



TANA WATER WORKS DEVELOPMENT AGENCY

REGISTRATION FOR PROVISION OF LEGAL SERVICES

TWWDA/REG/001/2023-2025

**CHIEF EXECUTIVE OFFICER
TANA WATER WORKS DEVELOPMENT AGENCY
P.O. BOX 1292-10100
NYERI**

TEL: 061-2032282

EMAIL: ceo@tanawwda.go.ke

WEBSITE: www.tanawwda.go.ke

CLOSING DATE: THURSDAY 21ST SEPTEMBER 2023 at 10.00 A.M.

TABLE OF CONTENTS	Error! Bookmark not defined.
SECTION 1 INVITATION FOR REGISTRATION...Error! Bookmark not defined.	
SECTION I - INVITATION FOR REGISTRATION	4
SECTION II - INSTRUCTIONS TO CANDIDATES.....	5
SECTION III PREFERRED AREAS OF PRACTICE.....	17
SECTION IV – CONFIDENTIAL REGISTRATION BUSINESS	
QUESTIONNAIRE FORM	18
SECTION V FINANCIAL CAPABILITY	22
SECTION VI - LETTER OF APPLICATION	23
SECTION VII GENERAL INFORMATION	26
SECTION VIII TEAM COMPOSITION SUMMARY AND TASK.....	27
SECTION IX FORMAT OF THE CURRICULUM VITAE (CV) FOR THE PROFESSIONAL PERSONNEL	28
SECTION X LITIGATION HISTORY.....	29
SECTION XI FORM OF REGISTRATION	30
SECTION XII LETTER OF NOTIFICATION OF AWARD	31
SECTION XIII REQUEST FOR REVIEW STATUTORY FORM.....	32

INTRODUCTION

- 1.1 This document has been prepared for registration of suppliers wishing to apply. **The list of registered suppliers will be used to invite bidders to quote / tender as and when need arises and the list will be valid for the period 2023-2025.**
- 1.2 The document includes a form for invitation for tender, instructions to candidates and a letter of application with attached forms for candidates to complete.
- 1.3 **Additional information**

The following information regarding the particulars of the documents shall complement supplement or amend the provisions of the instructions to the bidders. Wherever there is a conflict between the provision of the instructions to the bidders and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the instructions to bidders

INSTRUCTIONS TO BIDDERS REFERENCE	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO BIDDERS
Section I	Registration for Provision of Legal Services TWWDA/REG/001/2023-2025
2.2.1	<i>Closing date will be <u>Thursday 21st September 2023 at 10.00 a.m.</u> and opening date is <u>Thursday 21st September at 10.15 a.m.</u></i>

NOTE: In order for a candidate to be registered, the bidder must meet the Qualification Criteria as set out herein.

SECTION I- INVITATION FOR REGISTRATION

Tender No. TWWDA/REG/001/2023-2025

Tender Name: PROVISION OF LEGAL SERVICES

1. TANA WATER WORKS DEVELOPMENT AGENCY hereinafter referred as “Procuring entity” intends to invite candidates to be placed in its Panel of Advocates for a period of two (2) years, who have capacity to provide legal services and who may from time to time be appointed to provide legal services.
2. Tender is open to all candidates.
3. Interested candidates may obtain further information and registration documents from the Procuring Entity’s website www.tanawwda.go.ke; or in the alternative, obtain the hard copies of the registration documents from TWWDA’s Procurement Office during normal working hours upon payment of a Non Refundable fee of Kshs.1000 cash or Bankers cheque.
4. The language of the registration documents shall be in English.
5. Only the hard copies of the tender document will be evaluated as explained herein.
6. Application for registration should be submitted by **Thursday 21st September 2023 10.00am** at the Procuring Entity offices at Maji House, Baden Powell Road, Nyeri.
7. The bids will be opened on **Thursday 21st September 2023 at 10.15 a.m.** at **TWWDA Board Room** in the presence of the candidates or their representatives who choose to attend.
8. Address for obtaining further information about the Registration Document/Submission of Bids/Opening of Bids:

Tana Water Works Development Agency
Along Baden Powell Road, Maji House Ground Floor
P.O. Box 1292-10100
Tel: +254-61-2032282
Email: ceo@tanawwda.go.ke

Name: Eng. Philip Gichuki

Designation: TWWDA CEO/Accounting Officer

Signature: _____

Date: 28th August 2023



SECTION II - INSTRUCTIONS TO CANDIDATES

1 Introduction

- 1.1 Tana Water Works Development Agency hereinafter referred to as the procuring entity will register and enlist Candidates for the provision of Legal Services from among those who will have submitted their registration documents in accordance with the Registration requirements to undertake the assignments described herein for a period of two (2) years
- 1.2 The registration of legal service providers does not constitute a retainer.
- 1.3 The registration document and the Candidates response thereof shall be the basis for registration.
- 1.4 Candidates must familiarize themselves with the requirements described in this document including all attachments and take them into account while preparing their application for registration.
- 1.5 Candidates will be informed in writing of the results of their application for pre-qualification.
- 1.6 Candidates will meet all costs associated with preparation and submission of their application for registration.
- 1.7 Candidates who are currently on the Procuring Entity Panel of Advocates should also apply for reconsideration if they intend to continue in the Panel.
- 1.8 It is expected that these applications will be submitted to be received by the procuring entity not later than **THURSDAY 21ST SEPTEMBER 2023 AT 10.00AM.**
- 1.9 Documents will be opened on **Thursday 21st September 2023 at 10.15 a.m.** Candidates are free to send their representatives to the tender opening.

2. Submissions

- 2.1 Applications for registration shall be submitted in sealed envelopes marked with the registration name and reference number and deposited in the registration box at **Tana Water Works Development Agency, P. O. Box 1292 – 10100 Nyeri, Maji House, Baden Powell Road**, addressed to the **Chief Executive Officer, Tana Water Works Development Agency** so as to be received on or before **Thursday 21st September 2023 at 10.00am.**
- 2.2 Applications submitted after the deadline shall be rejected.



- 2.3 The procuring entity may reject an application for registration or declare a candidate ineligible if it is determined that a candidate has engaged in corrupt or fraudulent activities in competing for tender in question or in competing or executing a similar registration.
- 2.4 The name and mailing address of the applicant **SHALL NOT** be marked on the envelope.
- 2.5 All the information requested shall be provided in the English language.
- 2.6 Failure to provide information that is essential for effective evaluation of the applicant's qualifications or to provide timely clarification or substantiation of the information supplied may result in the applicant's disqualification.

3 Eligible Candidates

- 3.1 This invitation for registration is open to all candidates who are eligible as defined in Kenya's Public Procurement Law and regulations and as indicated in the appendix to instructions to candidates.
- 3.2 The procuring entity's employees, committee members, board members and their relatives (spouse and children) are not eligible to participate in the registration unless where specially allowed under section 131 of the Act.
- 3.3 All terms found capable of performing the contract satisfactorily in accordance to the set registration criteria shall be considered.

4 Qualification Criteria

- 4.1 Registration will be based on the candidates meeting the minimum requirements to pass in the criteria set as shown below:
- a) registration submission form;
 - b) a certified copy of the certificate of registration/ incorporation
 - c) three letters of recommendation from previous engagements
 - d) certified valid tax compliance certificate
 - e) duly completed confidential business questionnaire
 - f) evidence of physical address and premises (attach copies of utility bills/water or lease agreement or title)
 - g) certified copy of current practicing certificates for all the partners and associates
 - h) attach curriculum vitae or partners, associates and consultants if any
 - i) letter from the Advocates Complaints Commission and or the Advocates Disciplinary Committee on the status of the Partners/ firm regarding complaints.....
 - j) Certified copies of a valid professional insurance indemnity cover for a minimum of Kshs. 2,000,000 only subject to revision upwards depending on the brief at hand.
- 4.2 The declaration will be either pass or fail regarding the applicant's general and particular experience, personnel, financial position as demonstrated by the applicant's response in the



forms provided in Section IV and submitted with the letter of application. The procuring entity reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the contract.

- 4.3 Candidates are expected to examine the documents comprising this registration in details. Material deficiencies in providing the information requested may result in rejection of an application for registration.
- 4.4 Candidates are required to meet the registration criteria stipulated hereinafter. Those who do not meet the requirements need not submit applications for registration. Only candidates who fulfill these requirements will be considered for detailed evaluation.
- 4.5 The registration documents shall not include any financial proposal information other any information on financial status as may be requested in the documents.
- 4.6 Candidates shall, as part of their application for registration, submit a registered power of attorney authorizing the signatory of the candidates to commit the candidate and update any information submitted with their application for registration, which may have changed, and update in any case the information indicated in the scheduled and continue to meet the minimum threshold criteria set out in the registration documents.

5. Professional Qualification

The partners and associate advocates of a candidate must be active members of the law society of Kenya with current practicing certificates. Candidates should not have any pending disciplinary cases at the Advocates Complaints Commission or at the Advocates Disciplinary Tribunal. Due diligence will be carried out to ensure that the Candidates comply with this provision.

6. Period Validity

The application for registration must remain valid for not less than one hundred and eighty-two (182) days from the date of submission deadlines. The procuring entity will make best effort to complete the evaluation and communicate within thirty (30) days from the date of submission deadlines but in any event within the validity period.

7. Scope of legal services

- 7.1 The legal services being procured include but not limited to land, contract and commercial law, legal audit, arbitration, alternative dispute resolution and general litigations.
- 7.2 Candidates should attach their profiles stating the type of cases/ matters handled. The profile should indicate experience in handling matters before the different courts, tribunals, quasi-judicial bodies and adjudicating bodies as established by either the Constitution or an Act of Parliament including arbitrations.



8. Litigation History

- 8.1** The applicant should provide accurate information on any litigation or arbitration resulting from contracts completed or under its execution over the last five years. A consistent history of awards against the applicant or any partner may result in failure of the application.
- 8.2** The Candidate should disclose if they are engaged with past or pending litigation matters against the Procuring entity and the nature of the litigation in order to avoid conflict of interest. The Candidate should declare any conflict of interest.

9. Public Sector companies

Any public owned enterprise may be eligible to qualify if, in addition to meeting all the above requirements, it is also legally and financially autonomous, it operates under commercial law, and it is not a dependent agency of another public entity.

10. Conflict of Interest

The applicant shall not be associated, nor have been associated in the past, with the consultant or any other entity that has prepared these documents. Any such association must be disclosed and may result in the dis-qualification of the applicant.

11. Corrupt or Fraudulent Practices

- 11.1** The Procuring entity requires that bidders observe the highest standard of ethics during the procurement process and execution of contracts when used in the present regulations, the following terms are defined as follows;
- (i) “corrupt practice” means the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution; and
 - (ii) “fraudulent practice” means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the Procuring entity, and includes collusive practice among tenderer (prior to or after the submission) designed to establish tender prices at artificial non-competitive levels and to deprive the Procuring entity of the benefits of free and open competition;
- 11.2** The procuring entity will reject a proposal for award if it determines that the tenderer recommended for award has engaged in corrupt or fraudulent practices in competing for the contract in question.
- 11.3** Further a bidder who is found to have indulged in corrupt or fraudulent practices risks being debarred from participating in public procurement in Kenya.

12. Monitoring and evaluation

- 12.1** The pre-qualified candidates will be required to work closely with the Legal Division to ensure effective communication. The pre-qualified candidates are required to put in place the necessary mechanism to facilitate continuous communication and to ensure timely feedback/ reporting on the progress of matters is efficient. Quarterly reports will be required in respect of litigation matters to be submitted not later than the first week of every quarter.
- 12.2** The pre-qualified candidates must agree to be monitored through regular client satisfaction surveys in order to ensure that they maintain high standards of services. The Candidates must give regular reports to the procuring entity.
- 12.3** The pre-qualified candidates must enter into service level agreements with the procuring entity once they are formally instructed.

13. Clarification of registration documents

Candidates may request a clarification on the registration documents up to seven (7) days before the date of the Application for registration submission deadline. Any requests for clarification must be sent in writing by postal mail or electronic mail to the procuring entity's address which are ceo@tanawwda.go.ke. The procuring entity will respond in writing by normal post mail or electronic mail to such request and will send copies of the response to all candidates who intent to submit application for pre-qualification.

14. Submission, Receipt and opening of applications for registration

- 14.1** The original application for registration document shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the Candidate. Any such corrections must be initialled by the person or persons who sign(s) the registration document
- 14.2** An authorised representative of the candidate should initial all pages of the application for registration document.
- 14.3** The registration document should be prepared and submitted in 1 original and one copies in plain sealed envelope marked:

REGISTRATION FOR PROVISION OF LEGAL SERVICES” and delivered to:

**THE CHIEF EXECUTIVE OFFICER
TANA WATER WORKS DEVELOPMENT AGENCY
MAJI HOUSE, BADEN POWELL ROAD
P.O. BOX 1292- 10100
NYERI
TEL. NO: 061-2032282**

15. Registration submission

15.1 Submission time

The closing time for the submission of the registration document shall be 10.00 am and shall be sent to the address herein provided.

15.2 Opening of registration applications

An Opening Committee shall open the applications immediately after the closing time for submission of the registration document in the presence of candidate’s representatives that chose to attend the opening. The procuring entity will prepare record of the pre-qualification documents received at the opening.

15.3 The procuring entity will examine the application for registration to determine completeness, general orderliness and sufficiency in responsiveness.

15.4 Candidates must paginate their application for registration document consistent with the table of contents to facilitate ease of reference during evaluation.

15.5 Candidates shall not contact the procuring entity on the matter relating to their application for registration document from the time of opening to the time the evaluation is finalised unless official communication is sent to them. Any effort by the applicant to influence the procuring entity in the application for registration document evaluation shall result in the rejection of their application.

15.6 Registration will be based on meeting the following minimum criteria regarding the candidates’ legal status, general and particular experience and personnel as demonstrated by the responses in the attached forms.

15.7 The candidates should have registered offices and the procuring entity reserves the discretion of visiting the physical premises from which the candidate conducts business if so desired to confirm existence and capability to deliver legal services.

15.8 candidates who qualify according to the registration criteria will be required to offer various legal services as and when required within the two (2) years.



15.9 The procuring entity reserves the right to accept or reject any or all application for pre-qualification documents and shall assign reason(s) for its decision hereon.

16. Evaluation Criteria

Evaluation of the application for registration shall be evaluated in accordance with the criteria set out in Parts I, II and Part III. The points given to evaluation criteria are provided in the evaluation matrix set out therein.

PART 1 – PRELIMINARY REQUIREMENTS (MANDATORY)

Candidates must attach evidence to fulfil the following requirements:

PART I – MANDATORY CRITERIA			
NO.	REQUIREMENTS	MAX SCORE	YES/ NO
A.	Duly completed registration submission form	Mandatory	
B.	Duly completed and signed confidential business questionnaire	Mandatory	
C.	A certified copy of the certificate of registration / certificate of incorporation	Mandatory	
D.	Evidence of physical address (attach copies of utility bills or lease agreement of title document	Mandatory	
E.	Copies of valid practising certificates of all partners, associate advocates or any other advocates of the candidates	Mandatory	
F.	Letters of recommendation from at least three (3) clients and their contract	Mandatory	
G.	Letters from the Advocates complaints Commission and or the Advocates Disciplinary Committee on the status of the partners/firm regarding complaints	Mandatory	
H.	Valid tax registration certificate	Mandatory	
I.	Certified copies of the Professional indemnity cover of a minimum of Kes.2,000,000.00	Mandatory	



An application for registration shall be rejected at this stage if it does not respond to the mandatory requirements. Application for registration that respond to the mandatory requirements shall proceed to Technical evaluation

PART II – TECHNICAL CRITERIA				
NO.	REQUIREMENTS	PARAMETER	MAX SCORE POINTS	CANDIDATE S SCORE
A.	Experience in advising public institutions or large commercial enterprises – attach evidence of service legal agreement or engagement letter or instruction letter or legal opinion or letter of recommendation	4 institutions and above – 10 3 institutions – 8 marks 2 institutions – 7 marks 1 institution – 5 marks	10	
B.	Value of the professional indemnity cover	Kes.100 million and above – 10 marks Kes.50-99 million – 8 million Kes.10-49 million – 6 marks Kes. 2- 9 million – 4 marks	10	
C.	Capacity & period of operation of candidate C1. – candidates profile and experience Qualification and competences/ areas of practice of key professional staff – attach respective CVs for each with the above details	Partners – at least one partner has- 10 years’ experience – 5 marks 7-9 years’ experience – 3 marks Less than 7 years’ experience – 2 marks	15	

		<p>Associates – at least one associate has –</p> <p>4 years’ experience – 3 marks</p> <p>Less than 4 years’ experience – 2 marks</p>		
	<p>C2 – firm size</p> <p>Number of Partners</p> <p>Number of associates</p>	<p>2 or more partners – 3 marks</p> <p>Sole partnership – 2 marks</p> <p>6 and above associates – 3 marks</p> <p>3-5 associates – 2 marks</p> <p>1-2 associates – 3 marks</p>	10	
D.	<p>Professional works and experience</p> <p>Litigation or practice in the following areas (Attach pleadings, judgements, letters of instructions):</p> <p>General commercial law, contracts management and related litigations</p> <p>Land and conveyances and related litigations</p> <p>Tax, International Trade & Tax dispute</p>	<p>3 matters – 5 marks</p> <p>2 matters – 4 marks</p> <p>1 matter – 3 marks</p> <p>3 matters – 5 marks</p> <p>2 matters – 4 marks</p> <p>1 matter – 3 marks</p> <p>3 matters – 5 marks</p> <p>2 matters – 4 marks</p> <p>1 matter – 3 marks</p>	45	



	Public private partnerships, related contracts development and litigations	3 matters – 5 marks 2 matters – 4 marks 1 matter – 3 marks		
	Arbitration: mediation & alternative dispute Resolution law and Practice	3 matters – 5 marks 2 matters – 4 marks 1 matter – 3 marks		
	Governance audit	3 matters – 5 marks 2 matters – 4 marks 1 matter – 3 marks		
	Legal Audit	3 matters – 5 marks 2 matters – 4 marks 1 matter – 3 marks		
	Procurement law	3 matters – 5 marks 2 matters – 4 marks 1 matter – 3 marks		
	Other civil matters	3 matters – 5 marks 2 matters – 4 marks 1 matter – 3marks		
E.	Registration certificate from Access to Government Procurement Opportunities (AGPO)	-	5	
F.	Presence within the area of jurisdiction of the Procuring entity	-	3	
F.	Completeness of registration document	-	2	
			100	

Each responsive application for registration will be given a technical score. An application for registration shall be rejected at this stage if it does not respond to important aspects of the criteria or if it fails to achieve a minimum score or pass mark of 70 points.

In its appointment of law firms, the Procuring Agency shall strive to appoint at least 30% of the firms in its panel from among the youth, women and persons with disability who possess a certificate of preference and has fulfilled the requirements for registration under this tender documents.



PART III - FURTHER EVALUATION CRITERIA

The Procuring entity shall further classify the candidates who pass the criteria set out in Part II as follows for purposes of determination of the suitability of each firm for any assignment, based on the risk involved and the technical expertise required:

A. Category 1 law firms (Large)

- (i) Has a professional indemnity cover of not less than Kes.100 million; or
- (ii) Has more than ten (10) advocates of the high court of Kenya

B. Category 2 law firms (Large)

- (i) Has a professional indemnity cover of between 50 -99 million; or
- (ii) Has more than five advocates of the high court of Kenya

C. Category 3 law firms (Medium)

- (i) Has a professional indemnity cover of between 20-49 million; or
- (ii) Has more than three advocates of the high court of Kenya

D. Category 4 law firms (Standard)

- (i) Has a professional indemnity cover of between 2-19 million; or
- (ii) Has at least two advocates of the high court of Kenya

17. Post Qualification Evaluation

Under this criterion, the evaluation committee may visit the premises of the successful candidates that scored 70 points and above to ascertain: the physical existence of the candidate, verification of the original documentation submitted by the candidate and any other information may be of importance.

The application for registration that will successfully qualify at this stage will be enlisted in the procuring entity's database as the pre-qualified legal services providers.

18. Confidentiality

Information relating to evaluation of application for registration and recommendations concerning awards shall not be disclosed to the candidate who submitted the proposals or to other persons not officially concerned with the process, until the procuring entity simultaneously notifies both the successful and unsuccessful candidates of the outcome of evaluation.

19. Notification of registration

- 19.1 The procuring entity will promptly notify the successful and unsuccessful candidates of the outcome of the evaluation of their respective applications for registration and give reasons to those who were unsuccessful.



- 19.2 The registration candidates will be expected to commence any allocated assignment on receipt of instructions from the procuring entity.
- 19.3 Upon registration, the procuring entity does not bind itself to assign any case of any of the pre-qualified candidates but shall endeavour to ensure equitable distribution of the available briefs among the prequalified candidates taking into account the experience, qualification and geographical location of the candidate and the geographical areas of preference.

SECTION III**PREFERRED AREAS OF PRACTICE**

Please indicate as appropriate areas of specialization of practice where you wish to be considered for provision of legal services

No.	Areas of practice & legal knowledge	Names of personnel attached to the areas of practice	Brief of any recent experience in an assignment of specific nature (not more than three years old)
1	Land and conveyance		
2.	Tax, International Trade and Tax dispute resolution		
3.	Commercial & contracts		
4.	Public private partnerships		
5.	Arbitration		
6.	Procurement law		
7.	Legal audit		
8.	Governance audit		
9.	Others		

Any others: Please specify Candidates are free to indicate all the areas.

**CONFIDENTIAL REGISTRATION 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 applied to your type of business.

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

Part 1 – General:

Business Name

Location of business premises
.....

Plot No Street/Road
.....

Postal Address Tel No. Fax

Email Nature of Business

Registration Certificate No

Maximum value of business which you can handle at any one time – Kshs.

Name of your bankers Branch

Part 2 (a) – Sole Proprietor

Your name in full Age

Nationality Country of origin

- Citizenship details
.....



Part 2 (b) Partnership

Given details of partners as follows:

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

Part 2 (c) – Associate firms

Kindly indicate whether you associate or collaborate with any international law firms. If so, kindly indicate the name(s) of the firm(s) and their expertise. This is for informational purposes and shall not be scored.

.....
.....

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 procuring entity and any other public or private institution.

Full names Signature

Dated this day of 2023

In the capacity of

Duly authorized to sign registration documents for and on behalf of



Part 2 (e) Criminal Offence

I /we, individually or jointly have not been convicted or any criminal offence relating to professional (mis) conduct or the making of false statements or misrepresentations as to my/our qualifications to enter into a procurement contract within a period of five (5) years preceding the commencement of this registration procurement.

Full names Signature

Dated this day of 2023

In the capacity of

Duly authorized to sign registration documents for and on behalf of

Part 3 – Conflict

3.1 I / we, the undersigned state that I / we have no conflict of interest in relation to this registration.

1.

2.

3.

Full names Signature

Dated this day of 2023

In the capacity of

Duly authorized to sign registration documents for and on behalf of

3.2 Does any person/ person in the procuring entity have interest in the firm? Yes
No

3.3 If the answer in “3.2” above is YES, give details

.....

.....



.....

I / we DECLARE that the information given on this form is correct to the best of my/ our knowledge and belief and that I / we give procuring entity authority to seek any other reference concerning us from whatever sources deemed relevant.

Date signature candidate

Part 4 – Interest in the Candidate

Is there any person/ persons in the procuring entity or any other public institution who has interest in the candidate? Yes/ no? (delete as necessary)

Institution

(Title)

(Signature)

(Date)

Part 5 – Experience

Please list herein below 3 major companies/ clients you have acted for in the last five (5) years

Company name	Contract/ order no.	Value	Status of implem

SECTION V

(FORM 2)

FINANCIAL CAPABILITY

Name of Applicant:				
Banker	Name of banker			
	Address of banker			
	Telephone		Contact name and title	
	Fax		E mail	
Financial information in Kshs.	Actual : previous two years			Projected: next two years
	1.	2.	3.	4.
1. Total assets				
2. Current assets				
3. Total liabilities				
4. Current liabilities				
5. Profits before taxes				
6. Profits after taxes				
Source of finance			Amount Kshs.	
1.				
2.				
3.				
4.				

SECTION VI - LETTER OF APPLICATION

Date

To **The Chief Executive Officer
Tana Water Works Development Agency
Maji House, Baden Powell Road,
P.O Box 1292-10100
NYERI**

Ladies and/or Gentlemen

1. Being duly authorized to represent and act on behalf of _____ (*name of firm*) (hereinafter referred to as “the Applicant”), and having reviewed and fully understood all of the registration information provided, the undersigned hereby apply to be prequalified by yourselves as a bidder for the following contract(s) under (Registration No. and Reg name)

Registration number	Registration name
1.	
2.	
3.	
4.	
5.	

2. **Attached to this letter are copies of original documents defining**
 - (a) the Applicant’s legal status
 - (b) the principal place of business and
 - (c) the place of incorporation (*for applicants who are corporations*), or the place of registration and the nationality of the owners (*for applicants who are partnerships or individually-owned firms*).

3. Your Agency and its authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this application, and to seek clarification from our bankers and clients regarding any financial and technical aspects. This letter of Application will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and as requested by yourselves to verify statements and information provided in this application, such as the resources, experience, and competence of the Applicant.



4. Your Agency and its authorized representatives may contact the following persons for further information.

General and managerial inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

Personnel inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

Technical inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

Financial inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

5. This application is made with the full understanding that:
- (a) Bids by the applicants will be subject to verification of all information submitted for registration at the time of bidding.
 - (b) Your Agency reserves the right to:
 - amend the scope and value of any contracts bid under this project; in such event, bids will only be called from bidders who meet the revised requirements; and
 - reject or accept any application, cancel the tender process, and reject all applications
 - (c) your Agency shall not be liable for any such actions and shall be under no obligation to inform the Applicant of the grounds for them
6. We confirm that if we bid, that bid, as well as any resulting contract, will be:
- a. signed so as to legally bind all partners, jointly and severally.
7. The undersigned declare that the statement made and the information provided in the duly completed application are complete, true, and correct in every detail.



Signed	Signed
Name	Name
For and on behalf of (name of Applicant)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

SECTION VII**(FORM 3)****GENERAL INFORMATION**

1.	Name of firm	
2.	Head office address	
3.	Telephone	Contact
4.	Fax	E-mail
5.	Place of incorporation/registration	Year of incorporation/registration

Nationality of owners		
	Name	Nationality
1.		
2.		
3.		
4.		
5.		

SECTION VIII

(FORM 4)

TEAM COMPOSITION SUMMARY AND TASK

1. Details of Partners

No.	Name	Position	Area of Practice

1. Details of associates, consultants and support staff

No.	Name	Position	Area of Practice

(You may attach additional sheet of paper if the space is insufficient)



SECTION IX

FORMAT OF THE CURRICULUM VITAE (CV) FOR THE PROFESSIONAL PERSONNEL

Position

Name of the Advocate

Date of birth

Year of Practice

Year with the firm

Nationality ID No.

Membership no in the Professional society

Key qualification

(give an outline of staff member’s experience and training most pertinent to tasks on assignment. Describe degree of responsibility held by staff member on relevant previous assignment and give details and locations)

Education

(Summarize college/ university and other specialized education of staff member, giving member, giving names of schools, dates attended and degree(s) obtained)

Employment Record

(Starting with present position, list in reverse order every employment held. List all positions held by staff member since graduation, giving dates, names of employing organization, titles of position held and locations of assignments.)

Certificate

I, the undersigned, certify that the data correctly describes me, my qualification and my experience.

Name Date (signature of staff member)



SECTION X

(FORM X)

LITIGATION HISTORY

Name of Applicant:

Applicants should provide information of any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution.

Year	Award FOR or AGAINST Applicant	Name of client, cause of litigation, and matter in dispute	Disputed amount (current value Kshs.)

FORM OF REGISTRATION

Date _____
Registration No. _____

To: _____

[name and address of procuring entity]

Gentlemen and/or Ladies:

1. Having examined the registration documents including Addenda Nos. *[insert numbers]*.the receipt of which is hereby duly acknowledged, we, the undersigned, offer to supply deliver, install and commission (..... *(insert equipment description)* in conformity with the said registration documents .

2. We undertake, if our document is accepted, to deliver install and commission the equipment in accordance with the delivery schedule specified in the Schedule of Requirements.

3. We agree to abide by this registration for a period of **120** *[number]* days from the date fixed for PQ submission 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.

5. This document, together with your written acceptance thereof and your notification of award, shall constitute a Contract, between us; Subject to signing of the Contract by the parties.

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

Dated this _____ day of _____ 20 _____

[signature]

[in the capacity of]

Duly authorized to sign registration for an on behalf of _____



SECTION XII

LETTER OF NOTIFICATION OF AWARD

To

RE: Registration No,.....

Pre- qualification Name

We refer to the above mentioned registration

This is to notify you that you have been pre-qualified for registration no,..... for registration for provision of legal and consultancy services for a period of the 2023/2024-2024/2025 financial years.

TWWDA takes this opportunity to thank you for having participated in the procurement process.

Please acknowledge receipt of this letter of notification signifying your acceptance.

Full Particulars.....

Signed , accounting officer



**SECTION XIII
REQUEST FOR REVIEW STATUTORY FORM**

REPUBLIC OF KENYA

APPLICATION NO.. OF 2023

BETWEEN

..... **APPLICANT**

AND

..... **RESPONDENT**

Request for review of the decision of the (name of the procuring entity)
of dated day of 2023 in the matter of Tender
No,..... of 2023 for

(Tender description)

REQUEST FOR REVIEW

I/we, the above- named applicant (s) of address : physical
address P.O. Box, Tel. No
..... Email, hereby request for the Public
Procurement Administrative Review Board to review the whole/ part of the above-mentioned
decision on the following ground, namely:-

- 1.
- 2.

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

- 1.
- 2.

SIGNED (Applicant) Dated on day of 2023

For official use only

Lodged with the Secretary Public Procurement Administrative Review Board on Day
of 2023

**Signed
Board Secretary**

