

# **COAST WATER SERVICES BOARD**



## **REGISTRATION DOCUMENT**

**FOR**

## **PROVISION OF LEGAL SERVICES**

**FINANCIAL YEAR 2018 - 2020**

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## SECTION I: LETTER OF INVITATION FOR PREQUALIFICATION

### Tender / Registration Notice

#### COAST WATER SERVICES BOARD



#### INVITATION TO TENDER

Coast Water Works Development Agency, a State Corporation in the Ministry of Water and Sanitation (MW&S), has received funding from The National Treasury (TNT) towards the cost of financing water projects in the Coast Region and it intends to apply part of the proceeds of this fund to payments of the contract for construction of **Likoni-Mbuta Mosque Pipeline (Line SC24); Supply of Calcium Hypochlorite (HTH) 65% and for Registration of Legal Services Providers as per table below:**

Tender No.	Tender Name	Tender Description	Tender Security Kshs.	Closing Date	Target Group
CWWDA/T/W/09/ 2018-2019	Construction of Likoni-Mbuta Mosque Pipeline  (Line SC24)	Construction of Water Distribution Pipeline: Ferrous Pipeline, 800/700mm diameter, length 3.4km including associated appurtenances (air valves, washouts, section valves, etc.).	Ksh.3,000,000	2/7/2019  at 11:00am	Citizen Contractors
CWWDA/T/W/10/ 2018-2019	Supply and Delivery Calcium Hypochlorite (HTH) 65%	Supply and Delivery Calcium Hypochlorite (HTH) 65%	Ksh.200,000	3/7/2019  at 11:00am	Citizen Contractors
CWWDA/PREQ/L S/009/2018-2020	Registration of Legal Services Providers	Provision of Legal Services	N/A	3/7/2019  at 2:00pm	Citizen Contractors

Interested eligible candidates may obtain further information and inspect tender documents and/or site during normal working hours from 0800 hours to 1630 hours local time from Monday to Friday, except during lunch hour (1230 hours to 1400 hours), and during weekends and public holidays.

A complete set of tender documents may be obtained by interested candidates upon payment of a non-refundable fee of **Ksh.1000 in cash or Bankers Cheque** payable to the **Chief Executive Officer** or can be downloaded free of charge from **Coast Water Works Development Agency** website [www.cwsb.go.ke](http://www.cwsb.go.ke) and immediately email the firms' names and contact details to [procurement@cwsb.go.ke](mailto:procurement@cwsb.go.ke) for records and communication of any tender clarifications or addenda failure to which your document will be rejected.

Prices quoted should be net inclusive of all taxes, must be in Kenya shillings and shall remain valid for **ninety (90)** days from the closing date of tender.

Completed Tender Documents are to be enclosed in plain sealed envelopes marked with Tender Name and Reference Number and **deposited in the Tender Box next to Procurement Office, Coast Water Works Development Agency, along Mikindani Street – off Nkrumah Road** at the address below so as to be received on or before **as shown in the table above**.

Tenders will be opened immediately thereafter in the presence of the candidates or their representatives who choose to attend at the address above.

**Chief Executive Officer  
Coast Water Works Development Agency  
Mikindani Street (Off- Nkrumah road)  
P.O. Box 90417 – 80100  
MOMBASA, KENYA  
<https://www.cwsb.go.ke>**

So as to be received on or before as indicated in the table above

Tenders will be opened immediately thereafter in the Boardroom, Coast Water Services Board, Mikindani Street (Off- Nkrumah road) in presence of the candidates or their representatives who choose to attend.

**CHIEF EXECUTIVE OFFICER  
COAST WATER SERVICES BOARD**

## SECTION II - INSTRUCTIONS TO APPLICANTS

1. Coast Water Services Board (CWSB) would like to invite interested candidates who must qualify by meeting the set criteria as provided for supply and delivery of goods and services to CWSB.
2. CWSB will pre-qualify and enlist prospective bidders for the supply of various goods and services from among those who will have submitted their registration documents, in accordance with the requirements to undertake the assignments described herein for a period of 2 years.
3. Applicants are invited to submit an application document for the Supply of various goods, works and / or services as listed here-in
4. The Application document and the response thereof shall be the basis for registration. Applicants must familiarize themselves with the requirements described in this document including all attachments and take them into account while preparing the response.
5. CWSB does not bind itself to assign supply of any items/service but shall endeavor to ensure applicants for specific goods and services will be treated equitably.
6. Applicants will be informed in writing of the results of the application without giving any reason.
7. Applicants will meet all costs associated with preparation and submission of their applications.
8. Applicants shall furnish information as described in the registration/Registration document.
9. Applicants should be aware of the provisions on fraud and corruption stated in the ethical standard here below. It is CWSB's policy to require that Applicants observe the highest standard of ethics during selection and execution of subsequent contracts. In pursuance of this policy, CWSB:

- a) Defines, for the purpose of this provision, the terms set forth below as follows:
    - i. "Corrupt practice" means the offering, giving, receiving or soliciting of anything of value to influence the action of an officer of the Purchaser/Employer in the registration/Registration process; and
    - ii. "Fraudulent practice" means a misrepresentation of facts in order to influence the registration/Registration process to the detriment of the Purchaser/Employer, and includes collusive practices among applicants (prior to or after submission of Tenders) designed to establish prices at artificial, non-competitive levels and to deprive the Purchaser of the benefits of free and open competition.
  - b) Will reject an application for registration/Registration if it determines that an applicant has engaged in corrupt or fraudulent activities in competing for the contract in question;
  - c) Will declare an applicant ineligible for registration/Registration if at any time it determines that the applicant has engaged in corrupt or fraudulent practices in competing for, or in executing, a similar contract; and
  - d) Will have the right to examine financial records relating to the performance of such services to determine capability.
  - e) Will have the right to inspect the business premises of the applicant.
10. Registration/Registration Objective the main objective is to supply and delivery assorted items and also provide services under relevant tenders/quotations to the Chief Executive Officer, CWSB as and when required during the period ending 30th June, 2020.
11. Invitation of registration/Registration Suppliers registered with Registrar of Companies under the Laws of Kenya in respective merchandise or services are invited to submit their Application document/s to Chief Executive Officer, CWSB so that they may be registered/pre-qualified for submission of tenders/quotations. The prospective Suppliers/service providers are required to provide mandatory information for registration/Registration as requested.

12. Experience - Prospective suppliers/service providers must have carried out successful supply and delivery of similar items/services to Public and private institutions of similar size and complexity. Potential suppliers/service providers must demonstrate the willingness and commitment to meet the registration/Registration criteria.
13. Registration /Registration Document - This document includes questionnaire forms and documents required from prospective suppliers/service providers.
14. Considerations - In order to be considered for registration/pre-qualification, prospective suppliers must submit all the information herein requested.
15. Distribution of Registration/Registration Documents - Two copies of the completed application data and other requested information shall be submitted to reach:

THE CHIEF EXECUTIVE OFFICER  
COAST WATER SERVICES BOARD (CWSB)  
MIKINDANI STREET OFF-NKRUMAH ROAD  
P.O BOX 90417-80100  
**MOMBASA, KENYA**

16. Questions and Clarifications arising from Documents - Questions that may arise from the registration/Registration documents should be directed to the Chief Executive Officer, CWSB whose address is given in par. 15
17. Preparation of application Documents - Applicants are requested to submit the application document in English language.
18. Applicants are expected to examine the registration documents in detail. Material deficiencies in providing the information requested may result in failure to be registered

19. Applicants are required to meet the registration/Registration CHECKLIST as stipulated in Section III.
20. The registration/Registration documents shall not include any financial proposal information other than audited accounts for the last 2 years.
21. An authorized representative of the Applicants should initial all pages of the application document.
22. Additional Information - CWSB reserves the right to request submission of additional information from prospective applicants.
23. Brief Contract Regulations/Guidelines
24. Taxes on Imported Material - The Supplier will have to pay all taxes payable as applicable for all materials to be supplied.
25. Customs Clearance - The supplier shall be responsible for custom clearance of their imported goods and materials.
26. Contract Price - The contract shall be of unit price type or cumulative of computed unit price and quantities required. Prices quoted shall be inclusive of all delivery charges and all taxes as well.
27. Payments - All local purchase orders shall be on credit of a minimum of thirty (30) days or as may be stipulated in the Contract Agreement.
28. Registered/Registration Data Instructions - Registration data forms. The attached questionnaire forms PQ-1, PQ-2, PQ-3, PQ-4, PQ-5, PQ-6, PQ-7, PQ-8 are to be completed by prospective suppliers/service provider who wish to be registered/prequalified for submission of tender/quotations for the specific category.
29. Qualification - CWSB will examine the application documents to determine completeness, general orderliness and sufficiency in responsiveness.
30. It is understood and agreed that the registration/Registration data on prospective bidders is to be used by CWSB in determining, according to its sole judgment and discretion, the qualifications of prospective bidders to perform in respect to the Category as described by the client.



31. Prospective bidders will not be considered qualified unless in the judgment of CWSB they possess capacity, experience, availability of qualified personnel, suitable equipment and net current assets or working capital sufficient to satisfactorily execute the contract for goods/services.
32. Essential Criteria for Registration
- (i) Experience: -Prospective bidders shall have experience in the supply of goods, services and allied items. The potential supplier/service provider should show competence, willingness and capacity to service the contract at short notice.
  - (ii) Personnel - The names and pertinent information and CVs of the key personnel for individual or group to execute the contract must be indicated in form PQ-4.
  - (iii) Financial Position - The Supplier's/service provider financial condition will be determined by latest financial statement submitted in the application documents as well as letters of reference from the bankers regarding suppliers/service provider's credit position. Potential suppliers/ service providers will be registered/pre-qualified based on the satisfactory information given.
  - (iv) Special consideration Special consideration will be given to the financial resources available as working capital, taking into account the amount of uncompleted orders on contract and work in progress date on Form PQ-5. However, potential bidders should provide evidence of financial capability to execute the contract.
  - (v) Past Performance Past performance will be given due consideration in registration of the applicants. Certified Letters of reference and or certified copies of orders/contracts from past customers should be included in Form PQ-7.

- (vi) Statement - Applications must include a sworn statement Form PQ-8 by the applicant ensuring the accuracy of the information given. Supplier's/service providers are advised to confirm whether they have been debarred by PPRA.
  
- (vii) Withdrawal of Prequalification - Should a condition arise between the time the firm is registered/pre-qualified and invited to bid and the bid opening date which in the opinion of the client/CWSB could substantially change the performance and qualification of the bidder or his ability to perform such as but not limited to bankruptcy, change in ownership or new commitments, CWSB reserves the right to reject the tender from such a bidder even though he was initially registered/prequalified
  
- (viii) Company registration - The Supplier/service provider must have a fixed Business Premise and must be registered in Kenya, with Certificate of Registration Incorporation/Memorandum and Article of Association copies must be attached. The Supplier/service provider must show proof that it has paid all its statutory obligations and have current Tax Compliance Certificate.

### SECTION III - REGISTRATION CHECKLIST

This order and arrangement shall be considered as the applicant Format.  
Candidates shall tick against each item indicating that they have provided it.

No.	Item Description	Tick for Compliance
1	Registration Submission Form duly completed	
2	A Copy of Certificate of Registration /incorporation	
3	Letters of recommendation from four current/past corporate clients /organizations	
4	Documentary evidence of experience on similar assignments: At least four (4) copies of LPO's, LSO's and or Contracts for the last 2 years for the relevant category	
5	Valid Tax Compliance Certificate (shall be one issued by KRA and valid for the current year).	
7	PIN & VAT Certificate	
8	Local Authority Licenses – Business Permit	
9	Declaration Form fully filled and signed	
10	Confidential Business Questionnaire Fully filled and Signed	
11	Evidence of physical address and premises (attach copies of utility bills e.g. electricity/water or lease agreement/'Title).	
12	Audited Financial Statements for the last two years and or six (6) months current bank statements.	
13	Sworn Anti-Corruption Affidavit	
14	Where mandatory for service provision, each firm must attach evidence of valid registration certificate with relevant Professional bodies/Authorities.	

**NOTES TO CANDIDATES**

Foreign Candidates must provide equivalent documents from their country of origin as regards:

- Value Added Tax (VAT) Registration Certificates OR statements certifying that the equivalent documentation is not issued in the Candidate's country of origin. The Statement(s) that are equivalent documentation is not issued by the Candidate's country should be original and issued by the tax authorities in the Candidate's country of origin.

## PQ - 1 REGISTRATION SUBMISSION FORM

Date\_\_\_\_\_

Category & Reference No.\_\_\_\_\_

*(Fill for each prequalification item)*

Receipt No\_\_\_\_\_

To:

The Chief Executive Officer  
Coast Water Services Board (CWSB)  
P.O. Box 90417- 80100

**Mombasa**

Gentlemen and/or Ladies:

- 1) Having read, examined and understood all of the registration/Registration information provided in the Document, the receipt of which is hereby duly acknowledged, we, the undersigned Candidate, hereby apply to be prequalified by you as a potential bidder for the item(s) as indicated by us in Section III Detailed Description of Items.
- 2) This application, together with your written appointment thereof, shall not constitute a contract between us nor commit CWSB to any actual tender or amount of contract.
- 3) We understand that you are not bound to accept any application you may receive.
- 4) We declare that the statements made and the information provided in our prequalification tender document are complete, true, and correct in every detail.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

---

[Signature] [in the capacity of]

Duly authorized to sign tender for an on behalf of

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## **PQ - 2 ANTI CORRUPTION STATEMENT**

Submit a Signed statement that as an applicant or Candidate you will not pay any inducement to any Management Board or employees and/or agents of CWSB, which is the procuring entity and that you have not been debarred by PPOA from any procurement process.

**FORM PQ – 3 REGISTRATION DATA**

**1. REGISTRATION OF SUPPLIERS APPLICATION FORM**

I/We ..... hereby apply for registration as  
supplier/service provider of .....  
..... Post

Office

Address.....

Town.....

Street.....

Name of building.....

Room/Office No..... Floor No.....

Telephone No's.....

Full Name of applicant.....

Other branches location.....

**2. ORGANIZATION & BUSINESS INFORMATION**

Management personnel.....

Enclose copy of organization chart of the firm indicating the main fields  
Of activities.....

State any technological innovations or specific attributes which distinguish you  
from your competitors .....



PQ - 4 KEY STAFF

Name .....

Age .....

Academic Qualification .....

.....

Professional Qualification .....

.....

.....

Length of service with supplier/service provider and positions held

.....

.....

(Attach CVs and copies of certificates of key personnel in the organization)

## PQ – 5 FINANCIAL CAPABILITIES

1. Attach a copy of firm's two certified financial statements giving summary of assets and current liabilities / or any other financial support.
2. Attach letters of reference from the bankers regarding supplier's credit position.

FORM PQ - 6 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 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 .....

E mail .....

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 Proprietors

Your name in full .....

Age.....

Nationality ..... Country of origin.....

Citizenship details.....

Part 2 (b) Partnership

Given details of partners as follows:

Name Nationality Citizen Details Shares

Part 2 (c) – Registered Company

Private or Public.....

State the nominal and issued capital of company-

Nominal Kshs. ....

Issued Kshs. ....

Given details of all directors as follows:

Name Nationality Citizen Details Shares

I / We DECLARE that the information given on this form is correct to the best of my/our knowledge and belief that I/We give CWSB authority to seek any other references concerning my/our company from whatever sources deemed relevant e.g. Company Registrar's office, Bankers etc.

Date .....

Signature of Candidate .....

If a Kenya Citizen, indicate under “Citizenship Details” whether by Birth, Naturalization or registration

**FORM PQ - 7 PAST EXPERIENCES**

Please give the following details

- a) Names of the applicants clients in the last two years
- b) Names of other clients and values of contract/orders

Name of Client (organization).....

i. Address of Client (organization) .....

ii. Name of Contract Person at the client (organization) .....

iii. Telephone No. of client .....

iv. Value of Contract .....

v. Duration of Contract (date) .....

(Attach documentary evidence of existence of order/contract)

Name of 2nd Client  
(organization).....

i. Address of Client (organization) .....

ii. Name of Contact Person at the client (organization).....

iii. Telephone No. of Client .....

iv. Value of Contract (date) .....

v. Duration of Contract (date)  
.....

vi. (Attach documentary evidence of existence of order/contract)

Name of 3rd Client (organization)

- i. Address of Client (organization) .....
- ii. Name of Contact Person at the client (organization) .....
- iii. Telephone No. of Client .....
- iv. Value of Contract:.....
- v. Duration of Contract (date) .....

(Attach documentary evidence of existence of order/contract)

Name of 4th Client (organization) .....

- i. Address of Client (organization) .....
- ii. Name of Contact Person at the client (organization) .....
- iii. Telephone No. of Client .....
- iv. Value of Contract: .....
- v. Duration of Contract (date) .....

(Attach documentary evidence of existence of order/contract)

**FORM PQ - 8 SWORN STATEMENTS**

Having studied the registration/Registration requirements we/ I hereby state:

- a. The information furnished in our application is accurate to the best of my/our knowledge.
- b. That in case of being registered /pre-qualified we/i acknowledge that this grants us the right to participate in due time in the submission of a tender or quotation when invited/requested to do so by the CWSB.
- c. When the call for quotation is issued if the legal, technical or financial conditions or the contractual capacity of the firm changes, we shall notify CWSB and acknowledge your right to review the registration/Registration made.
- d. We enclose all the required documents and information required for the registrationRegistration exercise.
- e. We confirm that we have not been debarred from participation in public procurement and have no litigation procedure in process.

Date .....

Applicant's Name: .....

Represented by .....

Signature .....

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

## EVALAUTION CRITERIA

No.	Item Description	Marks
1.	Registration/Registration Submission Form duly completed <b>(Mandatory)</b>	6
2.	A Copy of Certificate of Registration /incorporation <b>(Mandatory)</b>	6
3.	Letters of recommendation from four current/past corporate clients /organizations	5
4.	Past Experience: At least five (5) copies of LPO's, LSO's and or Contracts for the last 2 years for the relevant category	30
5.	Valid Tax Compliance Certificate (shall be one issued by the relevant tax authorities and valid for the current year) – <b>(Mandatory)</b>	5
6.	PIN & VAT Certificate <b>(Mandatory)</b>	10
7.	Local Authority Licenses – Business Permit <b>(Mandatory)</b>	5
8.	Declaration Form fully filled and signed <b>(Mandatory)</b>	5
9.	Confidential Business Questionnaire Fully filled <b>(Mandatory)</b>	5
10.	Evidence of physical address and premises (attach copies of utility bills e.g. electricity/water or lease agreement/Title).	5
11.	Audited Financial Statements for the last two years and or six (6) months current bank statements. <b>(Mandatory)</b>	8
12.	Sworn Anti-Corruption Affidavit <b>(Mandatory)</b>	5
13.	Where mandatory for service provision, each firm must attach evidence of valid registration certificate with relevant Professional bodies/Authorities.	5
Total Marks scored		100

**The pass mark shall be 80 marks**