

COMMUNICATIONS AUTHORITY OF KENYA

**DISPOSAL OF 200 BAR FIRE SUPPRESSION CYLINDERS
AND OLD PREFABRICATED TIMBER BUILDING
STRUCTURE AT KAHAWA MONITORING STATION**

CA/PROC/OT/DIS/02/2017-2018

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Tender No: CA/PROC/OT/DIS/02/2017-2018

For

TENDER NAME: Disposal of 200 bar fire suppression cylinders and old prefabricated timber building structure at Kahawa monitoring station

Invitation to Tender

1. The Communications Authority of Kenya (CA) intends to dispose 200 bar fire suppression cylinders and old prefabricated timber building structure at Kahawa monitoring station as detailed in the tender document

The items to be disposed on “**as is, where is**” basis and the Authority shall have no further liability after sale.

2. The *Communications Authority of Kenya (CA)* now invites sealed Tenders for the purchase of the items mentioned above.

3. Tendering will be conducted through the Open tender as and is open to all Tenderers.

4. Interested Tenderers may inspect the 200 bar fire suppression cylinders and old prefabricated timber building structure at Kahawa monitoring station, **during working days from 8.30 A.M to 4.30 P.M each day during the tendering period.**

5. Interested eligible Tenderers may obtain further information from and inspect the Tendering Documents at the office of the *procurement office located on 2nd floor CA Centre* each day on Mondays to Fridays inclusive except on public holidays.

6. A complete set of Tendering Document(s) may be obtained by interested Tenderers free of charge.

7. All Tenders must be accompanied by refundable Tender Deposit in form of a banker’s cheque/acceptable form amounting to **Kshs. 2,000** in Kenya Shillings, which is mandatory as commitment fee.

8. All Tenders in one original properly filled in, and enclosed in plain envelopes must be deposited in our tender box located on the ground floor of CA Centre building and addressed as follows: -

**Head of Procurement,
Communications Authority of Kenya (CA)
P.O. Box 14448-00800 Nairobi
Tel: +254 020 4242000/
Mobile: +254 703-042000
254 736 121515/121414
Email: tenders@ca.go.ke
Website: www.ca.go.ke**

So as to be received on or before 2nd May 2018.

Tenders will be opened thereafter in public and in the presence of Tenderers' representatives who choose to attend in the opening at **CA's meeting room no. 2**

9. Late Tenders, portion of Tenders, electronic Tenders, Tenders not received, Tenders not opened and not read out in public at the Tender opening ceremony shall not be accepted for evaluation irrespective of the circumstances.

Ms. Jane Rotich
Ag. AD/Procurement

SECTION II - INSTRUCTIONS TO TENDERERS

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SECTION II - INSTRUCTION TO TENDERERS

2.1 Eligible Tenderers

- 2.1.1 This Invitation for Tenders is open to all tenderers eligible as described in the invitation to tender.
- 2.1.2 Tenderers shall not be under a declaration of ineligibility for corrupt or fraudulent practices
- 2.1.3 The Authority's employees, committee members, board members and their relatives (spouse and children) are not eligible to participate in the tender unless where specifically allowed under section 131 of the Act.

2.2 Cost of Tendering

- 2.2.1 The tenderer shall bear all costs associated with the preparation and submission of its tender, and the Authority, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process.
- 2.2.2 The Authority shall allow the tender to review the tender document free of charge bidding.

2.3 The Tender Document

- 2.3.1 The tender document comprises the documents listed below and any addenda issued in accordance with clause 2.5 of these instructions to tenderers.
 - (i) Invitation to tender
 - (ii) Instructions to tenderers
 - (iii) Schedule of items and price
 - (iv) Conditions of Tender
 - (v) Form of tender
 - (vi) Confidential Business questionnaire Form
 - (vii) Tender Commitment Declaration Form

- 2.3.2 The tenderer is expected to examine all instructions, forms, terms and specifications in the tender documents. Failure to meet all the requirements of the tender will be at the tenderer's risk and may result in the rejection of its tender.

2.4 Clarification of Documents

- 2.4.1 A prospective tenderer requiring any clarification of the tender document may notify the Authority in writing or by post at the entity's address indicated in the Invitation for tenders. The Authority will respond in writing to any request for

- clarification of the tender documents, which it receives not later than seven (7) days prior to the deadline for the submission of tenders, prescribed by the Authority. Written copies of the Procuring entities response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective tenderers that have received the tender document.
- 2.4.2 Clarification of tenders shall be requested by the tenderer to be received by the Authority not later than 7 days prior to the deadline for submission of tenders.
- 2.4.3 The Authority 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 tender.
- 2.5 Amendment of Documents**
- 2.5.1 At any time prior to the deadline for submission of tenders, the Authority, for any reasons, whether at its own initiative or in response to a clarification requested by a prospective tenderer, may modify the tender documents by amendment
- 2.5.2 All prospective candidates that have received the tender documents will be notified of the amendment in writing or by post and 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 tenders, the Authority, at its discretion, may extend the deadline for the submission of tenders.
- 2.6 Tender Prices and Currencies**
- 2.6.1 The tenderer shall indicate on the appropriate Price Schedule the unit prices and total tender price of the items it proposes to purchase under the contract
- 2.6.2 Prices quoted by the tenderer shall be fixed during the tender validity period and not subject to variation on any account. A tender submitted with an adjustable price quotation will be treated as non responsive and will be rejected
- 2.6.3 The Price quoted shall be in **Kenya Shillings**.
- 2.7 Tender deposit**
- 2.7.1 The tenderer shall put a deposit amount of **Kshs. 2,000** for the 200 bar fire suppression cylinders and old prefabricated timber building structure tendered for as indicated in the invitation to tender.
- 2.7.2 Failure to put the required deposit for any item tendered for will lead to disqualification of the bid for the item.

2.7.3 Unsuccessful Tenderer's tender deposit will be discharged or returned as promptly as possible but not later than Seven (7) days after the expiration of the period of tender validity prescribed by the Authority.

2.7.4 The successful Tenderer's tender deposit will be credited to his bid price so that it forms part of the amount of the bid and the tender will be required to pay the bid price less the deposit security.

2.7.5 The tender deposit may be forfeited:-

- (a) if a tenderer withdraws its tender during the period of tender validity specified by the Authority.
- (b) In the case of a successful tenderer, if the tenderer fails to pay the balance of the bid price.

2.8 Validity of Tenders

2.8.1 Tenders shall remain valid for 90 days or as specified in the appendix to instruction to tenderers after date of tender opening prescribed by the Authority, pursuant to paragraph 2.10 Tender valid for a shorter period shall be rejected by the Authority as non responsive.

2.8.2 In exceptional circumstances, the Authority 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. The tender deposit provided under paragraph 2.7 shall also be suitably extended. A tenderer may refuse the request without forfeiting its tender deposit. A tenderer granting the request will not be required nor permitted to modify its tender.

2.9 Viewing of Tender Items

2.9.1 Prospective bidders are advised to view the 200 bar fire suppression cylinders and old prefabricated timber building structure at Kahawa monitoring station, in liaison with the Authority before they bid. This will enable them to arrive at the most reasonable and competitive bids. Bids are based on AS IS WHERE IS CONDITION and the conditions of the items are not warranted by the seller.

2.10 Sealing and Marking of Tenders

2.10.1 The tenderer shall seal the tender and mark it with the number and name of the tender and **"DO NOT OPEN BEFORE 2nd May 2018"**.

2.11 Deadline for Submission of Tenders

2.11.1. Tenders must be received by the Authority at the address specified not later than **2nd May 2018**.

2.11.2 The Authority may, at its discretion, extend this deadline for the submission of tenders by amending the tender documents in accordance with paragraph 2.5. in which case all rights and obligations of the Authority and tenderers previously subject to the deadline will thereafter be subject to the deadline as extended.

2.12 Modifications And Withdrawals Of Tenders

2.12.1 Modification of tenders

2.12.1.1 The tenderer may modify or withdraw its tender after the tender's submission, provided that written notice of the modification, including substitution or withdrawal of the tenders, is received by the Authority prior to the deadline prescribed for submission of tenders.

2.12.1.2 The Tenderer's modification or withdrawal notice shall be prepared, sealed, marked, and dispatched in accordance with the provisions of paragraph 2.9.1. A withdrawal notice may also be sent by fax but followed by a signed confirmation copy, postmarked not later than the deadline for submission of tenders.

2.12.1.3 No tender may be modified after the deadline for submission of tenders

2.12.2 Withdrawals and tenders

2.12.2.1 No tender may be withdrawn in the interval between the deadline for submission of tenders and the expiration of the period of tender validity specified by the tenderer. Withdrawal of a tender during this interval may result in the tenderer's forfeiture of its tender deposit, pursuant to paragraph 2.7.5.

2.13 Opening of Tenders

The Authority will open all tenders in the presence of tenderers' representatives who choose to attend at **the CA meeting room 2 on 2nd May 2018**.

2.13.1 The tenderers or representatives who are present shall sign a register evidencing their attendance.

2.13.2 The tenderers' names, tender modifications or withdrawals, tender prices, and the presence or absence of requisite tender deposit and such other details as the

Authority, at its discretion, may consider appropriate, will be announced at the opening.

2.13.3 The Authority will prepare minutes of the tender opening.

2.14 Clarification of tenders

2.14.2 To assist in the examination, evaluation and comparison of tenders the Authority may, at its discretion, ask the tenderer for a clarification of its tender. The request for clarification and the response shall be in writing, and no change in the prices or substance of the tender shall be sought, offered, or permitted.

2.14.3 Any effort by the tenderer to influence the Authority in the Authority's tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderers' tender.

2.15 Evaluation and Comparison of Tenders

2.15.1 The Authority will compare the rates proposed by each bidder and determine the highest tenderer and after examination a tenderer who proposes the highest price will be announced during the opening of bids

2.15 Award Criteria

2.16.1 The Authority will formally award the contract to the highest bidder subject to the reserves price.

2.17 Notification of Award

2.17.2 . The highest bidder will be notified in writing of award subject to payment of the sale price and any other met conditions of sale specified in the invitation to tender

2.18 Contacting the Authority

2.18.1 No tenderer shall contact the Authority on any matter relating to its tender, from the time of the tender opening to the time the contract is awarded.

2.18.2 Any effort by a tenderer to influence the Authority in its decisions on tender evaluation, tender comparison, or contract award may result in the rejection of the tenderer's tender.

SECTION III - SCHEDULE OF ITEMS AND PRICES

No	Item Description	Qty	Manufacturer	Model No.	Serial Number	Refundable Deposit (Kshs.)	Reserve Value (Kshs)	Unit Cost (Ksh.)	Total Cost (Ksh.)
	LOT 3					2,000.00			
1.	200 Bar Fire Suppression Cylinders	1	N/A	N/A	N/A		3,850.00		
2.	200 Bar Fire Suppression Cylinders	1	N/A	N/A	N/A		3,850.00		
3.	200 Bar Fire Suppression Cylinders	1	N/A	N/A	N/A		3,850.00		
4.	200 Bar Fire Suppression Cylinders	1	N/A	N/A	N/A		3,850.00		
5.	200 Bar Fire Suppression Cylinders	1	N/A	N/A	N/A		3,850.00		
6.	200 Bar Fire Suppression Cylinders	1	N/A	N/A	N/A		3,850.00		
7.	200 Bar Fire Suppression Cylinders	1	N/A	N/A	N/A		3,850.00		
8.	200 Bar Fire Suppression Cylinders	4	N/A	N/A	N/A		15,400.00		
						42,350.00			
	LOT 4								
9.	Old prefabricated timber building structure (Recovering of iron sheets and timber cladding) to be sold as one	1	N/A	N/A	N/A		10,500.00		
					Total		10,500.00		

Authorized official _____
Name

Signature

Date

SECTION IV - CONDITIONS OF TENDER

- 4.1 A tenderer will pay a deposit in advance before the closing date of the tender for 200 Bar Fire Suppression Cylinders and Old prefabricated timber building structure as indicated in the schedule of items and prices.
- 4.2 Tenderers who will be awarded contracts will be required to pay for the items after 14 days and not later than 21 days failure to which the contract award will be cancelled and the deposit forfeited. If there is an administrative review, the review procedures shall be followed.
- 4.3 Tenderers who will not be awarded contracts will be refunded the deposits fourteen (14) days after notification of the communication of the contract awards.
- 4.4 Tenderers will be required to collect the items they have paid for within fourteen (14) days after making the payment failure to which storage charges will be charged 0.5% of the sale price up to a maximum of 10%.
- 4.5 The Authority will retain confidential reserve prices for all the items. Items tendered for below the reserve price will be retained by the Authority.

SECTION V - STANDARD FORMS

Notes on Standard Forms

- 5.1 The form of tender, the confidential business questionnaire form and the tender deposit commitment declaration form must be completed by the tenderers and returned with the tender. Failure to complete any of these forms will lead to the disqualification of the tenderer.

5.1 Form of Tender

Date: _____
Tender No. _____

To:
.....
.....

Gentlemen and/or Ladies:

1. Having examined the tender documents including Addenda.
Nos. *[insert numbers]*. The receipt of which is hereby duly acknowledged, we the undersigned, offer to purchase and collect all the items offered to us in conformity with the said tender documents for the sum of
.....*[total tender amount in words and figures]* or such other sums as may be ascertained in accordance with the Schedule of Prices attached herewith and made part of this Tender.

2. We undertake, if our Tender is accepted, to pay for and collect the items in accordance with the requirements of the tender.

3. We agree to abide by the tender for a period of *[number]* days from the date fixed for tender opening of the Instructions to tenderers, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

4. We understand that you are not bound to accept the highest or any tender that you may receive.

Dated this _____ day of _____ 20 _____

[Signature]

[in the capacity of]

Duly authorized to sign tender for and on behalf of _____

5.2 Confidential Business Questionnaire Form

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

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

<p>Part 1 – General</p> <p>Business Name</p> <p>Location of business Premises</p> <p>Plot No. Street/Road</p> <p>Postal Address Tel No.</p> <p>Nature of business</p> <p>Current Trade Licence No. Expiring date</p> <p>Maximum value of business which you can handle at any one time Kshs</p> <p>Name of your bankers Branch</p>

	<p>Part 2 (a) – Sole Proprietor</p> <p>Your Name in full Age</p> <p>Nationality Country of origin</p> <p>* Citizenship details</p>
	<p>Part 2 (b) Partnership</p> <p>Given details of partners as follows: Nationality. Citizenship Details</p> <p>..... Shares</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p>

	<p>Part 2 (c) – Registered Company</p> <p>Private or Public</p> <p>State the nominal and issued capital of company –</p> <p>Nominal Kshs.</p> <p>.....</p> <p>Issued Kshs.</p> <p>.....</p> <p>Given details of all directors as follows</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Name</th> <th style="width: 20%;">Nationality</th> <th style="width: 30%;">Citizenship Details</th> <th style="width: 20%;">Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2.</td> <td></td> <td></td> <td></td> </tr> <tr> <td>3.</td> <td></td> <td></td> <td></td> </tr> <tr> <td>4.</td> <td></td> <td></td> <td></td> </tr> <tr> <td>5.</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Name	Nationality	Citizenship Details	Shares	1.				2.				3.				4.				5.			
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1.																									
2.																									
3.																									
4.																									
5.																									
<p>Date Seal/Signature of Candidate</p>																									

5.3 Tender deposit commitment Declaration Form

*Tender No. (as per tender documents)

*As indicated in the schedule of items and prices, we do confirm that we have put deposits for the items tendered for as supported by the attached copies of receipts as follows: -

ITEM No. or Lot No.	Item Description	Deposit Kshs.	Receipt No. and Date

Authorizing Official _____
(name) *(signature)*

(Date)

5.4. LETTER OF NOTIFICATION OF AWARD

Address of Authority

To: _____

RE: Tender No. _____

Tender Name _____

This is to notify that the contract/s stated below under the above mentioned tender have been awarded to you.

1. Please acknowledge receipt of this letter of notification signifying your acceptance.
2. The contract/contracts shall be signed by the parties within 30 days of the date of this letter but not earlier than 14 days from the date of the letter.
3. You may contact the officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

(FULL PARTICULARS) _____

SIGNED FOR ACCOUNTING OFFICER

REQUEST FOR REVIEW FORM

FORM RB 1

REPUBLIC OF KENYA

PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

APPLICATION NO.OF.....20.....

BETWEEN

..... APPLICANT

AND

..... RESPONDENT (*Authority*)

Request for review of the decision of the (*Name of the Authority*) of
..... dated the...day of20..... in the matter of Tender
No.....of20.....

REQUEST FOR REVIEW

I/We.....,the above named Applicant(s), of address: Physical
address.....Fax No.....Tel. No.....Email, hereby
request the Public Procurement Administrative Review Board to review the whole/part of the above
mentioned decision on the following grounds , namely:-

- 1.
 - 2.
- etc.

By this memorandum, the Applicant requests the Board for an order/orders that: -

- 1.
 - 2.
- etc

SIGNED(Applicant)

Dated on.....day of/...20.....

FOR OFFICIAL USE ONLY

Lodged with the Secretary Public Procurement Administrative Review Board on day of
.....20.....

SIGNED
Board Secretary

