

# REPUBLIC OF KENYA



## PARLIAMENT OF KENYA

**TENDER NO. NA/07/2017-2018**

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**PREQUALIFICATION OF ADVOCATES AND VALUERS FOR  
PROVISION OF LEGAL /VALUATION SERVICES FOR A  
FIVE (5) YEAR PERIOD UP TO AUGUST 2022**

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**TENDER CLOSING DATE:**

**FRIDAY, 9<sup>TH</sup> MARCH 2018 AT 11.00AM**

PICK INDICATE CATEGORY APPLIED FOR:-

ADVOCATE .....

VALUER .....

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## A)TENDER NOTICE

Date: 16<sup>th</sup> Feb 2018

Reference: **NA/07/2017-2018**

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

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

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

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

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

Or be dropped in the Tender Box located on **2<sup>nd</sup> floor, Protection House, at the Junction of Haile Selassie Avenue and Parliament Road, Nairobi** so as to reach the Commission on or before **Friday, 9<sup>th</sup> March 2018 at 11.00 am.**

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

**Those firms already prequalified to offer the services for the period September 2017 to August 2022 need NOT apply.**

**Those firms that were prequalified to offer the services for the period 2012 to 2017 and were not prequalified for the period up to August 2022 need to apply afresh.**

Late bids will not be accepted.

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

## **B) INFORMATION TO THE PROSPECTIVE BIDDERS**

### **1.1 Introduction**

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

### **1.2 Pre-qualification Objective**

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

### **1.3 Scope of the Services**

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

Advocates will be required to offer the following services;-

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

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

Valuers will be required to offer the following service;-

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

#### **1.4 Invitation of Pre-qualification**

The prospective Advocates and Valuers are required to furnish mandatory information for pre-qualification as indicated in the notice.

#### **1.5 Pre-qualification Document**

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

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

#### **1.7 Distribution of Pre-qualification Documents**

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

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

Not later than **Friday, 9<sup>th</sup> March 2018 at 11.00am.**

**1.8 Questions Arising from Documents**

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

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

**1.9 Additional Information**

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

**2. BRIEF CONTRACT REGULATIONS/GUIDELINES**

**2.1 Taxes**

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

**2.2 Reporting Requirements**

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

**2.3 Pre – qualification Duration**

The Duration of the pre - qualification shall be for a five (5) year period up to August 2022 and pre –qualified firms will be required to enter into a Service Level Agreement with the Parliamentary Service Commission.

## **2.5 Professional Fees**

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

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

## **3. PRE-QUALIFICATION DATA INSTRUCTIONS**

### **3.1 Pre-qualification data forms**

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

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

### **3.2 Qualification**

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

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

### **3.3 Essential Criteria for Pre-qualification**

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

### **3.3.1 Personnel**

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

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

### **3.3.2 Past Performance**

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

### **3.3 Financial Condition**

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

### **3.4 Statement**

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

### **3.5 Withdrawal of Prequalification**

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

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

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



## C) FIRM'S QUALIFICATION REQUIREMENTS

### PQ-1: MANDATORY REQUIREMENTS

#### ADVOCATES

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

#### VALUERS

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

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

## PQ-2: TECHNICAL QUALIFICATION REQUIREMENTS

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

**Pass mark =75 points and above**

## **D) EVALUATION CRITERIA**

The firm's application for prequalification shall be evaluated by a Committee as per the following stages:-

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

#### **ADVOCATES**

1. Submission an original and copy of the application/bid document.
2. Submission a copy of a Certificate of Admission certifying admission to practice as an Advocate of the High Court of Kenya having signed the 'Roll Advocates'.
3. Submission a copy of a current Practising Certificate (either the year 2018 practising certificate or the year 2017 practising certificate together with a receipt from LSK indicating payment for the year 2018 practising certificate).
4. Submission a copy of a Certificate of good moral fitness/Standing from the Law Society of Kenya.
5. Submission a valid Tax Compliance Certificate.
6. Possession a Professional Indemnity Cover of up to Kenya Shillings Forty Million (40) from a reputable insurance company.
7. Evidence of experience of at least two (2) years in handling Conveyancing, Banking and Securities matters. In this regard please attach recommendation letters from at least three (3) clients.
8. Fully filled attached mandatory confidential business questionnaire
9. Submission of well bound, serialized and paginated bid document.

#### **VALUERS**

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

**Note: Only applications fulfilling all the requirements of stage 1 shall be considered for evaluation in stage 2.**

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

This will involve the Evaluation Committee allocating scores based on the following parameters:-

	Criteria	Total marks
d)	<b>General experience and qualifications of the firm</b>	<b>15</b>
	❖ Number of years in business ( 0 point for 0 years in business,1 point for 1 year in business, 2 points for 2 years and above in business)	
	❖ Submission of a detailed company profile indicating the ownership, location, contact details, key personnel and attach necessary legal registration certificates such as certificate of registration/incorporation, PIN certificate, Vat Certificate and business license (1 point for each detail submitted)	
e)	<b>Specific experience of the firm</b>	<b>50</b>
	Provide a list of at least five (5) major clients (4marks for each upto a max. 5 clients)	20
	Provide at least three (3) recommendation letters (10marks for each upto a max, of 3 recommendations)	30
f)	<b>Qualifications of key personnel (2 members of staff)</b>	<b>35</b>
	❖ Academic qualification (5marks for each upto a max of two (2) staff)	10
	❖ Relevant experience in provision of similar services (10marks for each staff)	20
	❖ Membership to professional bodies (2.5marks for each staff)	5
	<b>Total marks</b>	<b>100</b>

**Pass mark =75 points and above**

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

## STAGE 3: RECOMMENDATION FOR A FIRM TO BE PREQUALIFIED

The Evaluation Committee shall recommend only the firms that are responsive to the mandatory requirements and score **75 marks and above** for prequalification as either advocates or valuers.

# E: MANDATORY CONFIDENTIAL BUSINESS QUESTIONNAIRE

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

**Name of Applicant(S)**

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

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

## **Part 1 – General**

Business Name:.....Certificate of Incorporation /  
 Registration No. ....Location of business premises:  
 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 (**US\$/KShs**)  
 .....

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

Name (s) of your banker (s) .....

Branches ..... Tel No's. ....

## **Part 2 (a) – Sole Proprietor**

Full names .....

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

**Part 2 (b) – Partnerships**

Give details of partners as follows:

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

**Part 2 (c) – Registered Company**

Private or public .....

Company Profile .....(Attach

State the nominal and issued capital of the Company

Nominal KShs .....

Issued KShs .....

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

Give details of all directors as follows:-

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

**Part 2 (d) – Debarment**

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

Full Names .....

Signature .....

Dated this .....day of .....2018.

In the capacity of .....

Duly authorized to sign Tender for and on behalf of .....

**Part 2 (e) – Criminal Offence**

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

- a) .....
- b) .....
- c) .....



Contact person (Full Names) .....

E-mail address.....

Cell phone no .....

**Part 2(i) – Declaration**

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

Full names .....

Signature.....

For and on behalf of M/s .....

In the capacity of .....

Dated this .....day of .....2018.

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



## **F: - SWORN STATEMENT**

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

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

**Date** .....

**Applicant's Name** .....

**Represented by** .....

**Signature** .....

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