

REPUBLIC OF KENYA



PARLIAMENT OF KENYA

TENDER NO. NA/01/2017-2018

**PREQUALIFICATION OF ADVOCATES AND VALUERS FOR
PROVISION OF LEGAL /VALUATION SERVICES FOR THE
PERIOD BETWEEN SEPTEMBER 2017-AUGUST 2022**

TENDER CLOSING DATE:

WEDNESDAY, 16TH AUGUST 2017 AT 11.00AM

PICK INDICATE CATEGORY APPLIED FOR:-

ADVOCATE -----

VALUER -----

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A)TENDER NOTICE

Date: 21st July 2017

Reference: **NA/01/2017-2018**

Tender name: **PRE-QUALIFICATION OF
ADVOCATES AND VALUERS**

The Parliamentary Service Commission (PSC) invites interested **Advocates** and **Valuers** to apply to be prequalified to offer legal and asset valuation services for a five (5) year period from **September 2017 to August 2022**.

Interested, competent and eligible Advocates and or Valuers may obtain further information and download the Prequalification Tender Document free of charge from the National Treasury Integrated Financial Management Information System (IFMIS) supplier portal (<https://supplier.treasury.go.ke>) and /or the **Commission Website**, (www.parliament.go.ke).

Duly completed applications in plain sealed envelopes (original and one (1) copy) and clearly marked "**PREQUALIFICATION FOR LEGAL SERVICES**" and/or "**PREQUALIFICATION FOR VALUATION SERVICES**" together with the Tender No. should be sent to:-

**CLERK OF THE NATIONAL ASSEMBLY/OFFICER ADMINISTERING THE FUNDS
PARLIAMENTARY MORTGAGE (MEMBERS) SCHEME FUND
PARLIAMENTARY MORTGAGE (STAFF) SCHEME FUND
P.O BOX 41842 – 00100
NAIROBI**

Or be dropped in the Tender Box located on **2nd floor, Protection House, at the Junction of Haile Selassie Avenue and Parliament Road, Nairobi** so as to reach the Commission on or before **Wednesday, 16th August 2017 at 11.00 am.**

The applications to be prequalified will be opened immediately thereafter in the presence of bidders or their representatives who choose to attend in the **Boardroom located on 2nd Floor** within the same building.

Those firms that were in the previous list for the just concluded period need to apply afresh.

Late bids will not be accepted.

**MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY/OFFICER ADMINISTERING THE FUNDS
PARLIAMENTARY MORTGAGE (MEMBERS) SCHEME FUND
PARLIAMENTARY MORTGAGE (STAFF) SCHEME FUND**

B) INFORMATION TO THE PROSPECTIVE BIDDERS

1.1 Introduction

The Parliamentary Service Commission (PSC) invites interested candidates who must qualify by meeting the set criteria as provided for in this Tender Document and eligible to perform the contract for provision of legal and asset valuation services.

1.2 Pre-qualification Objective

The main objective is to retain competent and reliable firms to provide legal and asset valuation services on an 'as and when required' basis for a period of five years w.e.f September 2017 to August 2022.

1.3 Scope of the Services

The Scope of Legal Services shall include the following fields; Company and Commercial law, Conveyancing and Land Law.

Advocates will be required to offer the following services;-

1. Preparation and perfection of Securities and other documents required by the Commission as Securities or compliance documents to secure mortgage facilities advanced to Members and Staff of Parliament.
2. Representation of the Commission, if required, in any Land Control Board proceedings, land Registration Offices, Company Registry or any other Government Agency or Forum involved in perfection of the Securities.
3. Carrying out Searches in Land, Companies, Court and Land Survey Registries.
4. Carrying out investigations over the Title and property offered as Security and confirming that the title is clean, that the property is not a public amenity and or reserved for public purposes and that the property is not mentioned in the Ndungu Land Report.
5. Issuance of Professional Undertakings on behalf of the Commission whenever required
6. Provision of expert advice and opinions on specific cases and transactions.
7. Updating the Commission on the progress of the Securities perfection.
8. Any other instructions that the Commission may give from time to time.

The Scope of Valuation Services shall include Land and Property Valuation.

Valuers will be required to offer the following service;-

1. Current market valuations, Forced Sale Valuation and Rental Valuations
2. Valuations for insurance purposes
3. Conducting official/postal searches at the Land Registries
4. Carrying out due diligence in Land Registries
5. Advice on prevailing market conditions
6. Confirmation of the User of a property and that the same is not reserved for public use and or mentioned in the Ndungu Land Report
7. Preparation of Sketch/Site Maps
8. Confirmation with Road Authorities i.e KURA, KENHA, KERRA or Ministry of Roads that there are no planned roads that might affect the property
9. Confirmation of existing easements and or rights of way over the property.
10. Confirmation of the size of the land.
11. Annexures of recent land sales/ comparables in the neighbourhood.
12. Any other instructions that the Commission may give from time to time.

1.4 Invitation of Pre-qualification

The prospective Suppliers are required to supply mandatory information for pre-qualification as indicated in the notice.

1.5 Pre-qualification Document

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

- 1.6** In order to be considered for pre-qualification, prospective firms must submit all the information herein requested.

1.7 Distribution of Pre-qualification Documents

An original and copy of the completed pre-qualification data and other requested information shall be submitted to reach:

**CLERK OF THE NATIONAL ASSEMBLY/
OFFICER ADMINISTERING THE FUNDS
PARLIAMENTARY MORTGAGE (MEMBERS) SCHEME FUND
PARLIAMENTARY MORTGAGE (STAFF) SCHEME FUND**

Not later than **Wednesday, 16th August 2017 at 11.00am.**

1.8 Questions Arising from Documents

Questions that may arise from the pre-qualification documents should be directed to the following address:-

**CLERK OF THE NATIONAL ASSEMBLY/OFFICER ADMINISTERING THE FUNDS
PARLIAMENTARY MORTGAGE (MEMBERS) SCHEME FUND
PARLIAMENTARY MORTGAGE (STAFF) SCHEME FUND
P.O BOX 41842 – 00100
NAIROBI
Email: clerks@parliament.go.ke**

1.9 Additional Information

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

2. BRIEF CONTRACT REGULATIONS/GUIDELINES

2.1 Taxes

The firm is required to cater for all the taxes and duties arising from the contract.

2.2 Reporting Requirements

The firm shall be reporting to the Officer administering the funds or any other Officer appointed by the Officer administering the funds

2.3 Pre – qualification Duration

The Duration of the pre - qualification shall be from September 2017 to August 2022 and pre – qualified firms will be required to enter into a Service Level Agreement with the Parliamentary Service Commission.

2.5 Professional Fees

Legal fees shall be charged as per the minimum scale of fees set out in the Advocates Remuneration Order or as agreed between the Member or Staff of Parliament and the Law firm in accordance with the Advocates Act.

Valuation fees shall be charged as per the minimum scale fees set out in the Valuers(form and fees) Rules or as agreed between the Member or Staff of Parliament and the Law firm in accordance with the Valuers Act.

3. PRE-QUALIFICATION DATA INSTRUCTIONS

3.1 Pre-qualification data forms

The bidder is required to fully fill the confidential business questionnaire and the sword declaration as specified.

3.1.1 The pre-qualified application forms which are not filled out completely and submitted in the prescribed manner will not be considered. All the documents that form part of the proposal must be written in English and in ink.

3.2 Qualification

3.2.1 It is understood and agreed that the pre-qualification data on prospective bidders is to be used by Commission in determining, according to its sole judgment and discretion, the qualifications of prospective bidders to perform the contract as stipulated.

3.2.2 Prospective bidders will not be considered qualified unless in the judgment of Commission they possess the capability, experience, qualified personnel available and eligible to satisfactorily execute the contractual obligations.

3.3 Essential Criteria for Pre-qualification

Prospective bidders shall have the relevant experience in provision of the said services.

3.3.1 Personnel

The CVs of at least two (2) key personnel proposed to undertake the assignment must be submitted and authorized.

Youth, women and persons with disability are encouraged to apply.

3.3.2 Past Performance

Past performance will be given due consideration in pre-qualifying bidders. Letter of reference/recommendations from past customers should be submitted. The letter should be in Client's letterhead.

3.3 Financial Condition

Potential providers should have the necessary financial capacity to execute the contract while awaiting payments to be effected by the clients.

3.4 Statement

Application must include a sworn statement by the bidder ensuring the accuracy of the information given.

3.5 Withdrawal of Prequalification

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

3.6 The firm must have a fixed Business Premises and must be registered in Kenya, with certificate of registration/ incorporation/Memorandum and Article of Association, copies of which must be attached.

3.6.1 The firm must show proof that it has paid all its statutory obligations and have a valid Tax compliance Certificate

C) PREQUALIFICATION CRITERIA

STAGE 1: MANDATORY QUALIFICATION REQUIREMENTS (TO BE EVALUATED ON A YES OR NO BASIS)

ADVOCATES

1. Submit an original and copy of the application/bid document.
2. Be an advocate of the High Court of Kenya having signed the 'Roll Advocates'.
3. Hold a current Practicing Certificate.
4. Possess a Certificate of good moral fitness/Standing from the Law Society of Kenya.
5. Possess a valid Tax Compliance Certificate.
6. Possess a Professional Indemnity Cover of up to Kenya Shillings Forty Million (40) from a reputable insurance company.
7. Have experience of at least two (2) years in handling Conveyancing, Banking and Securities matters. In this regard please attach recommendation letters from at least three (3) clients.
8. Fully fill the attached mandatory confidential business questionnaire
9. Submission of well bound and paginated bid document.

VALUERS

- 1) Submit an original and copy of the application/bid document.
- 2) Be entered in the Register of Valuers.
- 3) Hold a current Certificate of Registration from the Valuers Registration Board.
- 4) Possess a valid Tax Compliance Certificate.
- 5) Possess a Professional Indemnity Cover of up to Kenya Shillings Forty Million from a reputable insurance company.
- 6) Have experience of at least two (2) years. In this regard please attach recommendation letters from at least three (3) clients. Fully fill the attached mandatory confidential business questionnaire
- 7) Submission of well bound and paginated bid document.

STAGE 2: TECHNICAL QUALIFICATION REQUIREMENTS (TO BE ALLOCATED SCORES)

	Criteria	Total marks
a)	General experience and qualifications of the firm	15
	<ul style="list-style-type: none"> ❖ Number of years in business (0 point for 0 years in business,1 point for 1 year in business, 2 points for 2 years and above in business) ❖ Submission of a detailed company profile indicating the ownership, location, contact details, key personnel and attach necessary legal registration certificates such as certificate of registration/incorporation, PIN certificate, Vat Certificate and business license (1 point for each detail submitted) 	
b)	Specific experience of the firm	50
	Provide a list of at least five (5) major clients (4marks for each upto a max. 5 clients)	20
	Provide at least three (3) recommendation letters (10marks for each upto a max, of 3 recommendations)	30
c)	Qualifications of key personnel (2 members of staff)	35
	❖ Academic qualification (5marks for each upto a max of two (2) staff)	10
	❖ Relevant experience in provision of similar services (10marks for each staff)	20
	❖ Membership to professional bodies (2.5marks for each staff)	5
	Total marks	100

Pass mark =75 points and above

D) QUALIFICATION REQUIREMENTS

PQ-1: MANDATORY REQUIREMENTS

ADVOCATES

- 1) Submit an original and copy of the application/bid document.
- 2) Be an advocate of the High Court of Kenya having signed the 'Roll Advocates'.
- 3) Hold a current Practicing Certificate.
- 4) Possess a Certificate of good moral fitness/Standing from the Law Society of Kenya.
- 5) Possess a valid Tax Compliance Certificate.
- 6) Possess a Professional Indemnity Cover of up to Kenya Shillings Forty Million (40) from a reputable insurance company.
- 7) Have experience of at least two (2) years in handling Conveyancing, Banking and Securities matters. In this regard please attach recommendation letters from at least three (3) clients.
- 8) Fully fill the attached mandatory confidential business questionnaire
- 9) Submission of well bound and paginated bid document.

VALUERS

1. Submit an original and copy of the application/bid document.
2. Be entered in the Register of Valuers.
3. Hold a current Certificate of Registration from the Valuers Registration Board.
4. Possess a valid Tax Compliance Certificate.
5. Possess a Professional Indemnity Cover of up to Kenya Shillings Forty Million from a reputable insurance company.
6. Have experience of at least two (2) years. In this regard please attach recommendation letters from at least three (3) clients.
7. Fully fill the attached mandatory confidential business questionnaire
8. Submission of well bound and paginated bid document.

Note: A firm that does not meet any of the above mandatory requirements shall be disqualified from further evaluation.

PQ-2: TECHNICAL QUALIFICATION REQUIREMENTS

	Criteria	Total marks
d)	General experience and qualifications of the firm	15
	<ul style="list-style-type: none"> ❖ Number of years in business (0 point for 0 years in business,1 point for 1 year in business, 2 points for 2 years and above in business) ❖ Submission of a detailed company profile indicating the ownership, location, contact details, key personnel and attach necessary legal registration certificates such as certificate of registration/incorporation, PIN certificate, Vat Certificate and business license (1 point for each detail submitted) 	
e)	Specific experience of the firm	50
	Provide a list of at least five (5) major clients (4marks for each upto a max. 5 clients)	20
	Provide at least three (3) recommendation letters (10marks for each upto a max, of 3 recommendations)	30
f)	Qualifications of key personnel (2 members of staff)	35
	❖ Academic qualification (5marks for each upto a max of two (2) staff)	10
	❖ Relevant experience in provision of similar services (10marks for each staff)	20
	❖ Membership to professional bodies (2.5marks for each staff)	5
	Total marks	100

Pass mark =75 points and above

Note: A firm that does not meet the pass mark of **75 and above** shall be considered non-responsive hence shall not qualify for prequalification.

E: MANDATORY CONFIDENTIAL BUSINESS QUESTIONNAIRE

(Must be filled by all applicants or Tenderers' who choose to participate in this tender)

Name of Applicant(S)

You are requested to give the particulars in Part 1 and either Part 2 (a), 2 (b) or 2 (c), whichever applies to your type of business. **Part 2 (d) to part 2(i) must be filled.**

You are advised that giving wrong or false information on this Form will lead to automatic disqualification/termination of your business proposal at your cost.

Part 1 – General

Business Name:.....Certificate of Incorporation /
Registration No.Location of business premises:
CountryPhysical address
TownBuilding.....
Floor.....Plot No.
Street / RoadPostal Address
Postal / Country Code.....Telephone No's.....
Fax No's.E-mail address
Website
Contact Person (*Full Names*) Direct / Mobile No's.....

Title Power of Attorney (**Yes / No**)

If **Yes**, attach written document.

Nature of Business (*Indicate whether manufacturer, distributor, etc*)

(Applicable to Local Suppliers Only)

Local Authority Trading License No.	Expiry Date	Tax
Value	Added	
No.....		

Value of the largest single assignment you have undertaken to date (**US\$/KShs**)
.....

Was this successfully undertaken? **Yes / No**.(If **Yes**, attach reference)

Name (s) of your banker (s)

Branches Tel No's.

Part 2 (a) – Sole Proprietor

Full names

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

Part 2 (b) – Partnerships

Give details of partners as follows:

<u>Full Names</u>	<u>Nationality</u>	<u>Citizenship Details</u>	<u>Shares</u>
1.....
2.....
3.....
4.....

Part 2 (c) – Registered Company

Private or public

Company Profile(Attach

State the nominal and issued capital of the Company

Nominal KShs

Issued KShs

List of top ten (10) shareholders and distribution of shareholding in the company.

Give details of all directors as follows:-

<u>Full Names</u>	<u>Nationality</u>	<u>Citizenship Details</u>	<u>Shares</u>
1.....
2.....
3.....
4.....

Part 2 (d) – Debarment

I/We declare that I/We have not been debarred from any procurement process and shall not engage in any fraudulent or corrupt acts with regard to this or any other tender by the Commission and any other public or private institutions.

Full Names

Signature

Dated thisday of2017.

In the capacity of

Duly authorized to sign Tender for and on behalf of

Part 2 (e) – Criminal Offence

I/We, (Name (s) of Director (s)):-

- a)
- b)
- c)

have not been convicted of any criminal offence relating to professional conduct or the making of false statements or misrepresentations as to its qualifications to enter into a procurement contract within a period of three (3) years preceding the commencement of procurement proceedings.

Signed

For and on behalf of M/s

In the capacity of

Dated thisday of2017.

Suppliers' / Company's Official Rubber Stamp

Part 2 (f) – Conflict of Interest

I/We, the undersigned state that I / We have no conflict of interest in relation to this assignment:-

- a)
- b)
- c)
- d)

For and on behalf of M/s

In the capacity of

Dated thisday of2017

Suppliers' / Company's Official Rubber Stamp.....

Part 2 (g) – Interest in the Firm:

Is there any person/persons in the Parliamentary Service Commission or any other public institution who has interest in the Firm? Yes/No (Delete as necessary)
Institution

.....
(Title) (Signature) (Date)

Part 2(h) – Experience

Please list here below similar projects accomplished or companies / clients you have provided with similar services in the last two (2) years.

<u>Company Name</u>	<u>Country</u>	<u>Contract/ Order No.</u>	<u>Value</u>
1.....
2.....
3.....

Contact person (Full Names)

E-mail address.....

Cell phone no

Part 2(i) - Declaration

I / We, the undersigned state and declare that the above information is correct and that I / We give the Parliamentary Service Commission authority to seek any other references concerning my / our company from whatever sources deemed relevant, e.g. Office of the Registrar of Companies, Bankers, etc.

Full names

Signature.....

For and on behalf of M/s

In the capacity of

Dated thisday of2017.

Suppliers' / Company's Official Rubber Stamp

F: - SWORN STATEMENT

Having studied the above pre-qualification information, we/I hereby state:

- a. The information furnished in our application is accurate to the best of our knowledge.
- b. When our legal, technical or financial conditions or the contractual capacity of the firm changes, we undertake to inform you of the status and acknowledge your right to review the pre-qualification made.
- c. The Parliamentary Service Commission (PSC) reserves the right to independently authenticate any information provided without reference to us.
- d. That being prequalified does not amount to a contractual obligation on the part of the Parliamentary Service Commission (PSC).

Date

Applicant's Name

Represented by

Signature

(Full name and designation of the person signing and stamp or seal)