

**MATHIRA WATER AND SANITATION COMPANY LTD  
P.O.BOX 1981-10101  
KARATINA**



**RESERVED TENDER**

**SUPPLY AND DELIVERY OF CLEANING MATERIALS  
(Reserved for Youth, Women and Persons with Disability)**

**TENDER NUMBER: MAW/OT/24-26/09**

PLEASE INDICATE (√) BELOW YOUR SPECIAL GROUP CATEGORY:

WOMEN

YOUTH

PERSONS WITH DISABILITIES

**Closing date: 31st May 2024 at 11.00 a.m.**

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## SECTION I: INVITATION TO TENDER

<b>PROCURING ENTITY</b>	<b>Mathira Water and Sanitation Company, Off Gaikuyu-Gitunduti road P.O Box 1981- 10101, Karatina</b>
<b>CONTRACT NAME AND DESCRIPTION:</b>	<b>SUPPLY AND DELIVERY OF CLEANING MATERIALS</b>

1. The Mathira Water and Sanitation Company Limited (MAWASCO) invites sealed tenders for the **Supply and Delivery of cleaning materials under framework agreement for a period of two (2) years** subject to satisfactory performance of the supplier.
2. Tendering will be conducted under National Competitive method.
3. **This tender is reserved for special groups comprising of Youth, Women and Persons with Disability (Y, W, PWDs)**
4. Qualified and interested tenderers may obtain further information and inspect the Tender Documents during office hours from 8a.m - 1 p.m. and 2p.m – 4 p.m. from Monday to Friday excluding public holiday at the address given below.
5. A complete set of tender documents may be obtained electronically from the Website [www.mawasco.co.ke](http://www.mawasco.co.ke) or through <https://tenders.go.ke>. free of charge.
6. Tenderers who download the tender document must forward their particulars immediately to [info@mawasco.co.ke](mailto:info@mawasco.co.ke) for records purposes and to facilitate any further clarification or addendum.
7. The Tenderer shall sequentially serialize all pages of the tender documents submitted.
8. Completed tenders must be delivered to the address below on or before **31st May, 2024 at 11.00 A.m. (East Africa Time)**. Electronic submission of Tenders is not be permitted.
9. Tenders will be opened immediately after the deadline date and time specified above or any deadline date and time specified later. Tenders will be publicly opened in the presence of the Tenderers' designated representatives who choose to attend at the address below.
9. Late tenders will be rejected.
10. The addresses referred to above are:

**A: Address for obtaining further information**

**Name of Entity:** Mathira Water and Sanitation Company  
**Location:** Off Gaikuyu-Gitunduti road,  
**Address:** P.O Box 1981- 10101,  
**Email Address:** [info@mawasco.co.ke](mailto:info@mawasco.co.ke)

**B: Address for Submission of Tenders.**

Completed bids shall be deposited in the **Tender Box** located at main offices of Mathira Water and Sanitation Company, Off Gaikuyu-Gitunduti road, Karatina. Bids that are too big to fit in the tender box should be submitted to our reception desk and a tender submission register signed.

**C: Address for Opening of Tenders.**

**Name of Entity:** Mathira Water and Sanitation Company,  
**Location:** Boardroom  
**Date:** 31st May 2024  
**Time:** 11.00 A.M

**Note:**

*The special groups must be registered with the National treasury and must attach a valid copy of AGPO certificates. The special groups are advised to use the simplified registration document that can be downloaded from our website to apply for categories reserved for them and a special criterion will be used to evaluate them. Special groups who choose to apply for registration under the open categories, should do so on the standard document and will be subjected to the same evaluation criteria as those Tenderers outside the special groups category.*

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# **PART 1 - TENDER PROCEDURES**

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## SECTION I - INSTRUCTIONS TO TENDERERS (ITT)

### a. General

#### i. Scope of Tender

1.1 The name of the Procuring Entity inviting for Tenders is defined in the **TDS**. The particular type of contract (works, goods or Non-Consulting Services required) and its name and description of the contract(s) and its reference number are defined in the **TDS**. If the scope of contract so defined is in multiple contracts, it will be specified in the **TDS** if prequalification will be based on individual contracts or multiple contracts. The Full scope of Works or Goods or Non-Consulting Services are described in Section V (Scope of Works or goods contract).

ii. **Source of Funds** to be specified in the TDS, if deemed necessary.

#### iii. Fraud and Corruption

3.1 The Government of Kenya requires compliance with its Anti-Corruption laws and its prevailing sanctions policies and procedures.

3.2 In further pursuance of this policy, Tenderers shall permit and shall cause their agents (where declared or not), subcontractors, sub consultants, service providers, suppliers, and their personnel, to permit the Public Procurement Regulatory Authority (PPRA) to inspect all accounts, records and other documents relating to any initial selection process, prequalification process, tender submission (incase prequalified), proposal submission, and contract performance (in the case of award), and to have them audited by auditors appointed by the PPRA.

#### 4 Collusive practices

4.1 The Procuring Entity requires compliance with the provisions of the Competition Act 2010, regarding collusive practices in contracting. Any Tenderer found to have engaged in collusive conduct shall be disqualified and criminal and/or civil sanctions may be imposed. To this effect, Tenderers shall be required to complete and sign a Certificate of Independent Tender Determination" annexed to the Form of Tenderer.

#### 5 Eligible Tenderers

5.1 Tenderers shall meet the eligibility criteria as per this ITA and ITA 5.1 and 5.2. An Tenderer may be a firm that is a private entity, a state-owned enterprise or institution subject to ITA 5.9 or any combination of such entities in the form of a joint venture ("JV") under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, tendering (in the event the JV submits a Tender) and during contract execution (in the event the JV is awarded the Contract). Members of a joint venture may not also make an individual tender, be a subcontractor in a separate tender or be part of another joint venture for the purposes of the same Tender. The maximum number of JV members shall be specified in the TDS.

5.2 Public Officers of the Procuring Entity, their Spouses, Child, Parent, Brothers or Sister. Child, Parent, Brother or Sister of a Spouse, their business associates or agents and firms/organizations in which they have a substantial or controlling interest shall not be eligible to be prequalified. Public Officers with such relatives are also not allowed to participate in any procurement proceedings.

5.3 A firm may apply for prequalification both individually, and as part of a joint venture, or

- participate as a subcontractor. If prequalified, it will not be permitted to tender for the same contract both as an individual firm and as a part of the joint venture or as a subcontractor. However, a firm may participate as a subcontractor in more than one Tender, but only in that capacity. Tenders submitted in violation of this procedure will be rejected.
- 5.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its Tender for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, only one prequalified Tenderer will be allowed to tender for the. All Tenders submitted in violation of this procedure will be rejected.
- 5.5 An Tenderer may have the nationality of any country, subject to the restrictions pursuant to ITA 5.1 and 5.2. An Tenderer shall be deemed to have the nationality of a country if the Tenderer is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. sub-contractors or suppliers for any part of the Contract including related Non-Consulting Services.
- 5.6 Tenderers shall not have a conflict of interest. Tenderers shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Procuring Entity as Engineer for contract implementation of the contract(s) that are the subject of this prequalification. In addition, Tenderers may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff of the Procuring Entity who:
- a are directly or indirectly involved in the preparation of the prequalification Document or Invitation to Tender (ITT), Document or specifications of the Contract, and/or the Tender evaluation process of such Contract; or
  - b would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to the Procuring Entity throughout the prequalification, ITT process and execution of the Contract.
- 5.7 A Tenderer that has been debarred shall be ineligible to be initially selected for, prequalified for, tender for, propose for, or be awarded a contract during such period of time as the PPRA shall have determined. The list of debarred firms and individuals is available at [www.ppra.go.ke](http://www.ppra.go.ke)
- 5.8 Tenderers that are state-owned enterprise or institutions in Kenya may be eligible to prequalify, compete and be awarded a Contract(s) only if they can establish, in a manner acceptable to the Procuring Entity, that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not under supervision of any public entity.
- 5.9 A Tenderer shall not be under sanction of debarment from Tendering by the PPRA as the result of the execution of a Tender/Proposal–Securing Declaration.
- 5.10 A Tenderer that is a Kenyan firm or citizen shall provide evidence of having fulfilled his/her tax obligations by producing a current tax clearance certificate or tax exemption certificate issued by the Kenya Revenue Authority.
- 5.11 A Tenderer shall provide any other such documentary evidence of eligibility satisfactory to the Procuring Entity, as the Procuring Entity shall reasonably request.

## **6 Eligibility**

- 6.1 Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated herein. The countries, persons or entities are in eligible if:
- a. As a matter of law or official regulations, Kenya prohibits commercial relations with that country, or



- b. By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, Kenya prohibits any import of goods or contracting of works or Non- Consulting Services from that country, or any payments to any country, person, or entity in that country.
- 6.2 When the Works, supply of Goods or provision of non-consulting services are implemented a cross jurisdictional boundary (and more than one country is a Procuring Entity, and is involved in the procurement), then exclusion of a firm or individual on the basis of ITA 5.1 (a) above by any country may be applied to that procurement a cross other countries involved, if the Procuring Entities involved in the procurement so agree.
- 6.3 Any goods, works and production processes with characteristics that have been declared by the relevant national environmental protection agency or by other competent authority as harmful to human beings and to the environment shall not be eligible for procurement.

## **B. Contents of the Tender Documents**

### **7 Sections of Tender Document**

- 7.1 This Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with IT A8.

#### **PART 1 – Tendering Procedures**

- i) Section I- Instructions to Tenderers (ITA)
- ii) Section II - Tender Data Sheet (TDS)
- iii) Section III - Qualification Criteria and Requirements
- iv) Section IV- Tender Forms

#### **PART 2 - Works, Goods, or Non-Consulting Services Requirements**

- i) Section VII- Scope of Works, Goods, or Non-Consulting Services
- 7.2 Unless obtained directly from the Procuring Entity, the Procuring Entity accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-bid meeting (if any), or Addenda to the tender Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Procuring Entity shall prevail.
- 7.3 The Tenderer is expected to examine all instructions, forms, and terms in the tender Document and to furnish with its Tender all information or documentation as is required by the tender Document.

### **8 Clarification of Tender Documents, site visit(s) and Pre-Tender Meeting**

- 8.1 A Tenderer requiring any clarification of the Prequalification Document shall contact the Procuring Entity in writing at the Procuring Entity's address indicated in the **TDS**. The Procuring Entity will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the Tenders. The Procuring Entity shall forward a copy of its response to all prospective Tenderers who have obtained the Prequalification Document directly from the Procuring Entity, including a description of the inquiry but without identifying its source. If so indicated in the **TDS**, the Procuring Entity shall also promptly publish its response at the webpage identified in the **TDS**. Should the Procuring Entity deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 8. And in accordance with the provisions of ITA 17.2.
- 8.2 The Tenderer, at the Tenderer's own responsibility and risk, is encouraged to visit and examine and inspect the Site of the required contracts and obtain all information that may be necessary

for preparing the Tender. The costs of visiting the Site shall be at the Tenderer's own expense. The Procuring Entity shall specify in the **TDS** if a pre-Tender meeting will be held, when and where. The Procuring Entity shall also specify in the **TDS** if a pre-arranged Site visit will be held and when. The Tenderer's designated representative is invited to attend a pre-Tender meeting and a pre-arranged site visit. The purpose of the meetings will be to clarify issues and to answer questions on any matter that may be raised at that stage.

- 8.3 The Tenderer is requested to submit any questions in writing, to reach the Procuring Entity not later than the period specified in the **TDS** before the submission date of Tenders.
- 8.4 Minutes of a pre-arranged site visit and those of the pre-Tender meeting, if applicable, including the text of the questions asked by Tenderers and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all Tenderers who have acquired the prequalification documents. Minutes shall not identify the source of the questions asked.
- 8.5 The Procuring Entity shall also promptly publish anonymized (*no names*) Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page identified **in the TDS**. Any modification to the Prequalification Documents that may become necessary as a result of the pre-arranged site visit and those of the pre-Tender meeting shall be made by the Procuring Entity exclusively through the issue of an Addendum pursuant to TDS 8 and not through the minutes of the pre-Tender meeting. Non-attendance at the pre-arranged site visit and the pre-tender meeting will not be a cause for disqualification of a Tenderer.

## **9 Amendment of Tender Document**

- 9.1 At any time prior to the deadline for submission of Tenders, the Procuring Entity may amend the tender Document by issuing an Addendum.
- 9.2 Any Addendum issued shall be part of the tender Document and shall be communicated in writing to all Tenderers who have obtained the Document from the Procuring Entity. The Procuring Entity shall promptly publish the Addendum at the Procuring Entity's webpage identified in the TDS.
- 9.3 To give Tenderers reasonable time to take an Addendum into account in preparing their Tenders, the Procuring Entity may, at its discretion, extend the deadline for the submission of Tenders in accordance with ITA 17.2.

## **C. Preparation of Tenders**

### **10 Cost of Tenders**

- 10.1 The Tenderer shall bear all costs associated with the preparation and submission of its Tender. The Procuring Entity will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.

### **11 Language of Tender**

- 11.1 The Tender as well as all correspondence and documents relating to the tender exchanged by the Tenderer and the Procuring Entity, shall be written in English Language. Supporting documents and printed literature that are part of the Tender may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the English language, in which case, for purposes of interpretation of the Tender, the translation shall govern.

### **12 Documents Comprising the Tender**

- 12.1 The Tender shall comprise the following:

- a. Tender Submission Letter, in accordance with ITA 13.1;
  - b. Eligibility: documentary evidence establishing the Tenderer's eligibility, in accordance with ITA 14.1;
  - c. Qualifications: documentary evidence establishing the Tenderer's qualifications, in accordance with ITA 15; and
  - d. Any other document required as specified in the TDS.
- 12.2 The Tenderer shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Tender.

### **13 Tender Submission Letter**

- 13.1 The Tenderer shall complete an Tender Submission Letter as provided in Section IV (Tender Forms). This Letter must be completed without any alteration to its format.

### **14 Documents Establishing the Eligibility of the Tenderer**

- 14.1 To establish its eligibility in accordance with ITA 4, the Tenderer shall complete the eligibility declarations in the Tender Submission Letter and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV (Tender Forms).

### **15 Documents Establishing the Qualifications of the Tenderer**

- 15.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Tenderer shall provide the information requested in the corresponding Information Sheets included in Section IV (Tender Forms).
- 15.2 Wherever a Tender Form requires an Tenderer to state a monetary amount, Tenderers should indicate the Kenya Shilling equivalent using the rate of exchange determined as follows:
- a For construction turnover or financial data required for each Year-Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted).
  - b Value of single Contract-Exchange rate prevailing on the date of the contract.
- 15.3 Exchange rates shall be taken from the publicly available source identified in the TDS. Any error in determining the exchange rates in the Tender may be corrected by the Procuring Entity.
- 15.4 Tenderers shall be asked to provide, as part of the data for qualification, such information, including details of ownership, as shall be required to determine whether, according to the classification established by the Procuring Entity, a particular contractor or group of contractors qualifies for a margin of preference. Further the information will enable the Procuring Entity identify any actual or potential conflict of interest in relation to the procurement and/or contract management processes, or a possibility of collusion between Tenderers, and thereby help to prevent any corrupt influence in relation to the procurement processor contract management.
- 15.5 The purpose of the information described in ITT 6.2 above overrides any claims to confidentiality which an Tenderer may have. There can be no circumstances in which it would be justified for an Tenderer to keep information relating to its ownership and control confidential where it is tendering to undertake public sector work and receive public sector funds. Thus, confidentiality will not be accepted by the Procuring Entity as a justification for an Tenderer's failure to disclose, or failure to provide required in formation on its ownership and control.
- 15.6 The Tenderer shall provide further documentary proof, information or authorizations that the Procuring Entity may request in relation to ownership and control which information on any changes to the information which was provided by the Tenderer under ITT 6.3. The obligations to require this information shall continue for the duration of the procurement process and

contract performance and after completion of the contract, if any change to the information previously provided may reveal a conflict of interest in relation to the award or management of the contract.

- 15.7 All information provided by the Tenderer pursuant to these requirements must be complete, current and accurate as at the date of provision to the Procuring Entity. In submitting the information required pursuant to these requirements, the Tenderer shall warrant that the information submitted is complete, current and accurate as at the date of submission to the Procuring Entity.
- 15.8 If a Tenderer fails to submit the information required by these requirements, its Tender will be rejected. Similarly, if the Procuring Entity is unable, after taking reasonable steps, to verify to a reasonable degree the information submitted by a Tenderer pursuant to these requirements, then the Tender will be rejected.
- 15.9 If information submitted by a Tenderer pursuant to these requirements, or obtained by the Procuring Entity (whether through its own enquiries, through notification by the public or otherwise), shows any conflict of interest which could materially and improperly benefit the Tenderer in relation to the procurement or contract management process, then:
- a. If the procurement process is still ongoing, the Tenderer will be disqualified from the procurement process,
  - b. If the contract has been awarded to that Tenderer, the contract award will be set aside,
- 15.10 the Tenderer will be referred to the relevant law enforcement authorities for investigation of whether the Tenderer or any other persons have committed any criminal offence.
- 15.11 If a Tenderer submits information pursuant to these requirements that is incomplete, inaccurate or out-of-date, or attempts to obstruct the verification process, then the consequences ITT 6.7 will ensue unless the Tenderer can show to the reasonable satisfaction of the Procuring Entity that any such act was not material, or was due to genuine error which was not attributable to the intentional act, negligence or recklessness of the Tenderer.

## **16 Signing of the Tender and Number of Copies**

- 16.1 The Tenderer shall prepare one original of the documents comprising the Tender as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Tender shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Tenderer. In case the Tenderer is a JV, the Tender shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.
- 16.2 The Tenderer shall submit copies of the signed original Tender, in the number specified in the TDS, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

## **D. Submission of Tenders**

## **17 Sealing and Marking of Tenders**

- 17.1 The Tenderer shall enclose the original and the copies of the Tender in a sealed envelope that shall:
- a. Bear the name and address of the Tenderer;
  - b. Be addressed to the Procuring Entity, in accordance with ITA 17.1; and
  - c. Bear the specific identification of this prequalification process indicated in the TDS 1.1.
- 17.2 The Procuring Entity will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.

## **18 Deadline for Submission of Tenders**

18.1 Tenderers may either submit their Tenders in hardcopy. Tenders shall be received by the Procuring Entity at the address and no later than the deadline indicated in the TDS. When so specified in the TDS, Tenderers have the option of submitting their Tenders electronically, in accordance with electronic Tender submission procedures specified in the **TDS**.

18.2 The Procuring Entity may, at its discretion, extend the deadline for the submission of Tenders by amending the tender Document in accordance with ITA 8, in which case all rights and obligations of the Procuring Entity and the Tenderers subject to the previous deadline shall thereafter be subject to the deadline as extended.

## **19 Late Tenders**

19.1 The Procuring Entity reserves the right to accept or reject Tenders received after the deadline for submission of Tenders, unless otherwise specified in the **TDS**. If late Tenders will be accepted, they must be received not later than the date specified in the **TDS** after the deadline for submission of Tenders.

## **20. Opening of Tenders**

20.1 The Procuring Entity shall open all Tenders at the date, time and place specified in the **TDS**. Late Tenders shall be treated in accordance with ITA 19.1.

20.2 Tenders submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the **TDS**.

20.2 The Procuring Entity shall prepare a record of the opening of Tenders to include, as a minimum, the name of the Tenderers. A copy of the record shall be distributed to all Tenderers.

## **E. Procedures for Evaluation of Tenders**

### **21 Confidentiality**

21.1 Information relating to the Tenders, their evaluation and results of the prequalification shall not be disclosed to Tenderers or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Tenderers in accordance with ITA 28.

21.2 From the deadline for submission of Tenders to the time of notification of the results of the prequalification in accordance with ITA 28, any Tenderer that wishes to contact the Procuring Entity on any matter related to the prequalification process may do so only in writing.

### **22 Clarification of Tenders**

22.1 To assist in the evaluation of Tenders, the Procuring Entity may, at its discretion, ask an Tenderer for a clarification (including missing documents) of its Tender, to be submitted within a stated reasonable period of time. Any request for clarification from the Procuring Entity and all clarifications from the Tenderer shall be in writing.

22.1 If a Tenderer does not provide clarifications and/or documents requested by the date and time set in the Procuring Entity's request for clarification, its Tender shall be evaluated based on the information and documents available at the time of evaluation of the Tender.

### **23 Responsiveness of Tenders**

23.1 The Procuring Entity may reject any Tender which is not responsive to the requirements of the Prequalification Document. In case the information furnished by the Tenderer is incomplete or otherwise requires clarification as per ITA 21.1, and the Tenderer fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Tenderer.



## **24 Margin of Preference**

24.1 Unless otherwise specified in the **TDS**, a margin of preference shall not apply in the Tendering process resulting from this application.

## **25 Nominated Subcontractors**

25.1 Unless otherwise stated in the TDS, the Procuring Entity does not intend to execute any specific elements of the works by sub-contractors selected in advance by the Procuring Entity (so-called “Nominated Subcontractors”).

25.2 The Tenderer shall not propose to subcontract the whole of the Works or Goods. The maximum limit of subcontracting permitted under the contract may be specified by the Procuring Entity in the Tendering Document. The Procuring Entity, in ITA 25.2, may permit the Tenderer to propose subcontractors for certain specialized parts of the contract as indicated there in as (“Specialized Subcontractors”). Tenderers planning to use such Specialized Subcontractors shall specify, in the Tender Submission Letter, the activity(ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

## **F. Evaluation of Tenders**

### **26 Evaluation of Tenders**

26.1 The Procuring Entity shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements, to evaluate the qualifications of the Tenderers, and no other methods, criteria, or requirements shall be used. The Procuring Entity reserves the right to waive min or deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Tenderer to perform the Contract.

26.2 Subcontractors proposed by the Tenderer shall be fully qualified and meet the minimum specific experience criteria as specified for their parts of the proposed contract for Works or Goods or non-consulting services. The subcontractor's qualifications shall not be used by the Tenderer to qualify for the Works or Goods or non- consulting services unless their parts of the Works or Goods or non-consulting services were previously designated by the Procuring Entity in the TDS as can be met by Specialized Subcontractors, in which case:

i) The Specialized Subcontractors shall meet the minimum qualification requirements specified in Section III, and

ii) the qualifications with respect to specific experience of the Specialized Subcontractor proposed by the

Tenderer may be added to the qualifications of the Tenderer for the purpose of the evaluation.

Unless the Tenderer has been determined prequalified on its own without taking into account the qualification and experience of the proposed specialized sub-contractor, the tender submitted by the Tenderer shall include the same specialized sub-contractor failing which, such tender may be rejected unless a change in the specialized sub-contractor was requested by the Tenderer and approved by the Procuring Entity subsequent to prequalification but before the tender submission deadline in accordance with ITA 30.

26.3 In case of multiple contracts, Tenderers should indicate in their Tenders the individual contract or combination of contracts in which they are interested. The Procuring Entity shall prequalify each Tenderer for each lot and for a combination of contracts for which the Tenderer has thereby indicated its interest and for which the Tenderer meets the appropriate aggregate requirements the Eligibility and Qualification Criteria.

26.4 Further, in the case of multiple contracts, the Procuring Entity will prepare the Eligibility and Qualification Criteria Form for items 3.1, 3.2, 4.2(a) and 4.2(b) for each Lot, to be completed by Tenderers.

26.5 Only the qualifications of the Tenderer shall be considered. The qualifications of other firms, including the Tenderer's subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Tenderer shall not be considered.

## **27 Procuring Entity's Right to Accept or Reject Tenders**

27.1 The Procuring Entity reserves the right to accept or reject any Tender, and to annul the prequalification process and reject all Tenders at any time, without thereby incurring any liability to the Tenderers.

## **28 Qualification of Tenderers**

28.1 Tenderers whose Tenders substantially meet or exceed the specified qualification requirements will be prequalified by the Procuring Entity. The Procuring Entity shall notify all Tenderers in writing of the names of those Tenderers who have been prequalified or conditionally prequalified. In addition, those Tenderers who have been disqualified will be informed separately.

28.32 Tenderers that have not been prequalified may write to the Procuring Entity to request, in writing, the grounds on which they were disqualified.

## **28 Invitation to Tender**

28.1 Promptly after the notification of the results of the prequalification, the Procuring Entity shall invite Tenders from all the Tenderers that have been prequalified or conditionally prequalified.

28.2 Tenderers may be required to provide a Tender Security or a Tender-Securing Declaration acceptable to the Procuring Entity in the form and an amount to be specified in the tendering document.

28.3 The successful Tenderer shall be required to provide a Performance Security as specified in the tendering document.

## **29 Changes in Qualifications of Tenderers**

30.1 Any change in the structure or formation of an Tenderer after being prequalified in accordance with ITA 27 and invited to tender (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor whose qualifications were considered to prequalify the Tenderer) shall be subject to the written approval of the Procuring Entity prior to the deadline for submission of Tenders. Such approval shall be denied if (i) a prequalified Tenderer proposes to associate with a disqualified Tenderer or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Tenderer no longer substantially meets the qualification criteria set forth in Section III (Qualification Criteria and Requirements); or (iii) in the opinion of the Procuring Entity, the change may result in a substantial reduction in competition. Any such change should be submitted to the Procuring Entity not later than fourteen (14) days after the date of the Invitation to Tender.

## **31 Procurement Related Complaints and Administrative Review**

31.1 The procedures for making a Procurement-related Complaint are as specified in the TDS.

31.2 A request for administrative review shall be made in the form provided.

**SECTION II - TENDER DATA SHEET (TDS)**

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
<b>A. General</b>	
ITA 1.1	The Procuring Entity is: <b>Mathira Water and Sanitation Company Limited</b> The identification of the Invitation for Tender is: <i>Supply and delivery of cleaning materials (Reserved for Special Groups)</i>  The particular type of contract is <i>goods</i>  Tender will be based <b>on individual contracts</b>
ITA 2	The Source of funds shall be <i>Self-funding</i>
ITA 5.2	Maximum number of members in the JV shall be: <b>Not applicable</b>
<b>B. Contents of the Tender Document</b>	
ITA 8.1	For clarification purposes, the Procuring Entity's address is: <b>ATTENTION: Managing Director</b> <b>Mathira Water and Sanitation Company,</b> <b>Off Gaikuyu-Gitunduti Road,</b> <b>P.O Box 1981- 10101</b> <b>Karatina</b>  Electronic mail address: <a href="mailto:info@mawasco.co.ke">info@mawasco.co.ke</a>  Web page: <a href="http://www.mawasco.co.ke">www.mawasco.co.ke</a>
ITA 8.2	A pre-tender meeting <b>will not be held</b>
ITA 8.3	Questions and requests for clarification made in writing or by email shall reach the Procuring Entity not later than <b>4(four)</b> days before the closing of tenders
ITA 8.5	There will be no pre-bid meeting
ITT 9.2	Addendum issued shall be published at the website <a href="http://www.mawasco.co.ke">www.mawasco.co.ke</a>
ITA 8.2	Pre-Tender Meeting will not be held
<b>C. Preparation of Tenders</b>	
ITA 12.1 (d)	The Tenderer shall submit with its Tender, the following additional documents: <b>As given in the preliminary Evaluation and Technical Evaluation</b>
ITA 15.2(b)	The source for determining exchange rates is <b>The Central Bank of Kenya</b>
ITA 16.2	In addition to the original, the number of copies to be submitted with the Tender is: <i>N/A</i>
<b>D. Submission of Tenders</b>	
ITA 17.1	The deadline for Tender submission is: Date: <b>31st May, 2024</b> Time: <b>11.00 AM</b> For Tender submission purposes only, the Procuring Entity's address is: <b>Managing Director,</b> <b>Mathira Water and Sanitation Company,</b> <b>Off Gaikuyu-Gitunduti Road,</b> <b>P.O Box 1981- 10101 Karatina</b>  Telephone: <b>0202659069</b> Email address: <a href="mailto:info@mawasco.co.ke">info@mawasco.co.ke</a> Tenderers shall not have the option of submitting their Tenders electronically.
ITA 18.1	Late Tenders will be returned unopened to the Tenderers.



Reference to ITC Clause	<b>PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS</b>
<b>A. General</b>	
ITA 19.1	The Procuring Entity will not accept late Tenders.
ITA 20.1	The opening of the Tenders shall be at <b>Boardroom of Mathira Water and Sanitation Company, Off Gaikuyu-Gitunduti Road, Karatina</b>
<b>E. Procedures for Evaluation of Tenders</b>	
ITA 24.1	A margin of preference <i>shall not</i> apply.
ITA 25.1	At this time the Procuring Entity <i>does not intend</i> to execute certain specific parts of the Works by sub-contractors selected in advance.
ITA 25.2	The parts of the Works for which the Procuring Entity permits Tenderers to propose Specialized Subcontractors are designated as follows: <b>N/A</b>  For the above-designated parts of the Works that may require Specialized Subcontractors, the relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Tenderer for the purpose of evaluation.
ITA 31.1	An Tenderer wishes to make a Procurement-related Complaint, the Tenderer should submit its complaint in writing (by the quickest means available, that is either by hand delivery or email), to: PPRA  In summary, at this stage, a Procurement-related Complaint may challenge any of the following; i) the terms of the Tender Documents; and ii) the Procuring Entity’s decision not to prequalify an Tenderer.
<b>ITA 34.2</b>	The invitation to Tender is extended to the following group that qualify for Reservations: <b><i>Youth, Women and Persons with Disability</i></b>
<b>ITA 35.2 (d)</b>	Additional evaluation factors shall be <i>as indicated in the evaluation criteria</i>
<b>ITA 35.4</b>	Tenderers shall <i>not be allowed</i> to quote separate prices for different lots (contracts) and the methodology to determine the lowest tenderer is specified in Section III, Evaluation and Qualification Criteria.

### SECTION III - QUALIFICATION CRITERIA AND REQUIREMENTS

Mathira water will examine the tenders to determine completeness, general orderliness and sufficiency in responsiveness.

The points given to evaluation criteria are as per the evaluation criteria matrixes below:

#### **EVALUATION CRITERIA**

MANDATORY REQUIREMENTS -for AGPO Registered Special Groups (Youth, Women & PWD Only)  
Bidders should submit copies of documents as indicated below

A	MANDATORY REQUIREMENTS	COMPLIANCE (YES/NO)
A1	Valid Certificate of Incorporation/Business Registration (Attach copy)	
A2	Personal Identification Number(PIN) certificate for the group/enterprise as obtained free of charge from the KRA portal (Attach copy)	
A3	Valid Certificate of registration (AGPO)of youth, women & PWD owned enterprises issued By the National Treasury (Attach copy)	
A4	Current/Valid Tax Compliance Certificate for the group/enterprise as obtained Free of charge from the KRA portal (Attach copy)	
A5	Valid and relevant Business Permit/License (Attach copy)	
A6	Duly filled Duly filled, Signed Tender submission letter in the format provided	
A7	Serialized registration document in the format of 1,2,3,4.....(All Pages)	
A8	Duly filled, signed Tenderer Information Form (Form ELI-1.1) in the format provided	
A9	Historical Contract Non-Performance, and Pending Litigation and Litigation History (Form CON 2 ) in the format provided	
A10	Submission of valid CR12 form showing the list of directors /shareholding (issued within the Last 12 months) for Sole Proprietorship/ Partnership attach copy of Directors National ID Card.	

Note: Bidders must meet all the above requirements to be considered for financial evaluation

**SECTION IV- TENDER FORMS**

**1. Tender Submission Letter**

Date: .....

Tender No. and title: .....

To: .....

We, the undersigned, apply for the tender as referenced above and declare that:

- a) No reservations: We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s), issued in accordance with ITA 8: *[insert the number and issuing date of each addendum]*.
- b) No conflict of interest: We have no conflict of interest in accordance with ITA 5.7;
- c) Eligibility: We (and our subcontractors) meet the eligibility requirements as stated ITA 5, we have not been suspended by the Procuring Entity based on execution of a Tender/Proposal-Securing Declaration in accordance with ITA 5.8;

Suspension and Debarment: We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the PPRA. Further, we are not ineligible under the Kenya laws or official regulations or pursuant to a decision of the United Nations Security Council;

State-owned enterprise or institution: *[select the appropriate option and delete the other]* *[We are not a state-owned enterprise or institution]* / *[We are a state-owned enterprise or institution but meet the requirements of ITA5.9];*

- f) Subcontractors and Specialized Subcontractors: We, in accordance with ITA 24.2 and 25.2, plan to subcontract the following key activities and/or parts of the works or supply contracts: ..... *[Insert any of the key activities identified in Section III-4.2 (a)or(b) or 4.3(a) or (b) which the Procuring Entity has permitted under the Prequalification Document and which the Tenderer intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]*
- g) Commissions, gratuities, fees: We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process, the corresponding Tendering process or execution of the Contract:

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
<i>[insert full name for each occurrence]</i>	<i>[insert street/ number/city/country]</i>	<i>[indicate reason]</i>	<i>[specify amount currency, value, exchange rate and KENYA SHILLING equivalent]</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*[If no payments are made or promised, add the following statement: “No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Tender]*

- (h) Not bound to accept: We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any Tender that you may receive nor to invite the prequalified Tenderers to Tender for the contract subject of this Prequalification process, without incurring any liability to the Tenderers, in accordance with ITA 26.1.
- (i) True and correct: All information, statements and description contained in the Tender are in all respect true, correct and complete to the best of our knowledge and belief.

Signed.....*[insert signature(s) of an authorized representative(s) of the Tenderer]*

Name .....*[insert full name of person signing the Tender]*

In the capacity of ..... *[insert capacity of person signing the Tender]*

Duly authorized to sign the Tender for and on behalf of: Tenderer's Name.....  
*[insert full name of Tenderer or the name of the JV]*

Address ..... *[insert street number/town or city/country address]*

Dated on .....*[insert day number]* day of *[insert month]*, *[insert year]*

*[For a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached]*

**2 Form ELI -1.1: -REGISTRATION INFORMATION FORM AS PER ELEVENTH SCHEDULE (r. 146(1))**

**REGISTRATION OF DISADVANTAGED GROUPS  
REGISTRATION FORM FOR ENTERPRISES OWNED BY WOMEN, YOUTH AND  
PERSONS WITH DISABILITY TO SUPPLY GOODS, WORKS AND SERVICES TO  
PROCURING ENTITIES UNDER ACCESS TO GOVERNMENT PROCUREMENT  
OPPORTUNITIES(AGPO)**

The registration of suppliers is aimed at building a profile for each supplier regarding information on general particulars of the company. You are advised that it is a serious offence to give false information in this form.

**PART I: DETAILS OF THE TENDERER**

1. Name of Tenderer .....
2. Physical Address .....
3. Postal Address: ..... 4. Postal Code: .....
5. E-mail: ..... 6. Mobile Phone No. ....
7. Are you applying for youth, women or persons with disabilities? .....
8. Contact Person .....
9. Overview of the Enterprise

(i) Type of ownership (please tick one)			
[Sole Proprietor]	[Partnership]	Limited Company	Others (Specify)
(ii) Number of employees		[0-5] [6-25] [26-49] [50-59] [100-250] [Above 250]	
(iii) Initial Investments (KES)			
(iv) Total Annual Sales for the previous year			
(v) Experience in the sector in years			

**Part 9 (a) - Sole Proprietor**

Name (business name where applicable)	Nationality	ID/Passport

**Part 9 (b) - Partnership Details**

Name	Nationality	ID/Passport	%Shares

(NB: attach a partnership deed)

**Part 9 (C) – Registered Company**

State the nominal and issued capital of company

Nominal Capital Kshs .....

Issued Capital Kshs.....

Directors' Details;

Name	Nationality	ID/Passport	% shares

(NB: You MUST attach your current CR12 form)

10. Bank Account Name: .....

11. Branch of the Bank: .....

12. Bank Account Number: .....

13. VAT Registration Number: .....

14. IFMIS Number, where applicable.....

15. Type of business: (TICK ONE)

HOSPITALITY & ENTERTAINMENT	GENERAL TRADE AND SUPPLIES	AGRIBUSINESS
MANUFACTURING	CONSTRUCTION	ICT
SERVICES		
OTHERS(SPECIFY).....		

Name and Title of Tenderer:

.....

Signature: ..... Date .....

**PART II: LIST OF ATTACHMENTS**

The following attachments are essential for appraisal and you are required to ensure that they are all attached, failure to which your Tender may be rejected:

1. Copy of certificate of incorporation/registration;
2. PIN Certificate;
3. VAT Registration Certificate;
4. Valid Tax Compliance/ Exemption Certificate;
5. Original Bank Statement/Bank reference of not more than three months from date of applying;
6. Copy of certificate of registration with relevant regulatory bodies (e.g., for persons with disabilities registration with National Council for Persons with Disability, NCA for construction etc.);
7. Business/Company profile;
8. Evidence of having paid the non-refundable fee for the Tender Form (where tender/Tender is downloaded from our website, this is not applicable)
9. Copies of Annual Return Forms filed by Limited Companies, Business Names for sole traders and partnerships, a stamped receipt which bears the Stamp from the Registrar of Companies/Societies; CR12; Partnership Deed;
10. Certificate of Registration (AGPO)in your target group issued by the National Treasury;

### 3. Form ELI-1.2 - Tenderer's JV Information Form

*[The following form is additional to Form ELI-1.1., and shall be completed to provide information relating to each JV member (incase the Tenderer is a JV) as well as any Specialized Subcontractor proposed to be used by the Tenderer for any part of the Contract resulting from this prequalification]*

Date: ..... *[insert day, month, year]*

ITT No. and title: ..... *[insert ITT number and title]*

Page.....*[insert page number]* of *[insert total number]* pages

Tenderer name
Tenderer's JV Member's name:
Tenderer's JV Member's country of registration:
Tenderer JV Member's year of constitution:
Tenderer JV Member's legal address in country of constitution:
Tenderer JV Member's authorized representative information Name: Address: Telephone/Fax numbers: E-mail address:
1. Attached are copies of original documents of <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 ITA 5.6 <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 they are not under the supervision of the Procuring Entity, in accordance with ITA 5.9. 2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.



#### 4. Form CON 2 - Historical Contract Non-Performance, and Pending Litigation and Litigation History

[The following table shall be filled in for the Tenderer and for each member of a Joint Venture]

Tenderer's Name:

Date:

Joint Venture Member's Name:

Registration No. and title:

Non-Performed Contracts in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> Contract non-performance did not occur since 1 <sup>st</sup> January [insert year] specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1. <input type="checkbox"/> Contract(s) not performed since 1 <sup>st</sup> January [insert year] specified in Section III, Qualification Criteria and Requirements, requirement 2.1			
Year	Non- performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and KENYA SHILLING equivalent)
[insert year]	[insert amount and percentage]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Procuring Entity: [insert full name] Address of Procuring Entity: [insert street/city/country] Reason(s) for nonperformance: [indicate main reason(s)]	[insert amount]
Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3. <input type="checkbox"/> Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3 as indicated below.			
Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)
[insert year]	[insert amount]	Contract Identification: [indicate complete contract name, number, and any other identification] Name of Procuring Entity: [insert full name] Address of Procuring Entity: [insert street/city/country] Matter in dispute: [indicate main issues in dispute] Party who initiated the dispute: [indicate "Procuring Entity" or "Contractor"] Status of dispute: [Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]	[insert amount]
Litigation History in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4.			

Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4 as indicated below.

Year of award	Outcome as percentage of Net Worth	Contract Identification	Total Contract Amount (kshs),
		Contract Identification: [indicate complete contract name, number, and any other identification] Name of Procuring Entity:  Address of Procuring Entity:  Matter in dispute:  Party who initiated the dispute:  Reason(s) for Litigation and award decision:	

## 5. Sources of Finance

*[The following table shall be filled in for the Tenderer and all parties combined in case of a Joint Venture]*

Specify sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.

No.	Source of finance	Amount (Kenya shilling equivalent)
1		
2		
3		
4		

### 5.1 Financial documents

Attach bank statements of not more than three months from date of Tender

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# **GOODS REQUIREMENTS**

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The, goods required are as detailed below;

**CLEANING MATERIALS-MAW/OT/2024-2026/09**

No.	Description of Item.	Unit	Unit Price	Remarks
1	White Tissue papers(Toilex)	Bale		
2	White Jumbo Tissue	Roll		
3	Hand paper towels(Qik dry)	Bale		
4	Air Freshener(Tropikal)-300 ml	Nr		
5	Liquid Toilet cleaner (Harpic-200ml))	Nr		
6	Detergent powder(Sunlight)	Kgs		
7	Antiseptic liquid(Dettol-250ml)	Nr		
8	Hand wash liquid(5 litres )	Nr		
9	Multipurpose household liquid detergent(5litres)	Nr		
10	Bar soap (Menengai-800gms )	Nr		
11	Antiseptic soap(Dettol-90gms)	Nr		
12	Liquid Bleach(Jik)- 5 ltrs	Nr		
17	Urinal Balls(200gms)	Packet		

**REMARKS:**

**SIGNATURE & STAMP OF THE TENDERER** \_\_\_\_\_

**TELEPHONE NUMBERS:**-----

**Request For Review**

**FORM FOR REVIEW (r.203 (1))**

**PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

**TENDER NO..... OF.....20.....**

**BETWEEN**

..... **TENDERER**

**AND**

.....**RESPONDENT (Procuring Entity)**

Request for review of the decision of the..... (Name of the Procuring Entity of .....dated the...day of .....20.....in the matter of Tender No.....of .....20..... for ..... (Tender description).

**REQUEST FOR REVIEW**

I/We....., the above-named Tenderer(s), of address: Physical address..... P. O. Box 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.

By this memorandum, the Tenderer requests the Board for an order/order that:

- 1.
- 2.

SIGNED ..... (Tenderer) Dated on..... day of ...../...20.....

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FOR OFFICIAL USE ONLY Lodged with the Secretary Public Procurement Administrative Review Board on.....day of .....20.....

**SIGNED**

**Board Secretary**