



**THIKA WATER AND SEWERAGE COMPANY LIMITED
(THIWASCO)**

TENDER NO: THIWASCO/056/2020-2022

REGISTRATION OF SMALL WORKS CONTRACTORS

**MANAGING DIRECTOR
THIKA WATER AND SEWERAGE COMPANY LTD,
P.O. BOX 6103 - 00100, THIKA – KENYA.**

(2020-2022)

**CLOSING DATE
Thursday, November 12, 2020 at 2.00pm**

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SECTION I: INVITATION FOR REGISTRATION

Tender No. THIWASCO/056/2020-2022

Tender Name. Registration of small works contractors

1. Thika Water and Sewerage Company Ltd (THIWASCO) invites applications for registration of contractors for small works.
2. Registration is open to: **Open**
3. Eligible candidates may obtain the registration document from **Thika Water and Sewerage Company Ltd, P.O. Box 6103-01000 Thika, Head Office Near Bluepost Hotel, Along Haile Sellasie Road, Thika at the Procurement department from 8am-1pm and 2pm to 5pm from Monday to Friday excluding public holidays.**
4. Documents, containing detailed instructions and requirements may be obtained by interested candidates upon payment of a non-refundable fee of **(Kshs.1,000.00) through bank deposit to;**

(THIKA WATER AND SEWERAGE COMPANY LTD,EQUITY BANK ACCOUNT:0090294392028,EQUITY PLAZA,THIKA BRANCH).Tender documents code-027 or download the tender documents free of charge from the Thika Water and Sewerage Company Ltd Website www.thikawater.co.ke. Bidders who download the documents from the website MUST also forward their particulars immediately for records via email to procurement@thikawater.co.ke.

5. Completed registration documents are to be enclosed in plain sealed envelopes, marked with the tender number and name and be deposited in the tender Box at **Head office near the procurement department** or if by post to be addressed to: **Thika Water and Sewerage Company, P O Box 6103 - 01000, Thika.** so as to be received on or before **Thursday, November 12, 2020 at 2.00 pm**

SIGNED FOR: Managing Director, Thika Water and Sewerage Company Limited.

SECTION II - INSTRUCTIONS TO CANDIDATES

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SECTION II - INSTRUCTIONS TO CANDIDATES

2.1. Scope of Tender

- 2.1.1. **Thika Water and Sewerage Company Ltd.** hereinafter referred to as the procuring entity intends to register contractors for small works.
- 2.1.2. Registration is open to eligible firms and voluntarily formed joint ventures as indicated in appendix to instructions to candidates.
- 2.1.3. General information on the candidates' qualification, human resource capital, facilities, financial capabilities to be provided are as specified in the appendix to instructions to candidates.

2.2. Submission of Application

- 2.2.1. Applications for registration shall be submitted in sealed envelopes marked with the category name and reference number and be addressed and delivered to **Thika Water and Sewerage Company Ltd, Head Office near Bluepost Hotel, Along Haile Selassie Road, Thika.** Or to be addressed to **Thika Water and Sewerage Company, P.O. Box 6103-01000 Thika** so as to be received on or before **Wednesday, November 12, 2020 at 2.00pm**
- 2.2.2. The name and mailing address of the applicant may be marked on the envelope.
- 2.2.3. All the information requested for registration shall be provided in the English language. Where information is provided in any other language, it shall be accompanied by a translation of its pertinent parts into English language. The translation will govern and will be used for interpreting the information.
- 2.2.4. Failure to provide information that is essential for effective evaluation of the applicant's qualifications or to provide timely clarification or sub substantiation of the information supplied may result in the applicant's disqualification.

2.3. Eligible Candidates

- 2.3.1. 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.
- 2.3.2. The procuring entity's employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the tender.
- 2.3.3. All terms found capable of performing the contract satisfactorily in accordance to the set registration criteria shall be registered.

2.4. Qualification Criteria

- 2.4.1 Registration will be based on meeting the minimum requirements to pass in the criteria set as shown below. The declaration will be either pass or fail regarding the applicant’s general and particular experience, personnel and equipment capabilities and 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.
- 2.4.2 When highly specialized inputs (especially for execution of the contact) are required by the applicant from specialist sub-contractors, such subcontractors and their inputs shall be described in the Standard Form 1 (General Information)
- 2.4.3 General Experience. The applicant shall meet the following minimum criteria
 - (a) average annual turnover as main contractor (defined as billing for works in progress and completed) over the last _____ (15) years of Kshs. _____ (16) and
 - (b) successful experience as prime contractor in execution of at least three projects (17) of a nature and complexity comparable to the proposed contract within the last _____ (15) years. This experience should include _____(18)
- 2.4.4 Personnel capabilities. The applicant must have suitably qualified personnel to fill the following positions(19)

Position	Total experience (years)	In similar works (years)	As manager of similar works (years)
Project Manager			
Other Position			
Other position			

- 2.4.5 Equipment capabilities. The applicant should own, or have assured access (through hire, lease, purchase agreement, availability of manufacturing equipment, or other means) the following key items of equipment in full good working order, and must demonstrate that, based on known commitments they will be available for use in the proposed contract. The applicant may also list alternative equipment that it would propose for the contract together with an explanation of the proposal

Equipment type and characteristics	Minimum number required
1)	
2)	
3)	

- 2.4.6 Financial position. The applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit and other financial means sufficient to meet the construction cash flow for a period of _____ months, estimated at Kshs. _____ (21), net of the applicants commitments for other contracts.
- 2.4.7 The audited Accounts (22) for the last _____ (23) years shall be submitted and must demonstrate the soundness of the applicant’s financial position, showing long-term profitability. Where necessary the procuring entity will make inquiries with the applicant’s bankers.
- 2.4.8 Litigation history 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 of a joint venture may result in failure of the application.

2.5 Joint Venture

2.5.1 Joint ventures must comply with the following: -

- (a) Following are the minimum qualification requirements.
 - (i) The lead partner shall meet not less than (not less than (%)) of all the qualifying criteria in paras’s 2.4.3 and 2.4.6 above (24)
 - (ii) The other partners shall meet individually not less than (%) of all the qualifying criteria given in para. 2.4.3 and 2.4.6 above
 - (iii) The joint venture must satisfy collectively the criteria of section 4, for which propose the relevant figures for each of the partners shall be added together to arrive at the joint ventures total capacity. Individual members must each satisfy the requirements of para 2.4.7 and 2.4.8 above.

- (b) The formation of a joint venture after registration and any change in a prequalified joint venture will be subject to the written approval of the procuring entity prior to the deadline for submission of bids. Such approval may be denied if (i) partners withdraw from a joint venture and the remaining partners do not meet the qualifying requirements (ii) the new partners to a joint venture are not qualified, individually or as another joint venture; or (iii) in the opinion of the procuring entity a substantial reduction in competition may result.

- (c) Any future bid shall be signed so as to legally bind all partners, jointly and severally, and any bid shall be submitted with a copy of the joint venture agreement providing the joint and several liability with respect to the contract.

- 2.5.2 The registration of a joint venture does not necessarily pre qualify any of its members individually as a member in any other joint venture or association. In case of dissolution of a joint venture, each one of the constituent firms may prequalify if it meets all the prequalification requirements, subject to a written approval of the procuring entity

2.5. Public Sector companies

- 2.5.1. 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.

2.6. Conflict of Interest

- 2.6.1. The applicant (including all members of a joint venture) shall not be associated, nor have been associated in the past, with the contractor or any other entity that has prepared the design, specifications, and other registration and bidding documents for the project, or with an entity that was proposed as engineer for the contract. Any such association must be disclosed and may result in the dis-qualification of the applicant.

2.7. Updating Registration Information

- 2.7.1. Registered candidates shall be required to update the financial information used for registration at the time of submitting their bids and to confirm their continued compliance with the qualification criteria. A bid shall be rejected if the applicant's qualification thresholds are no longer met at the time of bidding.

APPENDIX TO INSTRUCTIONS TO CANDIDATES

The following instructions for the registration of candidates shall supplement, complement or amend the provisions of the instructions to candidates.

Where there is a conflict between the provisions of the instructions to candidates and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the instructions to the candidates.

Instructions to Candidates	Particulars to appendix to instructions to candidates																																																						
2.1.2	Particulars of registration is open to: Contractors																																																						
2.4 Qualification Criteria	Registration of contractors will be based on the below evaluation criteria <table border="1" data-bbox="326 877 1557 1881"> <thead> <tr> <th colspan="4" data-bbox="326 877 1557 915">Detailed Evaluation Criteria: Small Works Contractors Registration</th> </tr> <tr> <th colspan="4" data-bbox="326 915 1557 953">1. PRELIMINARY/MANDATORY EVALUATION CRITERIA:</th> </tr> <tr> <th data-bbox="326 953 436 1157"></th> <th data-bbox="436 953 1182 1157"></th> <th data-bbox="1182 953 1365 1157">Reference (Indicate the Serial number of your tender)</th> <th data-bbox="1365 953 1557 1157">Yes/Fail</th> </tr> </thead> <tbody> <tr> <td data-bbox="326 1157 436 1234">1</td> <td data-bbox="436 1157 1182 1234">Attach copies of incorporation certificate or registration certificate</td> <td data-bbox="1182 1157 1365 1234"></td> <td data-bbox="1365 1157 1557 1234"></td> </tr> <tr> <td data-bbox="326 1234 436 1312">2</td> <td data-bbox="436 1234 1182 1312">Duly filled, signed and stamped confidential business questionnaire</td> <td data-bbox="1182 1234 1365 1312"></td> <td data-bbox="1365 1234 1557 1312"></td> </tr> <tr> <td data-bbox="326 1312 436 1350">3</td> <td data-bbox="436 1312 1182 1350">Valid NCA 5, 6, 7 or 8 registration</td> <td data-bbox="1182 1312 1365 1350"></td> <td data-bbox="1365 1312 1557 1350"></td> </tr> <tr> <td data-bbox="326 1350 436 1388">4</td> <td data-bbox="436 1350 1182 1388">Attach relevant Valid Tax Compliance certificate</td> <td data-bbox="1182 1350 1365 1388"></td> <td data-bbox="1365 1350 1557 1388"></td> </tr> <tr> <td data-bbox="326 1388 436 1425">5</td> <td data-bbox="436 1388 1182 1425">Attach a valid county business permit</td> <td data-bbox="1182 1388 1365 1425"></td> <td data-bbox="1365 1388 1557 1425"></td> </tr> <tr> <td data-bbox="326 1425 436 1560">6</td> <td data-bbox="436 1425 1182 1560">Attach a CR12 form showing the shareholders of the firm, citizenship or a list of directors of shareholders, shareholding and citizenship or a sworn affidavit of the directors of the company</td> <td data-bbox="1182 1425 1365 1560"></td> <td data-bbox="1365 1425 1557 1560"></td> </tr> <tr> <td data-bbox="326 1560 436 1598">7</td> <td data-bbox="436 1560 1182 1598">Attach Copies of IDs of Directors</td> <td data-bbox="1182 1560 1365 1598"></td> <td data-bbox="1365 1560 1557 1598"></td> </tr> <tr> <td data-bbox="326 1598 436 1675">8</td> <td data-bbox="436 1598 1182 1675">Provide proof of physical address (attach copy of rental or lease agreement)</td> <td data-bbox="1182 1598 1365 1675"></td> <td data-bbox="1365 1598 1557 1675"></td> </tr> <tr> <td data-bbox="326 1675 436 1770">9</td> <td data-bbox="436 1675 1182 1770">Provide original and a copy of the Registration Document</td> <td data-bbox="1182 1675 1365 1770"></td> <td data-bbox="1365 1675 1557 1770"></td> </tr> <tr> <td colspan="4" data-bbox="326 1770 1557 1881">Note: Noncompliance with any MANDATORY requirement will automatically result in disqualification</td> </tr> </tbody> </table>			Detailed Evaluation Criteria: Small Works Contractors Registration				1. PRELIMINARY/MANDATORY EVALUATION CRITERIA:						Reference (Indicate the Serial number of your tender)	Yes/Fail	1	Attach copies of incorporation certificate or registration certificate			2	Duly filled, signed and stamped confidential business questionnaire			3	Valid NCA 5, 6, 7 or 8 registration			4	Attach relevant Valid Tax Compliance certificate			5	Attach a valid county business permit			6	Attach a CR12 form showing the shareholders of the firm, citizenship or a list of directors of shareholders, shareholding and citizenship or a sworn affidavit of the directors of the company			7	Attach Copies of IDs of Directors			8	Provide proof of physical address (attach copy of rental or lease agreement)			9	Provide original and a copy of the Registration Document			Note: Noncompliance with any MANDATORY requirement will automatically result in disqualification			
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2. TECHNICAL EVALUATION CRITERIA

	Criteria	SCORES	Reference (Indicate the Serial number of your tender)
1.	<p>EXPERIENCE Proof of relevant works undertaken in the last five years. Attach prove copies of completion certificate, letters of awards, LPOs/LSOs. 5No..... 25marks Others prorated: No. × 25 marks / 5</p>	25	
2.	<p>Certified audited accounts for the last two (2) years,2017-2018,2018-2019</p>	15	
3.	<p>FINANCIAL CAPABILITY Annual construction turnover of 5 million Liquidity ratios (minimum 1:1) Current ratio=current asset/current liabilities</p>	25	
4.	<p>Provide letter of authority to seek references from tenderer's bank (letters addressed to specific Banks giving authority to the Client to verify the bank statement).</p>	5	
5.	<p>Key Technical staff Provide detailed proposal of key technical members for the proposed project, copies and CV of the proposed team,</p> <ul style="list-style-type: none"> • Project Manager (Minimum qualification is Diploma in related engineering field) – 5 points. 	20	

			<ul style="list-style-type: none"> Supervisors (Minimum qualification is diploma in related engineering field) – 5 points. Foreman (Minimum qualification is diploma in related engineering field) – 5 points. 			
		6.	Equipment (proof of valid ownership / lease agreement) Excavator (Engine power 120kw/160Hp) Backhoe (Minimum 90Hp Gross Power) Pumps (Minimum 20m3/hr) Rock breaker (Impact Energy 21kg-m minimum) (Provide log books / valid lease agreements)	5		
		7.	Attach Copy of Valid Certificate of N.S.S.F. and N.H.I. F	5		
			TOTAL	100		
<p>Note: Candidates must score a minimum of 70% for them to be considered for registration</p>						
2.5 Joint Venture	Particulars for joint venture: Not Applicable					

SECTION III: LETTER OF REGISTRATION

Date

**To Managing Director,
 Thika Water & Sewerage Company Ltd,
 P.O. Box 6103-01000,
 THIKA**

Dear Sir,

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 registered by yourselves as a contractor for small works.

2. We undertake if our application is acceptable to provide contractual services works with accordance with the scope of works provided.

3. Thika Water and Sewerage Company Ltd 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. We agree to abide by this application for the period of processing the applications and prepared and executed, this application together with written acceptance thereof shall constitute a binding agreement between us.

5. Thika Water and Sewerage Company Ltd may contact the following persons for further information.

General and managerial inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Personnel inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Technical inquiries

Contract 1	Telephone 1
Contract 2	Telephone 2

Financial inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

6. This application is made with the full understanding that:
- (a) bids by registered applicants will be subject to verification of all information submitted for registration at the time of bidding.
 - (b) Thika Water and Sewerage company Ltd 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 registered bidders who meet the revised requirements; and
 - reject or accept any application, cancel the registration process, and reject all applications
 - (c) Request for quotations and bids will only be called from registered bidders who meet the requirements.
 - (d) 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
Name
For and on behalf of (name of Applicant)

SECTION IV - APPLICATION FORMS

FORM I - CONFIDENTIAL BUSINESS QUESTIONNAIRE

You are requested to give the particular indicated in Part 1 and either Part 2(a), 2(b), or 2(c)

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 _____ General:

Business Name

Location of business premises

Plot No. Street/Road

Postal Address Tel. No.

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

Give details of partners as follows

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

Part 2(c) – Registered Company:

Private or public.....

State the nominal and issued capital of the company –

Nominal Kshs.. ..

Issued Kshs.....

Give details of all directors as follows

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

Date..... Signature of Tenderer

FORM II - ELIGIBILITY & LITIGATION HISTORY

1. Is the contractor making this application debarred or suspended from participating in public procurement by the Public Procurement Regulatory Authority or related public bodies?

.....

.....

2. Have you been subject of legal proceedings for insolvency, bankruptcy, receivership or your business activities suspended for related reasons?..... (If yes, you must present legal documentary evidence that you are cleared and your business is now solvent).

3. Applicants, including each of the partners, should provide information of any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution in the table below.

Year	Award FOR or AGAINST Applicant	Name of Client, cause of litigation, and matter in dispute	Disputed amount

SECTION V- DECLARATIONS

DECLARATION ON CONFLICT OF INTEREST

For the purpose of transparency and fair dealing, all vendors shall make full disclosure of any existing business relationship with any Thika Water and Sewerage Ltd employee.

Do you have a relationship with any Thika Water and Sewerage Company employee that would cause conflict of interest?

.....
.....
.....

I declare, for and on behalf of

.....
.....

(Contractor) that all the information furnished to Thika Water and Sewerage Company Ltd. in connection with this registration is true and accurate in all material respect. Thika Water and Sewerage Company Ltd. is hereby authorized to make such inquiries to the said information including with the contractor's clients and bankers as it may deem necessary without prior notice to the Contractor.

Information submitted by.....

Title

Signature.....

Stamp.....

SWORN STATEMENT

Having studied the Registration information for the above project we/I hereby state:

- a. The information furnished in our application is accurate to the best of our knowledge.
- b. That in case of being Registered we acknowledge that this grants us the right to participate in due time in the submission of a tender or quotation on the basis of provisions in the tender or quotation documents to follow.
- c. When the call for Tenders/Quotations is issued the legal technical or financial conditions or the contractual capacity of the contractor changes we come ourselves to inform you and acknowledge your right to review the registration made.
- d. We enclose all the required documents and information required for the Registration evaluation.
- e. We also accept liability/penalty arising from Misleading or incorrect Information/Documentation submitted and on the basis of which the Procurement Entity Un-knowing relies on it to register our Firm/Company. We are aware that Thika Water and Sewerage Company is at liberty to Institute legal proceedings as stipulated in the Public Procurement laws and Regulations.
- f. We understand that the information submitted for registration will be subjected to verification and this may include visit of our business premises by a team of officers from the Thika Water and Sewerage Company.

Date

.....

Applicant's Name

.....

Represented by

.....

Signature

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

LETTER OF NOTIFICATION OF AWARD

Address of Procuring Entity

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

REQUEST FOR REVIEW FORM

FORM RB 1

**REPUBLIC OF KENYA
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

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

BETWEEN

.....APPLICANT

AND

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

Request for review of the decision of the..... (*Name of the Procuring Entity*) ofdated the...day of20.....in the matter of Tender No.....of20...

REQUEST FOR REVIEW

I/We.....,the above named Applicant(s), of address: Physical address.....Fax No.....Tel. No.....Email, hereby request the Public Procurement Administrative Review Board to review the whole/part of the above mentioned decision on the following grounds , namely:-

- 1.
- 2.
- etc.

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

- 1.
- 2.
- etc

SIGNED(Applicant)

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

FOR OFFICIAL USE ONLY

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

SIGNED
Board Secretary