exercise of a contract to the detriment of the procuring entity or the tenderer or the contractor, and includes collusive practices amongst tenderers prior to or after tender submission designed to establish tender prices at artificial non-competitive levels and to deprive the procuring entity of the benefits of free and open competition.
 - c) Rejects a proposal for award¹ of a contract if PPRA determines that the firm or individual recommended for award, any of its personnel, or its agents, or its sub-consultants, sub-contractors, service providers, suppliers and/ or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;
 - d) Pursuant to the Kenya's above stated Acts and Regulations, may sanction or recommend to appropriate authority(ies) for sanctioning and debarment of a firm or individual, as applicable under the Act and Regulations;
 - e) Requires that a clause be included in Tender documents and Request for Proposal documents requiring (i) Tenderers (applicants/proposers), Consultants, Contractors, and Suppliers, and their Sub-contractors, Sub-consultants, Service providers, Suppliers, Agents personnel, permit the PPRA or any other appropriate authority appointed by Government of Kenya to inspect² all accounts, records and other documents relating to the procurement process, selection and/or contract execution, and to have them audited by auditors appointed by the PPRA or any other appropriate authority appointed by Government of Kenya; and
 - f) Pursuant to Section 62 of the above Act, requires Applicants/Tenderers to submit along with their Applications/Tenders/Proposals a “Self-Declaration Form” as included in the procurement document declaring that they and all parties involved in the procurement process and contract execution have not engaged/will not engage in any corrupt or fraudulent practices.
-

6.TENDERER'S ELIGIBILITY - CONFIDENTIAL BUSINESS QUESTIONNAIRE

Instruction to Tenderer

Tenderer is instructed to complete the particulars required in this Form, *one form for each entity if Tender is a JV*. Tenderer is further reminded that it is an offence to give false information on this Form.

a) Tenderer's details

	ITEM	DESCRIPTION
1	Name of the Procuring Entity	GDC
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 7. 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 owned
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			

ii) *Conflict of interest disclosure*

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
1	Tenderer is directly or indirectly controlled by or is under common control with another tenderer.		
2	Tenderer receives or has received any direct or indirect subsidy from another tenderer.		
3	Tenderer has the same legal representative as another tenderer		

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
4	Tender has a relationship with another tenderer, directly or through common third parties that puts it in a position to influence the tender of another tenderer, or influence the decisions of the Procuring Entity regarding this tendering process.		
5	Any of the Tenderer's affiliates participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of the tender.		
6	Tenderer would be providing goods, works, non-consulting services or consulting services during implementation of the contract specified in this Tender Document.		
7	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who are directly or indirectly involved in the preparation of the Tender document or specifications of the Contract, and/or the Tender evaluation process of such contract.		
8	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who would be involved in the implementation or supervision of the Contract.		
9	Has the conflict stemming from such relationship stated in item 7 and 8 above been resolved in a manner acceptable to the Procuring Entity throughout the tendering process and execution of the Contract?		

f) Certification

On behalf of the Tenderer, I certify that the information given above is complete, current and accurate as at the date of submission.

Full Name_____

Title or Designation_____

(Signature)

(Date)

Official Stamp of the bidder:

7.TENDERER INFORMATION FORM

[The Tenderer shall fill in this Form in accordance with the instructions indicated below. No alterations to its format shall be permitted and no substitutions shall be accepted.]

Date:.....*[insert date (as day, month and year) of Tender submission]*

ITT No.:..... *[insert number of Tendering process]*

Alternative No:..... *[insert identification No if this is a Tender for an alternative]*

1. Tenderer's Name:*[insert Tenderer's legal name]*
2. In case of JV, legal name of each member:*[insert legal name of each member in JV]*
3. Tenderer's actual or intended country of registration:*[insert actual or intended country of registration]*
4. Tenderer's year of registration:*[insert Tenderer's year of registration]*
5. Tenderer's Address in country of registration:*[insert Tenderer's legal address in country of registration]*
6. Tenderer's Authorized Representative Information
Name:*[insert Authorized Representative's name]*
Address.....*[insert Authorized Representative's Address]*
Telephone:.....*[insert Authorized Representative's telephone/fax numbers]*
Email Address:.....*[insert Authorized Representative's email address]*
7. Attached are copies of original documents of..... *[check the box(es) of the attached original documents]*
☐ Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITT 4.4.
☐ In case of JV, Form of intent to form JV or JV agreement, in accordance with ITT 4.1. In case of state-owned enterprise or institution, in accordance with ITT4.6 documents establishing:
 - i) Legal and financial autonomy
 - ii) Operation under commercial law
 - iii) Establishing that the Tenderer is not under the supervision of the agency of the Procuring Entity☐ A current tax clearance certificate or tax exemption certificate in case of Kenyan tenderers issued by the Kenya Revenue Authority in accordance with ITT 4.14.
8. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

8.TENDERER'S JV MEMBERS INFORMATION FORM

[The Tenderers shall fill in this Form in accordance with the instructions indicated below. The following table shall be filled in for the Tenderer and for each member of a Joint Venture]].

Date:*[insert date (as day, month and year) of Tender submission]*

ITT No.: *[insert number of Tendering process]*

Alternative No.: *[insert identification No if this is a Tender for an alternative]*

1. Tenderer's Name: <i>[insert Tenderer's legal name]</i>
2. Tenderer's JV Member's name: <i>[insert JV's Member legal name]</i>
3. Tenderer's JV Member's country of registration: <i>[insert JV's Member country of registration]</i>
4. Tenderer's JV Member's year of registration: <i>[insert JV's Member year of registration]</i>
5. Tenderer's JV Member's legal address in country of registration: <i>[insert JV's Member legal address in country of registration]</i>
6. Tenderer's JV Member's authorized representative information Name: <i>[insert name of JV's Member authorized representative]</i> Address: <i>[insert address of JV's Member authorized representative]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers of JV's Member authorized representative]</i> Email Address: <i>[insert email address of JV's Member authorized representative]</i>
7. Attached are copies of original documents of <i>[check the box(es) of the attached original documents]</i> <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITT 4.4. <input type="checkbox"/> In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and that they are not under the supervision of the Procuring Entity, in accordance with ITT 4.6.
8. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

Name of tenderer.....signature.....stamp.....