



KenGen

Kenya Electricity Generating Company Limited

KGN-SEC-02-2017

**PREQUALIFICATION OF CONTRACTORS FOR
EXECUTION OF THE INTEGRATED SECURITY
MANAGEMENT SYSTEM (ISMS) PROJECT
(INTERNATIONAL OPEN TENDER).**

**Kenya Electricity Generating Company Limited,
Stima Plaza Phase III, Kolobot Road, Parklands,
P.O. Box 47936, 00100 Nairobi, Kenya.
Website: www.kengen.co.ke**

May, 2017

INVITATION TO TENDER

The Kenya Electricity Company Ltd ('the Company') invites eligible Contractors/ Consortium to be pre-qualified for **“Integrated Security Management System Project’s execution.”** whose specifications are detailed in this tender documents. Interested and eligible candidates may obtain further information from, and inspect the tender documents at the office of:

Supply Chain Director,
Tel: (254) (020) 3666230 Fax: (254) (020) 3666200
Email: tender@kengen.co.ke
c.c.: tmbarak@kengen.co.ke ;skimutai@kengen.co.ke

Where bid document can be downloaded from our website www.kengen.co.ke or be collected from the Supply chain office – Tenders section. Prequalification documents are free of charge

One Original and **one copy** of the pre-qualification bid document correctly labeled appropriately in a sealed envelope labelled with the tender name and reference numbers and addressed to ,

Company Secretary & Legal Affairs Director,
Kenya Electricity Generating Company Ltd,
10th Floor, Pension Plaza,
Kolobot Road, Parklands,
P O Box 47936 – 00100,
NAIROBI, KENYA.

Bid documents must be dropped in the tender box located on the ground floor of Stima Plaza iii on or before **30th June 2017 at 10.00am**

The bids will be opened on **10.30am, 30th June 2017** in the presence of the firms' representatives who choose to attend at Pension Plaza ii, ground floor.

KenGen Adheres to high standards of integrity in its business operations. Report any unethical behaviour immediately. KenGen Call Tip-offs Anonymous system:

Toll Free call: 0800722626
Free Fax: 00800 007788
Email: kengen@tip-offs.com
Visit our web: www.tip-offs.com

SUPPLY CHAIN DIRECTOR

SECTION II - INSTRUCTIONS TO TENDERERS

2.1 Eligible tenderers

- 2.1.1. This Invitation to the Prequalification is open to all tenderers eligible as described in the instructions to tenderers. Successful Prequalified firms shall be invited to provide their bids as shall be specified in the tender document.
- 2.1.2. KenGen's employees, committee members, board members and their relative (spouse and children) are not eligible to participate.
- 2.1.3. Tenderers shall provide the qualification information statement that the tenderer (including all members, of a joint venture and subcontractors) is not associated, or have been associated in the past, directly or indirectly, with a firm or any of its affiliates which have been engaged by KenGen to provide consulting services for the Integrated Security Management System documents to be used for the procurement of the services under this Invitation for Prequalification.
- 2.1.4. Tenderers involved in corrupt or fraudulent practices or debarred from participating in public procurement shall not be eligible.

2.2 Cost of tendering

- 2.2.1 The Tenderer shall bear all costs associated with the preparation and submission of its Prequalification, and KenGen, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process.
- 2.2.2 There shall be no price charged for the Prequalification document.
- 2.2.3 KenGen shall allow the tenderer to review the tender document free of charge before purchase.

2.3 Contents of the PREQUALIFICATION documents

- 2.3.1. The Prequalification document comprises of the documents listed below and addenda issued in accordance with clause 5 of these instructions to tenders
 - i) Invitation to tenderers
 - ii) Instructions to tenderers.
 - iii) Appendix to Instructions to tenderers.

2.3.2. The Tenderer is expected to examine all instructions, forms, terms, and specifications in the Prequalification document. Failure to furnish all information required in the Prequalification document or to submit a document not substantially responsive to the Prequalification document in every respect will be at the tenderers risk and may result in the rejection of its application for Prequalification.

Clarification of the Prequalification Document

- 2.4.1. A prospective candidate making inquiries of the Prequalification document may notify KenGen in writing or email at the entity's address indicated in the Invitation for Prequalification. KenGen will respond in writing to any request for clarification of the Prequalification document which it receives no later than seven (7) days prior to the deadline for the submission of Prequalification, prescribed by KenGen. Written copies of the KenGen response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective tenderers who have received the Prequalification document"
- 2.4.2. KenGen shall reply to any clarifications sought by the tenderer within 3 days of receiving the request to enable the tenderer to make timely submission of its Prequalification.

2.5 Amendment of the Prequalification document

- 2.5.1. At any time prior to the deadline for submission of the Prequalification, KenGen, for any reason, whether at its own initiative or in response to a clarification requested by a prospective tenderer, may modify the Prequalification document by issuing an addendum.
- 2.5.2. All prospective tenderers who have obtained the Prequalification documents will be notified of the amendment email and such amendment will be binding on them.
- 2.5.3. In order to allow prospective tenderers reasonable time in which to take the amendment into account in preparing their Prequalification, KenGen, at its discretion, may extend the deadline for the submission of the Prequalification.

2.6 Language of the Prequalification

- 2.6.1. The Prequalification prepared by the tenderer, as well as all correspondence and documents relating to the tender exchanged by the tenderer and KenGen, shall be written in English language. Any printed literature furnished by the tenderer may be written in another language provided they are accompanied by an accurate English translation of the relevant passages in which case, for purposes of interpretation of the tender, the English translation shall govern.

2.7 Documents Comprising the Prequalification

The Prequalification prepared by the tenderer shall comprise the following components:
(a) Documentary evidence established in accordance with Clause 2.8 that the tenderer is eligible to tender and is qualified to perform the contract if its Prequalification is accepted;

2.8 Tenderers Eligibility and Qualifications.

- 2.8.1 Pursuant to Clause 2.7 the tenderer shall furnish, as part of its prequalification, documents establishing the tenderers eligibility to tender and its qualifications to perform the contract if its Prequalification is accepted.

2.8.2 The documentary evidence of the tenderers qualifications to perform the contract if its Prequalification is accepted shall establish to KenGen's satisfaction that the tenderer has the financial and technical capability necessary to perform the contract.

2.9 Validity of the Prequalification.

2.9.1 The Prequalification shall remain valid for **120 days** or as specified in the invitation to Prequalification after date of Prequalification opening prescribed by KenGen. A Prequalification valid for a shorter period shall be rejected by KenGen as non-responsive.

2.9.2 In exceptional circumstances, KenGen may solicit the Tenderer's consent to an extension of the period of validity. The request and the responses thereto shall be made in writing.

2.10 Format and Signing of the Prequalification

2.10.1 The tenderer shall prepare one "ORIGINAL PREQUALIFICATION DOCUMENT AND ONE COPY".

2.10.2 The original Prequalification shall be typed or written in indelible ink and shall be signed by the tenderer or a person or persons duly authorized to bind the tenderer to the contract. All pages of the Prequalification, except for unamend printed literature, shall be initiated by the person or persons signing the tender.

2.10.3 The Prequalification shall have no interlineations, erasures, or overwriting except as necessary to correct errors made by the tenderer, in which case such corrections shall be initiated by the person or persons signing the Prequalification.

2.11 Sealing and Marking of the Prequalification

2.11.1 The tenderer shall seal the original Pre-qualification in an envelope, duly marking the envelope as "ORIGINAL & COPY". And shall:

- (a) Be addressed to KenGen at the address given in the invitation to tender
- (b) Bear, Prequalification number and name in the invitation to Prequalification and the words: "DO NOT OPEN BEFORE Thursday, **30th June 201 7 at 10.00 a.m.**"

2.11.2 The envelope shall also indicate the name and address of the tenderer to enable the tender to be returned unopened in case it is declared "late".

2.11.3 If the envelope is not sealed and marked as required by paragraph 2.15.1, KenGen will assume no responsibility for the tender's misplacement or premature opening.

2.12 Deadline for Submission of the Prequalification

2.12.1 The Prequalification's must be received by KenGen at the address specified under paragraph

2.15.1 Not later than **30th June 201 7 at 1 0.00 a.m.**"

- 2.12.2 KenGen may, at its discretion, extend this deadline for the submission of prequalification by amending the prequalification document, in which case all rights and obligations of KenGen and candidates previously subject to the deadline will thereafter be subject to the deadline as extended.
- 2.12.3 Bulky Prequalification which will not fit in the tender box shall be received by KenGen at the Supply Chain Director's Officer's Office.
- 2.13 Modification and withdrawal of the Prequalification.
- 2.13.1 The tenderer may modify or withdraw its Prequalification after the tender's submission, provided that written notice of the modification, including substitution or withdrawal of the Prequalification's is received by KenGen prior to the deadline prescribed for the submission of the Prequalification.
- 2.13.2 The Tenderer's modification or withdrawal notice shall be prepared, sealed, marked, and dispatched in accordance with the provisions of paragraph 2.15. A withdrawal notice may also be sent by email, but followed by a signed confirmation copy, postmarked not later than the deadline for submission of tenders.
- 2.13.3 No Prequalification may be modified after the deadline for submission of the Prequalification submission
- 2.13.4 No Prequalification may be withdrawn in the interval between the deadline for submission of the Prequalification and the expiration of the period of the Prequalification validity.
- 2.13.5 KenGen may at any time terminate procurement proceedings and shall not be liable to any person for the termination.
- 2.13.6 KenGen shall give prompt notice of the termination to the tenderers and on request give its reasons for termination within 14 days of receiving the request from any tenderer.
- 2.14 Opening of the Prequalification
- 2.14.1 KenGen will open all Prequalification documents in the presence of tenderers representatives who choose to attend, on, **30th June 2017 at 10.00 a.m.** and in the location specified in the invitation to the Prequalification. The tenderers' representatives who are present shall sign a register evidencing their attendance.
- 2.14.2 The tenderers' names, prequalification modifications or withdrawals and their space geographical presence and such other details as KenGen, at its discretion, may consider appropriate, will be announced at the opening.
- 2.14.3 KenGen will prepare minutes of the Prequalification opening.

2.15 Clarification of the Prequalification

2.15.1 To assist in the examination, evaluation and comparison of the Prequalification, KenGen may at its discretion, ask the tenderer for a clarification of its Prequalification. The request for clarification and the response shall be in writing.

2.15.2 Any effort by the tenderer to influence KenGen in KenGen's Prequalification evaluation, Prequalification comparison and decisions may result in the rejection of the tenderers Prequalification.

2.16 Preliminary Examination and Responsiveness

2.16.1 KenGen will examine the Prequalification to determine whether they are complete, whether the documents have been properly signed, and whether the Prequalification are generally in order.

2.16.2 KenGen may waive any minor informality or nonconformity or irregularity in the Prequalification which does not constitute a material deviation, provided such waiver does not prejudice or affect the relative ranking of any tenderer.

2.16.3 Prior to the detailed evaluation, KenGen will determine the substantial responsiveness of each Prequalification to the Prequalification document. For purposes of these paragraphs, a substantially responsive Prequalification is one which conforms to all the terms and conditions of the Prequalification document. KenGen's determination of a tender's responsiveness is to be based on the contents of the Prequalification itself without recourse to extrinsic evidence.

2.16.4 If a Prequalification is not substantially responsive, it will be rejected by KenGen and may not subsequently be made responsive by the tenderer by correction of the nonconformity.

2.17 Evaluation and Comparison of the Prequalification's.

2.17.1 KenGen will evaluate and compare the Prequalification's which have been determined to be substantially responsive, pursuant to paragraph 2.16

2.17.2 To qualify for selection to Integrated Security Management System Project execution, the tenderer shall have the following:-

- (a) Necessary qualifications, capability experience, services, equipment and facilities to provide what is being procured.
- (b) Legal capacity to enter into a contract for procurement
- (c) Shall not be insolvent, in receivership, bankrupt or in the process of being wound up and is not the subject of legal proceedings relating to the foregoing
- (d) Shall not be debarred from participating in public procurement.

2.18 Award of the Prequalification

- 2.18.1 KenGen will determine to its satisfaction whether the tenderers that are selected as having submitted the best evaluated responsive prequalification's are qualified to be invited to tender for to Integrated Security Management System Project execution.
- 2.18.2 The determination will take into account the tenderer's technical capabilities. It will be based upon an examination of the documentary evidence of the tenderers qualifications submitted by the tenderer, as well as such other information as KenGen deems necessary and appropriate.
- 2.18.3 An affirmative determination will be a prerequisite for the selection of the tenderers to tender. A negative determination will result in rejection of the Tenderer's Prequalification.
- 2.18.4 KenGen reserves the right to accept or reject any Prequalification and to annul the process and reject all Prequalification's at any time prior to the Prequalification/selection of the tenderers, without thereby incurring any liability to the affected tenderer or tenderers or any obligation to inform the affected tenderer or tenderers of the grounds for KenGen's action. If KenGen determines that none of the tenderers is responsive; KenGen shall notify each tenderer who submitted a tender.
- 2.18.5 A tenderer who gives false information in the Prequalification document about its qualification shall be considered for debarment from participating in future public procurement.

2.19 Notification of Selection

- 2.19.1 Prior to the expiration of the period of tender validity, KenGen will notify the successful tenderer in writing that its Prequalification has been accepted.
- 2.19.2 The notification will signify the preparation and transmission of the RFP document to the selected tenderers. Simultaneously the other tenderers shall be notified that their Prequalification's have not been successful.

2.20 Corrupt or Fraudulent Practices

- 2.20.1 KenGen requires that tenderers observe the highest standard of ethics during the procurement process and execution of contracts. A tenderer shall sign a declaration that he has not and will not be involved in corrupt or fraudulent practices.
- 2.20.2 KenGen will reject a Prequalification if it determines that the tenderer recommended for selection has engaged in corrupt or fraudulent practices in competing for the contract in question;
- 2.20.3 Further, a tenderer who is found to have indulged in corrupt or fraudulent practices risks being debarred from participating in Public Procurement in KenGen.

SECTION III - Appendix to Instructions to Tenderers

The following information shall complement or amend the provisions of the instructions to tenderers. Wherever there is a conflict between the provisions 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.

(a) THE SCOPE OF THE PROJECT

The scope of this project shall be to implement an acceptable ISMS system (software and the hardware), the related works and services(including maintenance), according to the design, specifications and BQs which shall be contained in the bid document to be issued for those who shall be pre-qualified.

(b) MANDATORY REQUIREMENTS:

Tenderers are required to meet the qualification criteria stipulated below. Those who do not meet the requirements need not submit tenders. Tenderers who shall fulfil these requirements will be considered for detailed evaluation:

1. The firm/consortium partners must be approved by the relevant authorizing bodies and be properly licensed and registered in the country of domicile: Provide a copy of registration/incorporation certificate for the single bidding firm or for all partners in a consortium.
2. Valid Tax Compliance Certificate (Local bidders) or an equivalent certified copy of compliance document for international bidders from their country's tax Authorities. Provide certified copy for the single bidding firm or certified copies for all partners in a consortium.
3. Provide certified copies of latest three years' consecutive audited accounts (To be verified with KRA or its equivalent for international bidders). Provide certified copies for the single bidding firm or for the lead partner in a consortium.
4. Dully filled, signed and stamped tender submission form as provided. This should be submitted by the single bidding firm or the lead partner in a consortium.
5. Dully filled, signed and stamped confidential business questionnaire as provided. This applies to the single bidding firm and all partners in a consortium.
6. Sequential pagination of all pages of the bid document.

(c) EVALUATION CRITERIA:

1. Name of firm or consortium partners who will participate in undertaking the Project Execution and their role in all aspects of the project implementation. Submitted name(s) and position(s) of authorized representatives.
2. Firms that bid jointly should submit consortium agreements between the parties, with the roles of each party clearly defined and also the power of attorney between the consortium partners.

3. Company profile of the single bidding firm or all partnering firms in a consortium.
4. Minimum relevant experience is ten (10) years in Integrated Security Management System (ISMS) or similar projects Implementation for the single bidding firm or all partnering firms in a consortium. Provide any form of software (system) and/or hardware quality accreditation or certification from the recognized authorities of the domicile country. Manufacturers or dealership/Agency authorization or licence shall be required for the hardware and the software (system) respectively (where applicable).
5. Attach copies of evidence for the single bidding firm or for each partner in a consortium each having successfully undertaken at least 5 (five) similar services from your major clients nationally and internationally for similar services, i.e. certified copies of completion certificates from at least five clients.
6. Description of management/organization structure of the single bidding firm or the partnering firms and list of key staff relevant to the assignment and their Curriculum Vitae inclusive of staff who will monitor and give backup services. The minimum academic qualification for the Key staff is a relevant degree of specialization.
7. National Construction Authority (NCA) category 4 certificate: **NCA 4** and above for Specialist Contractors and **NCA 6** and above for Building Contractors and the respective licences **for local consultants** and/or equivalent of **NCA 1** certifications in both Specialist & Building Contractors **for international consultants** and the respective licences.
8. A verifiable demonstration on which specific components of this project that the bidding international firm or consortium shall give preference to and engage the local expertise and/or source some supplies locally during this project execution as per **Sec. 3(i), 89(f) and 157(9)** of the **Public procurement and Disposal of Asset Act (PPADA, 2017)**.
9. Annual turnover of over of at least **USD 3,000,000** in each of the latest three years plus a quick ratio and an acid test ratio of 1.1 and above for each of the three years for the single bidding firm or the lead partner in a consortium: to indicate the liquidity status of the firm/consortium.

c) Appendices:

- (i) Mandatory Confidential Business Questionnaire – **Appendix I.**
- (ii) Tender Submission Form – **Appendix II.**

APPENDIX I - 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:
Country Physical address
Town Building
Floor..... Plot No.
Street / Road Postal 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
Value Added Tax No.....
Value of the largest single assignment you have undertaken to date (USD/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 (if applicable)

Full names
Nationality..... Country of Origin.....
.....
Company Profile (Attach brochures or annual reports in case of public company)

Part 2 (b) – Partnerships (if applicable)

Give details of partners as follows:

Full Names Nationality Citizenship Details Shares

1.
2.
Company Profile (Attach brochures)

Part 2 (c) – Registered Company (if applicable - as per the CR12 form)

Private or public
Company Profile (Attach brochures or annual reports in case of public companies)
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:-

Full Names Nationality Citizenship Details Shares

- 1.....
- 2.....

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, corrupt, coercive and obstructive acts with regard to this or any other tender by the KENGEN and any other public or private institutions.

Full Names

Signature

Dated this day of 2017.

In the capacity of

Duly authorized to sign Tender for and on behalf of

Part 2 (e) – Bankruptcy / Insolvency / receivership.

I/We declare that I/We have not been declared bankrupt or insolvent by the competent Authorities in Kenya and neither are we under receivership:

Full Names

Signature

Dated this day of 2017.

In the capacity of

Duly authorized to sign Tender for and on behalf of

Part 2 (f) – Criminal Offence

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

- a)
- b)

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 this day of 2017.

Suppliers’ / Company’s Official Rubber Stamp

.....

Part 2 (g) – Conflict of Interest

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

- a)
 - b)
- For and on behalf of M/s
- In the capacity of
- Dated this day of 2017
- Suppliers’ / Company’s Official Rubber Stamp
-

Part 2 (h) – Interest in the Firm:

Is there any person/persons in KENGEN or any other public institution who has interest in the Firm? Yes/No

..... (Delete as necessary) Institution

.....

(Title) (Signature) (Date)

Part 2(i) – Experience:

Please list here below similar projects accomplished or companies / clients you have supplied with similar services in the last 15 years.

	Company Name	Country	Contract/Order No.	Value	Contact person (Full Names)	E-mail address	Cell phone No.
1							
2							
3							
4							
5							

Part 2 (i) - Declaration

I / We, the undersigned state and declare that the above information is correct and that I / We give KENGEN 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

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APPENDIX II - TENDER SUBMISSION FORM (MANDATORY)

To: Company Secretary, Legal & Corporate Affairs Director
Electricity Generating Company Limited
Stima Plaza, Phase III, Kolobot Road: Parklands
P.O. box 47936 – 00100, GPO
NAIROBI, KENYA

FAX: 254-2-248848

Dear Madam/Sir,

We, the undersigned, offer to comply with the instructions stated in your Request for Pre-qualification for a period of **120 days** and we hereby submit our Tender Document.

Our Tender 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 you receive.

We remain

Yours sincerely,

Authorised Signature: (Rubber Stamp).....

Name and Title of Signatory

Name of Tenderer

Address: