

COUNTY ASSEMBLY OF MARSABIT



TENDER NO: MCA/COU/ASS/DIS/1/2019/2020

**TENDER FOR SALE OF BOARDED STORES, IT EQUIPMENT, MOTOR
VEHICLES TYRES AND TUBES AND CONSTRUCTION MATERIALS**

**COUNTY ASSEMBLY OF MARSABIT
P.O. BOX 29 – 60500
MARSABIT, KENYA.
Website: www.assembly.marsabit.go.ke**

CLOSING DATE: TUESDAY, 27TH AUGUST, 2019 AT 10.00 AM

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SECTION 1: INVITATION TO TENDER
DATE: 7TH AUGUST, 2019
TENDER REF NO. MCA/COU/ASS/DIS/1/2019/2020
**TENDER NAME: TENDER FOR SALE OF BOARDED STORES, IT
EQUIPMENT, MOTOR VEHICLES TYRES AND TUBES
AND CONSTRUCTION MATERIALS**

- 1.1 **The County Assembly of Marsabit** (herein referred to as ~~the~~CAM) invites sealed bids from eligible candidates for the tender for **Sale of Boarded Stores, IT Equipment, Motor vehicles tyres and tubes and Assorted Building materials**
- 1.2 Complete tender documents should strictly be downloaded FREE OF CHARGE from CAM website: www.assembly.marsabit.go.ke
- 1.3 Interested eligible candidates may obtain further information from the office of the Head, Supply Chain Department located at the County Assembly Office Building 2nd Floor during normal working hours.
- 1.4 Prices quoted should be net inclusive of all taxes and must be expressed in Kenya shillings and shall remain valid for a period of 120 days from the closing date of the tender.
- 1.5 Completed Tender documents MUST be enclosed in an outer plain sealed envelope and clearly marked with Tender Reference Number and Name and be deposited in the Tender Box provided at **the Marsabit County Assembly Office Building, Marsabit**, and be addressed to:-

**The Clerk,
County Assembly of Marsabit,
P. O. Box 29-60500,
Marsabit.**

so as to be received on or before **Tuesday, 27TH AUGUST, 2019 AT 10.00 AM.**

- 1.6 Bidders are encouraged to visit CAM's websites from time to time before tender closure date for any amendments through addendum/clarification.
- 1.7 Tenders will be opened immediately thereafter in the presence of the Candidates or their representatives who choose to attend at **CAM Board Room, Ground Floor.**

**PRINCIPAL PROCUREMENT OFFICER,
FOR: THE CLERK/SECRETARY CASB**

SECTION II - INSTRUCTIONS TO TENDERERS

TABLE OF CLAUSES

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2.16	Award of tender criteria
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2.18	Contacting CAM

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 Appendix to instructions to tenderers.

2.1.2 Tenderers shall not be under a declaration of ineligibility for corrupt or fraudulent practices

2.1.1 CAM's employees, committee members, board members and their relatives (as per the meaning given in the Public procurement and Asset Disposal Act, 2015) are not eligible to participate in the tender unless where specifically allowed under Public procurement and Asset Disposal Act, 2015.

2.2 Cost of Tendering

2.2.1 The Tenderer shall bear all costs associated with the preparation and submission of its tender, and CAM, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process.

2.2.2 There shall be no price charged for the tender document.

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.

- a) Invitation to tender
- b) Instructions to tenderers
- c) Schedule of items and price
- d) Conditions of Tender
- e) Tender forms
 - i. Form of tender
 - ii. Confidential Business Questionnaire Form
 - iii. Tender Deposit Commitment Declaration Form
 - iv. Letter of notification of award to successful bidder
 - v. Integrity declaration form
 - vi. Non-debarment statement
 - vii. Request for Review Form- RB1

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 CAM in writing or by post at the entity's address indicated in the Invitation for tenders. CAM 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 CAM. Written copies of CAM's 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 CAM not later than 7 days prior to the deadline for submission of tenders.
- 2.4.3 CAM 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, CAM, 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 Any amendment will be uploaded on CAM website: www.assembly.marsabit.go.ke
- 2.5.3 In order to allow prospective tenderers reasonable time in which to take the amendment into account in preparing their tenders, CAM, 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 **deposit of ksh.1,000/= for every item** tendered for
- 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 CAM.
- 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 CAM.
 - (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 120 days or as specified in the appendix to instruction to tenderers after date of tender opening prescribed by CAM, pursuant to paragraph 2.11. Tender valid for a shorter period shall be rejected by CAM as non-responsive.
- 2.8.2 In exceptional circumstances, CAM 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 items in liaison with CAM before they bid for each lot. This will enable them to arrive at the most reasonable and competitive bids. Bids are based on AS 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 Reference Number and Description of the tender stating: **DO NOT OPEN BEFORE TUESDAY, 27th AUGUST, 2019 AT 11.00 AM**".

2.11 Deadline for Submission of Tenders

2.11.1. Tenders must be received by CAM at the address specified not **later than TUESDAY, 27TH AUGUST, 2019 AT 10.00 AM**

2.11.2 CAM 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 CAM 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 tenderer's submission, provided that written notice of the modification, including substitution or withdrawal of the tenders, is received by CAM 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 2.10.

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

2.13.2 CAM will open all tenders in the presence of tenderer's representatives who choose to attend on **TUESDAY, 27TH AUGUST, 2019 AT 10.00 AM.** and in the location specified in the invitation to tender.

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

2.13.3 The tenderer's names, tender modifications or withdrawals, tender prices, and the presence or absence of requisite tender deposit and such other details as CAM, at its discretion, may consider appropriate, will be announced at the opening.

2.13.4 CAM 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, CAM 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 CAM's tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderer's tender.

2.15 Evaluation and Comparison of Tenders

- 2.15.1 CAM will examine the tenders to determine whether they are complete, whether any computation errors have been made, whether **required** deposits have been furnished, whether documents have been properly signed and whether the tenders are generally in order. After examination, a tender that will be determined to be substantially non responsive will be rejected by CAM.
- 2.15.2 CAM will evaluate and compare the tenders, which have been determined to be substantially responsive.
- 2.15.3 The tender evaluation committee shall evaluate the tender within 30 days of the validity period from the date of opening the tender.

2.16 Award Criteria

- 2.16.1 CAM will award the contract to the successful tenderer(s) whose tender has been determined to be substantially responsive and as per instructions contained in Section IV (Conditions for Tender) and has been determined to be the highest evaluated tender, subject to the reserve prices.
- 2.16.2 A substantially responsive tender is one which:
- a. Duly filed and signed Price Schedule in the format provided. A bidder must quote for all items in a lot.
 - b. Duly filed and signed Form of Tender in the Format provided
 - c. Duly filed and signed Confidential Business Questionnaire Form
 - d. Duly filed and signed Tender deposit commitment declaration form.
Bidders must provide and attach a copy of receipt issued at CAM or original Banker's cheque being deposit for individual items
 - e. Duly filed and signed Integrity declaration form
 - f. Duly filed and signed Non-debarment statement
- 2.16.3 A non-responsive tender will not be considered for further evaluation

2.17 Notification of Award

2.17.1 Prior to the expiration of the period of tender validity, CAM will notify the successful tenderer in writing that its tender has been accepted.

2.17.2 Simultaneously the other tenderers shall be notified that their tenders have been unsuccessful with reasons.

2.18 Contacting CAM

2.18.1 No tenderer shall contact CAM 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 CAM in its decisions on tender evaluation, tender comparison, or contract award may result in the rejection of the tenderer's tender.

APPENDIX TO INSTRUCTIONS TO TENDERERS

The following information for sale of boarded stores, equipment, motor vehicles and motor bikes shall complement, supplement or amend the provisions of the instructions to tenderers. Whenever there is a conflict between the provisions of the instructions to tenderers and the provisions of the Appendix, the provisions of the appendix herein shall prevail over those of the instructions to tenderers.

Instructions to Tenderers Reference	<i>Particulars of appendix to Instructions to tenderers</i>
2.1.1	It is open to all interested and eligible bidders.
2.8.1	Tenders shall remain valid for 120 days

SECTION III - SCHEDULE OF REQUIREMENTS, ITEMS AND PRICES

LIST OF BOARDED STORES, IT EQUIPMENT, MOTOR VEHICLES TYRES AND TUBES FOR THE FINANCIAL YEAR 2018/2019

A. FURNITURE

No.	Item Description	Unit of Issue	Quantity	Location	Unit Price (Kshs.)	Total Cost (Kshs.)
1	Executive chairs	Each	Lot 1	Marsabit		
2	Visitors Chairs	Each	Lot 2	Marsabit		
3	Assorted furniture	Lot	Lot 3	Marsabit		
4	Leather sofa set	Each	Lot 4	Marsabit		

B. TYRES, TUBES & BATTERIES

No.	Item Description	Unit of Issue	Quantity	Location	Unit Price (Kshs.)	Total Cost (Kshs.)
1	Landcruiser tyres	Each	85	Marsabit		
2	Landcruiser tubes	Each	70	Marsabit		

C. IT EQUIPMENT

No.	Item Description	Unit of Issue	Quantity	Location	Unit Price (Kshs.)	Total Cost (Kshs.)
1	IPADs	Each	30	Marsabit		
5	Laptop Computers	Each	30	Marsabit		

D. BUILDING MATERIALS

No.	Item Description	Unit of Issue	Quantity	Location	Unit Price (Kshs.)	Total Cost (Kshs.)
1	Assorted Building Materials	Lot	Lot	Marsabit		

Authorized official _____
Name

Signature

Date: _____

SECTION IV - CONDITIONS OF TENDER

- 4.1 A tenderer MUST tender for all items in a lot
- 4.2 A tenderer will pay a deposit of Ksh. 1,000/= as non-refundable fee for any lot tendered for
- 4.3 Tenderers who will be awarded contracts will be required to pay for the items after 14 days and not later than 30 days failure to which the contract award will be cancelled. If there is an administrative review, the review procedures shall be followed.
- 4.4 Tenderers who will not be awarded contracts will be informed in writing of the reason for their non-responsiveness.
- 4.5 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 as indicated in the appendix to Conditions of tender.
- 4.6 CAM will retain confidential reserve prices for all the items. Items tendered for below the reserve price will be retained by CAM.

Appendix to conditions of tender

The following information for sale of boarded stores and equipment shall complement, supplement, or amend, the provisions of the conditions of the tender. Whenever there is a conflict between the provisions of the conditions of tender and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the conditions of tender.

Conditions of tender reference	<i>Particulars of the appendix to Conditions of tender</i>
4.5	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 of Kshs. 1000 will be charged daily.

SECTION V - STANDARD FORMS

Notes on Standard Forms

The form of tender, the Confidential Business Questionnaire form, Integrity Declaration and Non-Debarment Statement 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:
COUNTY ASSEMBLY OF MARSABIT,
P.O BOX 29-60500,
MARSABIT

Gentlemen and/or Ladies:

1. Having examined the tender documents including Addenda Nos. í í í í í í í í í í *[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 í í í í í í *[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 í í í í í í í *....[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

Part 1 ó General

Business Name í ..
 Location of business Premises í ..
 Plot No. í í í í í í í í í Street/Road í í í í í í í í í í í í í í í í í ..
 Postal Address í ..
 Nature of business í ..
 Current Trade Licence No. í í í í í í í í í í í .. Expiring date í í í í í ..
 Maximum value of business which you can handle at any one time Kshs í í í í í í ..
 Name of your bankers í í í í í í í í í í í í í í í í í í .. Branch í í í í í í í

Part 2 (a) ó Sole Proprietor

Your Name in full í í í í í í í í í í í í í í í í í í Age í í í í í í í í í í í í ..
 Nationality í í í í í í í .. Country of origin í í í í í í í í .. í í í í í í ..
 * Citizenship details í

Part 2 (b) Partnership

Given details of partners as follows:

	Name	Nationality	Citizenship Details	Shares
1.	í í			
2.	í í			
3.	í í			
4.	í í			

Private or Public í ..

State the nominal and issued capital of company ó

Nominal Kshs.

Issued Kshs.

Given details of all directors as follows

	Name	Nationality	Citizenship Details	Shares
1.	í í			
2.	í í			
3.	í í			
4.	í í			
5.	í ..			

Date í í í í í í í í í .. Seal/Signature of Candidate í í í í í í í í í ..

5.3 LETTER OF NOTIFICATION OF AWARD

Address of CAM

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

5.4 INTEGRITY DECLARATION

I/We/Messrs í of
Street/avenue, Building, P. O. Box í í í Code ..í , of (town),
..... (Nationality), Phone E-mailí . declare that Public
Procurement is based on a free and fair competitive tendering process which should not
be open to abuse.

I/We ..í ..
declare that I/We will not offer or facilitate, directly or indirectly, any inducement or
reward to any public officer, their relations or business associates, in connection with

Tender name: í ..

Tender No. í í í í í í í í í ..í í í í í í í í í í í í í í í í í í í .

For/or in the subsequent performance of the contract if I/We am/are successful.

Dated this day of 20.....

Authorized Signature..... Official Stamp
.....
1

Name and Title of
Signatory í ..

5.5. NON-DEBARMENT STATEMENT

I/We/Messrs í
of..... Street/avenue, Building, P. O. Box í í í Code ...í , of
..... (town), (Nationality), Phone E-mailí .
declare that I/We /Messrs are not debarred from
participating in public
procurement by the Public Procurement Oversight Authority pursuant to the Public
Procurement and Asset Disposal Act, 2015.

Dated this
..... day of 20.....

Authorized Signature..... Official Stamp
.....

Name and Title of Signatory.....

FORM RB 1

REQUEST FOR REVIEW FORM

REPUBLIC OF KENYA

PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

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

BETWEEN

í í í í í í í í í í í í í í í í . APPLICANT

AND

í í í í í í í í í í í í í í í í RESPONDENT (CAM)

Request for review of the decision of the í í í í (Name of CAM) of í í í í dated the í day of í í í í . 20í í í . in the matter of Tender No. í í í . of í í í í . 20í

REQUEST FOR REVIEW

I/We í í í í í í í í í í , the above named Applicant(s), of address: Physical address í í í í . Fax No. í í Tel. No. í í . Email í í í í , 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 Applicant requests the Board for an order/orders that: -

- 1.
- 2.

SIGNED í í í í í í . (Applicant)

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

FOR OFFICIAL USE ONLY

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

SIGNED
Board Secretary