



RESTRICTED TENDER NOTICE TENDER No. CFK-A/001/003/2023

TENDER NAME: PROVISION OF MINOR CONSTRUCTION WORKS, BUILDING REPAIRS
AND MAINTENANCE FOR CFK AFRICA.

PROCURING ENTITY: CFK AFRICA

RESTRICTED TENDER No. CFK-A/001/003/2023

CHIEF OPERATING OFFICER,

CFK AFRICA

P.O BOX 10763-00100,

NAIROBI, KENYA.

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Opening Date: 21/04/2023

Closing Date: 11/05/2023

TABLE OF CONTENTS

SECTION 1:	Invitation to Tender
SECTION 2:	Instructions to Tenderers
SECTION 3:	Condition of Tender
SECTION 4:	Confidential Business Questionnaire

SECTION 1 Invitation to Tender

1. CFK Africa invites sealed bids from eligible candidates for the provision of minor construction works, building repairs and maintenance. Bidders must attend a mandatory site visit between **24/04/2023** and **28/04/2023** at their own expense.
2. Completed tender documents for preliminary and technical requirements are to be enclosed in a plain envelope marked with the tender reference number and tender name (**The financial bid should be in a separate envelope marked with the tender reference number and tender name. The financial bid will only be opened for those bidders who will have qualified in the technical evaluation**).
3. Tenders must be delivered to the address below not later than **11th May,2023 at 12 noon**. Tenders should be dropped at the **CFK Africa-Kenya Office (Along Ngong Road, Silkwood Office Suites 4th Floor) Tender Box** at the **Main Reception**. Tenders will be opened at 12 noon on the closing date in the presence of the Tenderers' representatives who choose to attend at the CFK Africa Board room.
4. All Tenderers should seek clarification from CFK Africa on or before **4th May,2023 as from 12 noon** in writing to tenders@cfkafrica.org
5. Tenders shall be quoted be in Kenya Shillings and shall include all taxes. Tenders shall remain valid for **121** days from the date of opening of tenders.

SECTION 2 Instructions to Tenderers

2.1 Eligible Tenderers.

2.1.1 Employees of CFK Africa, 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 tender or be awarded a contract.

2.1.2 A Tenderer shall not have a conflict of interest. Any tenderer found to have a conflict of interest shall be disqualified. A tenderer may be considered to have a conflict of interest for the purpose of this tendering process, if the tenderer:

- a) Directly or indirectly controls, is controlled by or is under common control with another tenderer; or
- b) Receives or has received any direct or indirect subsidy from another tenderer; or
- c) Has the same legal representative as another tenderer; or
- d) Has a relationship with another tenderer, directly or through common third parties, that puts it in a position to influence the tender of another tenderer, or influence the decisions of CFK Africa regarding this tendering process; or

2.1.3 Any of its affiliates participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of the tender; or

- a) Any of its affiliates has been hired (or is proposed to be hired) by CFK Africa as Engineer for the Contract implementation; or
- b) Would be providing goods, works, or non-consulting services resulting from or directly related to consulting services for the preparation or implementation of the contract specified in this Tender Document or
- c) Has a close business or family relationship with a professional staff of CFK Africa who:
 - i) are directly or indirectly involved in the preparation of the Tender document or specifications of the Contract, and/or the Tender evaluation process of such contract; or
 - ii) 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 CFK Africa throughout the tendering process and execution of the Contract.

- 2.1.4 A tenderer shall not be involved in corrupt, coercive, obstructive, collusive, or fraudulent practice. A tenderer that is proven to have been involved any of these practices shall be automatically disqualified.
- 2.1.5 Tenderer that has been debarred from participating in public procurement shall be ineligible to tender or be awarded a contract. The list of debarred firms and individuals is available from the website of PPRA www.ppra.go.ke.

2.2 Cost of tendering.

2.2.1 The tenderer shall bear all costs associated with the preparation and submission of its bid. CFK Africa will under no circumstance be responsible or liable for those costs regardless of the conduct or outcome of the tendering process.

PRELIMINARY EVALUATION CRITERIA

Bids missing any of the below documents will be considered as non-responsive bid and therefore will be eliminated at this stage. No assumption of availability of any document will be accepted. Partial compliance in any specific item will mean not submitted. All bidders are required to submit the following attachments as described: -

PRELIMINARY EVALUATION				
Mandatory Requirements				
No.	Particulars	Marks	Compliant	Non-compliant
1.	Copy of Contractor's Certificate of Incorporation	1 or 0		
2.	Copy of a valid VAT Certificate	1 or 0		
3.	Copy of a valid Tax compliance certificate	1 or 0		
4.	Valid Registration Certificate by relevant bodies i.e., National Construction Authority, BORAQ et al	1 or 0		
5.	Must fill sections of business questionnaire	1 or 0		
6.	Proposed work plan (work method and schedule)	1 or 0		
7.	Sample site visit form.	1 or 0		
8.	Price Schedule and/or Bill of Quantities	1 or 0		
9.	All pages must be paginated	1 or 0		

Note: All the above documents should be packaged under the preliminary evaluation criteria. Any bid lacking any of the above documents (**including pagination**) will be considered non-responsive and will not proceed to the next evaluation stage.

TECHNICAL CAPACITY EVALUATION CRITERIA

The Tenderer that will qualify at the Mandatory preliminary evaluation stage shall be subjected to the Technical Capacity Evaluation. The Technical proposal shall be marked out of 100% with a pass mark of 75%.

Evaluation Criteria	Requirements	Proof	Maximum Score
Experience of the Firm	Bidders should have executed at least (three) contracts/orders of similar nature (attach reference letters from each client) in the category selected (general building, carpentry, and joinery works/building works) inclusive of LSO/ Contracts for the above projects. Each project should be above Kshs.1 million	Bidders must submit work copies of Local Service Order (LSO) or contract with at least one contract from Nairobi County.	15
		Recommendation Letters or job completion certificate for the listed three contracts/LSO from the same clients duly signed by authorized personnel with their contacts.	15
Team Education Qualification	Degree/diploma in Civil Engineering or building works or a related field for the project manager	Attach Owner signed CVs with a copy of ID and general experience of 5 or more years and Copies of Certificates from recognized and accredited institutions.	10
	Degree or Higher Diploma In building works or related field for the site agent	Attach Owner signed CVs with a copy of ID and Copies of Certificates from recognized and accredited institutions General experience of 5 or more years.	10
	Craft /Artisan certificate/Grade/Trade test in carpentry/ related field for a carpenter	Attach Owner Signed CVs with a copy of ID and Copies of Certificates from recognized and accredited institutions.	5

	Resumes of any other key staff who will be involved in the project (e.g., QS)	Attach copies of Owner Signed CVs with a copy of ID and any relevant certificates from recognized and accredited institutions.	5
Financial Capacity	Proof of Financial Capacity to execute the contract if awarded the tender	Line of credit, or Bank statements with amount not less than KES. 1,000,000.00 Certified bank statement for the last one year	5
Work Plan/methodology	The bidders should provide a detailed work programme which must capture all scopes of work, approach and execution and methodology for the project	Bidders must submit a detailed work programme scheduling all the activities within desired timelines, deliverables, and resource allocations	10
Total scores			75

Total points for the technical capacity evaluation criteria: 75

The minimum technical score (TS) required to pass and proceed to the financial evaluation stage is: 70%

Due Diligence shall be conducted on the authenticity of the following documents submitted:

- Tax compliance Certificate
- NCA Practicing License

The Authority may extend the due diligence to include any other information submitted.

FINANCIAL EVALUATION:

Price will be analyzed competitively, and tender awarded to the lowest evaluated responsive bidder having passed all the above stages and due diligence.

- i. Bids with arithmetic errors shall be disqualified at the financial evaluation stage.
- ii. The costs as submitted and read out during the tender opening shall be absolute and final and shall not be the subject of correction, adjustment, or amendment in any way.
- iii. Price quoted should be inclusive of 16% VAT.
- iv. Bidders **MUST** ensure that all calculations are estimated to two decimal places.

2.3 Clarification of Documents

- 2.3.1 A prospective tenderer requiring any clarification of the tender document may notify CFK Africa in writing at the address indicated in the Invitation for tenders. CFK Africa 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 CFK Africa.
- 2.3.2 CFK Africa 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 tenderer.

2.4 Amendment of documents

- 2.4.1 At any time prior to the deadline for submission of tenders, CFK Africa for any reasons, whether at its initiative or in response to a clarification requested by a prospective tenderer, may modify the tender documents by amendments.
- 2.4.2 All prospective candidates that have received the tender documents will be notified of the amendment in writing or by post and will be binding on them.
- 2.4.3 The amendment into account in preparing their tenders, CFK Africa at its discretion may extend the deadline for the submission of tenders In order to allow prospective tenderers reasonable time in which to take.

2.5 Tender Prices and Currencies

- 2.5.1 The tenderer shall indicate on the appropriate Price Schedule the unit prices inclusive of all taxes and the total tender price of the items it proposes to purchase under the contract and shall be in Kshs.
- 2.5.2 Prices quoted by the tenderer shall be fixed during the tender validity period and not subjected 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 Validity of Tenders

2.6.1 Tenders shall remain valid for 121 days after date of tender opening prescribed by CFK Africa.

Tender valid for a shorter period shall be rejected by CFK Africa as non- responsive.

2.6.2 In exceptional circumstances, CFK Africa may solicit the tenderers consent to an extension of the period of validity. The request and the responses thereto shall be made in writing. The tenderer may refuse the request. A tenderer granting the request will not be required nor permitted to modify its tender.

2.7 Sealing and Marking of tenders

2.7.1 The tenderer shall seal the tender and mark it with the number and name of the tender.

2.8 Deadline for Submission of Tenders

2.8.1 Tenders must be received by CFK Africa at the specified address not later than **1200 hours, on 11th May,2023.**

2.9 Modification and withdrawals of Tenders

2.9.1 Modification of tenders

- 2.9.1.1 The tenderer may modify or withdraw its tender after the tender's submission provided that written notice of the modification, including substitution or withdrawal of the tenders, is received by CFK Africa prior to the deadline prescribed for submission of tenders.
- 2.9.1.2 The tenderer modification or withdrawal notice shall be prepared, sealed, marked, and dispatched to CFK Africa's provided address. A withdrawal notice may be sent by email but followed by a signed confirmation copy, postmarked no later than the deadline for submission of tenders.
- 2.9.1.3 No tenderer may be notified after the deadline for submission of tenders.

2.10 Withdrawals of tender

- 2.10.1 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.

2.10 Opening of tenders

- 2.11.1 CFK Africa will open all tenders in the presence of tenderers' representatives who choose to attend at **12 noon, on 11th May 2023** and in the location specified in the tender. The tenderers or representatives who are present shall sign a register evidencing their attendance.
- 2.11.2 The tenderers' names, tender modifications or withdrawals, and the presence or absence of requisite tender deposit and such other details as CFK Africa, at its discretion may consider appropriate, will be announced at the opening.

2.11.3 CFK Africa will prepare a tender opening report.

2.11 Clarification of tenders

2.12.1 To assist in the examination, evaluation, and comparison of tenders CFK Africa, 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.

2.12.2 Any effort by the tenderer to influence CFK Africa in the tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderers' tender.

2.12 Evaluation and Comparison of tenders

2.13.1 CFK Africa will examine the tenders to determine whether they are complete, whether any computation errors have been made, whether required deposits/tender purchase 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 nonresponsive, will be rejected by CFK Africa.

2.13.2 CFK Africa will evaluate and compare the tenders, which have been determined to be substantially responsive.

2.13 Notification Of Award

- 2.14.1 Prior to the expiration of the period of tender validity, CFK Africa will notify the successful tenderer in writing that the tender has been accepted.
- 2.14.2 Simultaneously the other tenderers shall be notified that their tenders have been unsuccessful.

2.14 Contacting CFK Africa

- 2.15.1 No tenderer shall contact CFK Africa on any matter relating to its tender, from the time of the tender opening to the time the contract is awarded.
- 2.15.2 Any effort by a tenderer to influence CFK Africa in its decisions on tender evaluation, tender composition, or contract award may result in the rejection of the tenderer's tender.

SECTION 3 Condition of tender

1. CFK Africa reserves the right to deal with any tenderer of its choice or any or all parts of the tender and to purchase items from various tenderers. CFK Africa is not bound to accept the lowest offer or any offer.
2. This request for tender is not a contract or an offer into a contract but is a request for a quotation for the product indicated in this document.
3. CFK Africa does not undertake to pay by letter of credit or in advance of delivery.
4. Respondents are bound by their offer for a period of **121 days** as from the closing date of bids.
5. CFK Africa is in no way responsible for any costs associated with preparing the tender response.
6. CFK Africa reserves the right to alter the dates of the timetable.
7. Canvassing of CFK Africa staff in Kenya or elsewhere in relation to this tender will result in disqualification of that individual or company.
8. CFK Africa supports the ethical procurement policy which strives to purchase goods and services that are produced and developed under conditions that do not involve the abuse or exploitation of any persons and have the least negative impact on the environment.
9. Transparency and Accountability: CFK Africa believes in honest communication, absolute openness, and the transparent use of influence, power and resources. CFK Africa has zero tolerance for corruption, both within the Foundation and in our dealings with outside agencies.

10. CFK Africa does not do business with companies that meet any of the following criteria:

- They are bankrupt or being wound up, are having their affairs administered by the courts, have entered an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations.
- They have been convicted of an offence concerning their professional conduct by a judgement that has the force of res judicata.
- They have been guilty of grave professional misconduct proven by any means that the contracting authority can justify.
- They have not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed.
- They have been the subject of a judgement that has the force of res judicata for fraud, corruption, involvement in a criminal organization or any other illegal activity.
- Following another procurement procedure or grant award procedure, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

If you submit an offer based on this request, it shall constitute a guarantee that neither your company nor any affiliate or a subsidiary controlled by your company is in breach of any of the above provisions.

In addition to the ineligibility criteria applied by CFK Africa, negotiation with potential vendors may be severed at any stage during a procurement process if it is found that they are subject to a conflict of interest or are guilty of misrepresentation in supplying the information required by CFK Africa as a condition of participation in the contract procedure or fail to supply all the information requested.

SECTION 4 Confidential Business Questionnaire

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

PART 1- GENERAL

Business Name

Location of business premises:

Country/Town.....

Postal Address.....

Code..... Town.....

Tel No.....

E-mail

Nature of Business

Part 2 (a) – INDIVIDUALS

Your Name in full

Nationality Country of Origin

Citizenship details (ID/PP number)

PART 2 (b) – PARTNERSHIP

Name	Nationality	Citizenship Details	Shares
1.
2.
3.

PART 2 (c) – REGISTERED COMPANY

Private or Public

State the nominal and issue capital of the company.....

Nominal Kshs.

Issued Kshs.

Give details of all directors as follows:

Name	Nationality	Citizenship Details	Shares
1.
2.
3.

REFERENCES

COMMERCIAL REFERENCES	
Provide names and contract details of three customers who may be approached to verify your capacity to perform against similar contracts.	
TRADE REFERENCE – CUSTOMER 1	
Name and address	
Period of relationship	Activity
Contact name	
Telephone No.	
TRADE REFERENCE – CUSTOMER 2	
Name and address	
Period of relationship	Activity
Contact name	
Telephone No.	
TRADE REFERENCE – CUSTOMER 3	
Name and address	
Period of relationship	Activity
Contact name	
Telephone No.	

DECLARATION

I/We have completed this form (s) accurately at the time of reply and it is agreed that all responses can be substantiated, if requested to do so, any inaccuracy in the information filled herein will lead to disqualification of the tenderer.

For and behalf of:

Name:

Date: Signature

Stamp.....