

REPUBLIC OF KENYA



**THE PRESIDENCY  
MINISTRY OF PUBLIC SERVICE,  
YOUTH AND GENDER AFFAIRS**

**NATIONAL YOUTH SERVICES**

**EOI Document  
Data center  
(Design, Supply and Installation)  
(PROPOSED ESTABLISHMENT OF A DATA CENTER AT THE  
NATIONAL YOUTH SERVICE HEADQUARTERS)**

**NYS/EOI/003/2017-2018**

November 2017

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# Standard Tender Document Summary

## **EOI Document: Procurement of Data center (Design, Supply and Installation)**

### **PART 1 – EOI PROCEDURES Section I - Instructions**

#### **to Applicants (ITA)**

This Section provides information to help the Applicants in preparing and submitting their Applications for EOI (“Applications”). Information is also provided on opening and evaluation of Applications.

#### **Section II - EOI Data Sheet (EOIDS)**

This Section includes provisions that are specific to each contract and supplement Section I, Instructions to Applicants.

#### **Section III - EOI Criteria and Requirements**

This Section specifies the methods, criteria, and requirements to be used to determine how Applicants shall be initially selected and later invited to submit Proposals.

#### **Section IV - Application Forms**

This Section includes the Application Submission Letter and other forms required to be submitted with the Application.

#### **Section V - Fraud and Corruption**

This Section provides the Applicants with the reference to the Government’s policy in regard to Fraud and Corruption applicable to the EOI process.

## **PART 2 – PURCHASER’S REQUIREMENTS**

### **Section VII - Scope of Purchaser’s Requirements**

This Section includes a summary description, Implementation schedule, and Site and other Data of the Data Center Design, Supply and Installation subject of this EOI.



**Invitation for  
EOI  
Data center  
(Design, Supply, and Installation)**

***Procurement of:*  
PROPOSED ESTABLISHMENT OF A DATA CENTER AT THE  
NATIONAL YOUTH SERVICE HEADQUARTERS**

<b>Purchaser:</b>	<i>MINISTRY OF PUBLIC SERVICE, YOUTH AND GENDER AFFAIRS State Department of Public Service and Youth Affairs-National Youth Services</i>
<b>Contract title:</b>	<b>PROPOSED ESTABLISHMENT OF A DATA CENTER AT NATIONAL YOUTH SERVICE HEADQUARTERS</b>
<b>EOID No:</b>	NYS/EOI/003/2017-2018
<b>Issued on:</b>	<i>7<sup>th</sup> November 2017</i>

# Standard Tender Document

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# **PART 1 – EOI Procedures**



# Section I - Instructions to Applicants

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# Section I - Instructions to Applicants

## A. General

### 1. Scope of Application

1.1 In connection with the invitation for EOI indicated in Section II, EOI Data Sheet (**EOIDS**), the Purchaser, as defined **in the EOIDS**, issues this EOI Document (“EOI Document”) to prospective applicants (“Applicants”) interested in submitting applications (“Applications”) for EOI to submit Proposals for the Data center Design, Supply and Installation described in Section VII, Scope of Purchaser’s Requirement. In case proposals for the Data center Design, Supply and Installation are to be invited as individual contracts (i.e., the slice and package procedure), these are listed **in the EOIDS**. The Request for Proposals (RFP) number corresponding to this EOI is also provided **in the EOIDS**.

1.2 For the purposes of this EOI Document, the term “Information System” means all:

- (a) the required information technologies, including all information processing and communications-related hardware, software, supplies, and consumable items that the Supplier is required to supply and install under the Contract, plus all associated documentation, and all other materials and goods to be supplied, installed, integrated, and made operational; and
- (b) the related software development, transportation, insurance, installation, customization, integration, commissioning, training, technical support, maintenance, repair, and other services necessary for proper operation of the Information System to be provided by the selected Proposer as specified in Section VII Purchaser’s Requirement.

### 2. Source of Funds

2.1 The Employer (hereinafter called “Purchaser”) indicated **in the EOIDS** has received financing (hereinafter called “funds”) from the Government of Kenya towards the cost of the project named **in the EOIDS**. The Purchaser intends to apply a portion of the funds to eligible payments under the contract(s) resulting from the Request for Proposals (RFP) process for which this EOI is conducted.

### 3. Fraud and Corruption

- 3.1 The Government requires compliance with the its Anti-Corruption Laws and Guidelines.
- 3.2 Applicants shall permit and shall cause their agents (where declared or not), subcontractors, subconsultants, service providers, suppliers, and their personnel, to permit the Government to inspect all accounts, records and other documents relating to any Prequalification process, Bid submission (in case prequalified), and contract performance (in the case of award), and to have them audited by auditors appointed by the Government.

### 4. Eligible Applicants

- 4.1 Applicants shall meet the eligibility criteria as per this Instruction and ITA 5.1.
- 4.2 An Applicant may be a firm that is a private entity or any combination of entities in the form of a joint venture (“JV”) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate an authorized representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the EOI process, RFP process (in the event the JV submits a Proposal) and during contract execution (in the event the JV is awarded the Contract). Unless specified **in the EOIDS**, there is no limit on the number of members in a JV.
- 4.3 A firm may apply for EOI both individually, and as part of a joint venture, or participate as a subcontractor. If initially selected, it will not be permitted to submit Proposal for the same contract both as an individual firm and as a part of the joint venture. However, this does not limit the participation of a Proposer as a subcontractor in another Proposal or of a firm as a subcontractor in more than one Proposal. Proposals submitted in violation of this procedure will be rejected.
- 4.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for EOI either individually, as joint venture or as a subcontractor among them for the same contract. However, if initially selected, only one initially selected Applicant will be allowed to submit Proposal for the same contract. All Proposals

submitted in violation of this procedure will be rejected.

- 4.5 An Applicant may have the nationality of any country. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. This criterion also shall apply to the determination of the nationality of proposed specialized sub-contractors or suppliers for any part of the Contract including related Services.
- 4.6 Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Purchaser as Engineer for contract implementation of the Data center Design, Supply and Installation that are the subject of this EOI. In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff of the Purchaser or Government who: (i) are directly or indirectly involved in the preparation of the EOI Document or Request for Proposals (RFP) Document or specifications of the Contract, and/or the Proposal evaluation process of such Contract; or (ii) would be involved in the implementation or supervision of such Contract.
- 4.7 An Applicant that has been debarred by the Government, shall be ineligible to be prequalified for, bid for, or be awarded a Government-financed contract or benefit from a Government-financed contract, financially or otherwise, during such period of time as the Government shall have determined.
- 4.8 The list of debarred firms and individuals is available as specified **in the EOIDS**.
- 4.9 An Applicant shall provide such documentary evidence of eligibility satisfactory to the Purchaser, as the Purchaser shall reasonably request.

## B. Contents of the EOI Document

### 5. Sections of EOI Document

5.1 This EOI Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 8.

#### **PART 1 EOI Procedures**

- Section I - Instructions to Applicants (ITA)
- Section II - EOI Data Sheet (EOIDS)
- Section III - EOI Criteria and Requirements
- Section IV - Application Forms

#### **PART 2 Purchaser's Requirements**

- Section VII - Scope of Purchaser's Requirement

5.2 Unless obtained directly from the Purchaser, the Purchaser accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the EOI Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Purchaser shall prevail.

5.3 The Applicant is expected to examine all instructions, forms, and terms in the EOI Document and to furnish with its Application all information or documentation as is required by the EOI Document.

### 6. Clarification of EOI Document and Pre-Application Meeting

6.1 An Applicant requiring any clarification of the EOI Document shall contact the Purchaser in writing at the Purchaser's address indicated **in the EOIDS**. The Purchaser will respond in writing to any request for clarification provided that such request is received no later than Five (5) days prior to the deadline for submission of the applications. The Purchaser shall forward a copy of its response to all prospective Applicants who have obtained the EOI Document directly from the Purchaser, including a description of the inquiry but without identifying its source. If so indicated **in the EOIDS**, the Purchaser shall also promptly publish its response at the web page identified **in the EOIDS**. Should the Purchaser deem it necessary

to amend the EOI Document as a result of a clarification, it shall do so following the procedure under ITA 8 and in accordance with the provisions of ITA 17.2.

- 6.2 If indicated **in the EOIDS**, the Applicant's designated representative is invited at the Applicant's cost to attend a pre-Application meeting at the place, date and time mentioned **in the EOIDS**. During this pre-Application meeting, prospective Applicants may request clarification of the project requirement, the criteria for qualifications or any other aspects of the EOI Document.
- 6.3 Minutes of the pre-Application meeting, if applicable, including the text of the questions asked by Applicants, including those during the meeting (without identifying the source) and the responses given, together with any responses prepared after the meeting will be transmitted promptly to all prospective Applicants who have obtained the EOI Document. Any modification to the EOI Document that may become necessary as a result of the pre-Application meeting shall be made by the Purchaser exclusively through the use of an Addendum pursuant to ITA 8. Non-attendance at the pre-Application meeting will not be a cause for disqualification of an Applicant.

## 7. Amendment of EOI Document

- 7.1 At any time prior to the deadline for submission of Applications, the Purchaser may amend the EOI Document by issuing an Addendum.
- 7.2 Any Addendum issued shall be part of the EOI Document and shall be communicated in writing to all Applicants who have obtained the EOI Document from the Purchaser. The Purchaser shall promptly publish the Addendum at the Purchaser's web page identified **in the EOIDS**.
- 7.3 To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the Purchaser may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

## C. Preparation of Applications

- 8. Cost of Applications** 8.1 The Applicant shall bear all costs associated with the preparation and submission of its Application. The Purchaser will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the EOI process.
- 9. Language of Application** 9.1 The Application as well as all correspondence and documents relating to the EOI exchanged by the Applicant and the Purchaser, shall be written in the language specified **in the EOIDS**. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the language specified **in the EOIDS**, in which case, for purposes of interpretation of the Application, the translation shall govern.
- 10. Documents Comprising the Application** 10.1 The Application shall comprise the following:
- (a) **Application Submission Letter**, in accordance with ITA 12.1;
  - (b) **Eligibility**: documentary evidence establishing the Applicant’s eligibility, in accordance with ITA 13.1;
  - (c) **Qualifications**: documentary evidence establishing the Applicant’s qualifications, in accordance with ITA 14; and
  - (d) any other document required as specified **in the EOIDS**.
- 10.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application
- 11. Application Submission Letter** 11.1 The Applicant shall complete an Application Submission Letter as provided in Section IV, Application Forms. This Letter must be completed without any alteration to its format.
- 12. Documents Establishing the Eligibility of the Applicant** 12.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete the eligibility declarations in the Application Submission Letter and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV, Application Forms.

**13. Documents Establishing the Qualifications of the Applicant**

13.1 To establish its qualifications to perform the contract(s) in accordance with Section III - EOI Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV, Application Forms.

13.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the Kenya Shilling (KSh.) equivalent using the rate of exchange determined as follows:

- For turnover or financial data required for each year - Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted).
- Value of single contract - Exchange rate prevailing on the date of the contract.

Exchange rates shall be taken from the publicly available source identified **in the EOIDS**. Any error in determining the exchange rates in the Application may be corrected by the Purchaser.

**14. Signing of the Application and Number of Copies**

14.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it “ORIGINAL”. The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.

14.2 The Applicant shall submit copies of the signed original Application, in the number specified **in the EOIDS**, and clearly mark them “COPY”. In the event of any discrepancy between the original and the copies, the original shall prevail.



## D. Submission of Applications

- 15. Sealing and Marking of Applications**
- 15.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:
- (a) bear the name and address of the Applicant;
  - (b) be addressed to the Purchaser, in accordance with ITA 17.1; and
  - (c) bear the specific identification of this EOI process indicated **in the EOIDS** 1.1.
- 15.2 The Purchaser will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.
- 16. Deadline for Submission of Applications**
- 16.1 Applicants may either submit their Applications by mail or by hand. Applications shall be received by the Purchaser at the address and no later than the deadline indicated **in the EOIDS**. When so specified **in the EOIDS**, Applicants have the option of submitting their Applications electronically, in accordance with electronic Application submission procedures specified **in the EOIDS**.
- 16.2 The Purchaser may, at its discretion, extend the deadline for the submission of Applications by amending the EOI Document in accordance with ITA 8, in which case all rights and obligations of the Purchaser and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.
- 17. Late Applications**
- 17.1 The Purchaser reserves the right to reject applications received after the deadline for submission of applications, unless otherwise specified **in the EOIDS**.
- 18. Opening of Applications**
- 18.1 The Purchaser shall open all Applications at the date, time and place specified **in the EOIDS**. Late Applications shall be treated in accordance with ITA 18.1.
- 18.2 Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the **EOIDS**.
- 18.3 The Purchaser shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.

## E. Procedures for Evaluation of Applications

- 19. Confidentiality**
- 19.1 Information relating to the Applications, their evaluation and results of the EOI shall not be disclosed to Applicants or any other persons not officially concerned with the EOI process until the notification of EOI results is made to all Applicants in accordance with ITA 28.
- 19.2 From the deadline for submission of Applications to the time of notification of the results of the EOI in accordance with ITA 28, any Applicant that wishes to contact the Purchaser on any matter related to the EOI process may do so only in writing.
- 20. Clarification of Applications**
- 20.1 To assist in the evaluation of Applications, the Purchaser may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Purchaser and all clarifications from the Applicant shall be in writing.
- 20.2 If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Purchaser’s request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.
- 21. Responsiveness of Applications**
- 21.1 The Purchaser may reject any Application which is not responsive to the requirements of the EOI Document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 21.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant.
- 22. Margin of Preference**
- 22.1 Margin of preference for domestic Proposers shall apply in the RFP process resulting from this EOI.
- 23. Subcontractors**
- 23.1 Unless otherwise stated **in the EOIDS**, the Purchaser does not intend to execute any specific elements of the Data center Design, Supply and Installation by sub-contractors selected in advance by the Purchaser (so-called “Nominated Subcontractors”).
- 23.2 The Applicant shall not propose to subcontract the whole of the contract. The Applicant may propose subcontractors for certain specialized parts of the contract. Applicants planning to use such specialized **subcontractors** shall specify, in the Application Submission Letter, the parts of the contract proposed to be subcontracted along with details of the proposed **subcontractors** including their qualification and experience.

## **F. Evaluation of Applications and EOI of Applicants**

### **24. Evaluation of Applications**

24.1 The Purchaser shall use the factors, methods, criteria, and requirements defined in Section III, EOI Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The Purchaser reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.

24.2 Subcontractors proposed by the Applicant shall be fully qualified for their parts of the contract. The subcontractor's qualifications shall not be used by the Applicant to qualify for the contract unless the applicant designates them as Specialized Subcontractors, in which case, the qualifications of the Specialized Subcontractor proposed by the Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation, if specified in EOIDS.

24.3 In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Purchaser shall initially select each Applicant for the maximum combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the requirements specified in Section III - EOI Criteria and Requirements.

24.4 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant's subsidiaries, parent entities, affiliates, subcontractors (other than specialized subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Applicant shall not be considered.

### **25. Purchaser's Right to Accept or Reject Applications**

25.1 The Purchaser reserves the right to accept or reject any Application, and to annul the EOI process and reject all Applications at any time, without thereby incurring any liability to the Applicants.

### **26. EOI of Applicants**

26.1 The range of applications that the Purchaser may Initially Select (x = minimum number, y = maximum number) is specified in the EOIDS.

26.2 The Selection of Applications involves several steps, as

follows:

- (a) **Step 1 - Table 1 Evaluation:** The first step of EOI involves evaluation against the methods, criteria and requirements described in Section III, Table 1: Qualification Criteria and Requirements;
- (b) **Step 2 - Elimination:** Applications that are not substantially responsive to Table 1: Qualification Criteria and Requirements will not be evaluated further, and will be eliminated from the EOI process;
- (c) **Step 3 - Long List:** Applications that are substantially responsive to Table 1: Qualification Criteria and Requirements are long listed, and will be evaluated further;
- (d) Depending on the number of Applications that are long listed, one of the following options will apply:

**Option 1: All are Initially Selected:** Where the number of long listed Applications is  $\leq x$ , all long listed Applications are Initially Selected. In this scenario, there is no requirement to evaluate these long listed Applications against Table 2: Rated Criteria and Requirements;

**Option 2: Applicants are evaluated using Table 2 Evaluation:** Where the number of long listed Applications is  $> x$ , the Purchaser shall evaluate all long listed Applications against Table 2: Rated Criteria and Requirements. This evaluation method involves scoring each Application against rated criteria using the scoring methodology described;

- (e) **Step 5 - Rank Applications:** The total scores, from this step of the EOI evaluation, for each long listed Applicant are compared, and the Applications are ranked from the highest to the lowest total score;
- (f) **Step 6 - EOI up to x:** In accordance with the values selected by the Purchaser for  $x$  and  $y$ , the Purchaser Initially Selects the Applications that are ranked from the highest score, to the Application ranked as  $x$ ;
- (g) **Step 7 - Eliminate  $y+1$  Applications:** Where the number of long listed Applications is  $> y$ , the

Purchaser eliminates all Applications that are greater than  $y$ , i.e. ranked as  $y+1$ ,  $y+2$ ,  $y+3$ , etc.;

- (h) **Step 8 - Optional, at the Purchaser's Discretion:** Ranked Applications which exceed  $x$ , up to, and including  $y$ , are not normally Initially Selected. However, the Purchaser may, at its sole discretion, if justified, Initially Select an additional Applications(s) from those that are ranked  $x+1$ , up to and including  $y$ . This EOI shall be controlled by the order of ranking (i.e. the Purchaser cannot Initially Select  $x+2$ , without also Initially Selecting  $x+1$ ).

## 27. Notification of EOI

- 27.1 The Purchaser shall notify all Applicants in writing of the names of those Applicants who have been initially selected. In addition, those Applicants who have been disqualified will be informed separately.
- 27.2 Applicants that have not been initially selected may write to the Purchaser to request, in writing, the grounds on which they were disqualified.

## 28. Request for Proposals

- 28.1 Promptly after the notification of the results of the EOI, the Purchaser shall invite Proposals from all the Applicants that have been initially selected.
- 28.2 Proposers may be required to provide a Proposal Security or a Proposal-Securing Declaration acceptable to the Purchaser in the form and an amount to be specified in the RFP Document, and the successful Proposer shall be required to provide a Performance Security as specified in the RFP Document.

## 29. Changes in Qualifications of Applicants

- 29.1 Any change in the structure or formation of an Applicant after being initially selected in accordance with ITA 27 and invited to submit Proposal (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor) shall be subject to the written approval of the Purchaser prior to the deadline for submission of Proposals. Such approval shall be denied if (i) an initially selected applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III - EOI Criteria and Requirements Table 1- Qualification Criteria, and

Requirements; or (iii) no longer continues to be in the list of Initially Selected Applicants as a result of the Purchaser's re-evaluation of the Application in accordance with ITA 27; or (iv) in the opinion of the Purchaser, the change may result in a substantial reduction in competition. Any such change should be submitted to the Purchaser not later than fourteen (14) days after the date of the Request for Proposals.



## Section II - EOI Data Sheet (EOIDS)

<b>A. General</b>	
<b>ITA 1.1</b>	<p>The identification of the Invitation for EOI is: <b>NYS/EOI/003/2017-2018 (Proposed establishment of a data center at the National Youth Service Headquarters)</b></p> <p>The Purchaser is:</p> <p><b>MINISTRY OF PUBLIC SERVICE, YOUTH AND GENDER AFFAIRS</b>  <b>State Department of Public Service and Youth Affairs</b>  <b>National Youth Services</b>  <b>Off Thika Super Highway, Ruaraka</b>  <b>P.O. Box: 30397-00100 Nairobi GPO</b>  <b>Tel: +254-208563521</b>  <b>Fax: +254-20856148</b></p>
<b>ITA 2.1</b>	The name of the Project is: <i>[NONE]</i>
<b>ITA 4.2</b>	Maximum number of members in the JV shall be: 2
<b>ITA 4.8</b>	A list of debarred firms and individuals is available on request at Public Procurement Regulatory Authority's (PPRA) website: <a href="http://www.ppoa.go.ke/56-list-of-debarred-firms">http://www.ppoa.go.ke/56-list-of-debarred-firms</a>



<b>B. Contents of the EOI Document</b>	
<b>ITA 7.1</b>	<p>For <b>clarification purposes</b>, the Purchaser's address is:</p> <p>National Youth Service Headquarters, 1<sup>st</sup> Floor, Room 113 Attention: Head, Supply Chain Management Services Off Thika Super Highway, Ruaraka P.O. Box: 30397-00100 Nairobi GPO Tel: +254-208563521 Fax: +254-20856148</p>
<b>ITA 7.1 &amp; 8.2</b>	<p>Web page: <a href="http://nys.go.ke/public/index.php/category/view/7/Tenders">http://nys.go.ke/public/index.php/category/view/7/Tenders</a> or on IFMIS supplier portal (supplier.treasury.go.ke)</p>
<b>C. Preparation of Applications</b>	
<b>ITA 10.1</b>	<p>This EOI document has been issued in the <i>English</i> language.</p> <p>All correspondence exchange shall be in English language.</p> <p>The Application as well as all correspondence shall be submitted in English.</p> <p>Language for translation of supporting documents and printed literature is English.</p>
<b>ITA 11.1 (d)</b>	<p>The Applicant shall submit with its Application, the following additional <b>mandatory</b> documents:</p> <ol style="list-style-type: none"> <li>1. Certificate of Registration under the Companies Act (CAP 486),</li> <li>2. Valid certificate of Tax compliance</li> <li>3. Audited Accounts for the last two years</li> <li>4. Properly filled Confidential Business Questionnaire</li> <li>5. National Construction Authority- Electrical Certificate- NCA 3 and Above</li> <li>6. National Construction Authority- Electrical Annual Practicing License- NCA 3 and Above</li> <li>7. Current Class of Licenses with the Energy Regulatory Commission – Class C and above</li> <li>8. Valid Business Permit.</li> </ol>
<b>ITA 14.2</b>	<p>The source for determining exchange rates is Central Bank of Kenya (CBK) published rates.</p>
<b>ITA 15.2</b>	<p>In addition to the original, the number of copies to be submitted with the Application is: 3</p>

<b>D. Submission of Applications</b>	
<b>ITA 17.1</b>	<p><b>The deadline for Application submission is:</b></p> <p>Date: 28<sup>th</sup> November 2017</p> <p>Time: 1000 Hours</p> <p>For <b>Application submission purposes only</b>, the Purchaser's address is:</p> <p><b>MINISTRY OF PUBLIC SERVICE, YOUTH AND GENDER AFFAIRS</b>  <b>State Department of Public Service and Youth Affairs</b>  <b>National Youth Services</b></p> <p>Attention: <b>The Director General</b></p> <p>Address:</p> <p style="padding-left: 40px;"><b>National Youth Services Headquarters,</b>  <b>Off Thika Super Highway, Ruaraka</b>  <b>P.O. Box: 30397-00100 Nairobi GPO</b>  <b>Tel: +254-208563521</b>  <b>Fax: +254-20856148</b></p> <p>Applicants <i>shall not have</i> the option of submitting their Applications electronically.</p>
<b>ITA 18.1</b>	Late Applications will be returned unopened to the Applicants.
<b>ITA 19.1</b>	<p>The opening of the Applications shall be:</p> <p style="padding-left: 40px;">On 28<sup>th</sup> November 2017 at 1000 Hrs,  National Youth Service Headquarters,  2<sup>nd</sup> Floor, Boardroom  Off Thika Super Highway, Ruaraka  P.O. Box: 30397-00100 Nairobi GPO  Tel: +254-208563521</p>
<b>ITA 19.2</b>	The electronic Application opening procedures shall: <b><i>Not be Applicable</i></b>
<b>E. Procedures for Evaluation of Applications</b>	
<b>ITA 24.1</b>	At this time the Purchaser <i>does not intend to</i> execute certain specific parts of the contract by sub-contractors selected in advance.
<b>ITA 25.2</b>	The relevant qualifications of the proposed Specialized Subcontractors <i>will not be</i> added to the qualifications of the Applicant for the purpose of evaluation as indicated in Section III - EOI Criteria and Requirements.
<b>ITA 27.1</b>	<p><b>EOI – minimum number (x)</b></p> <p>The Purchaser intends to Initially Select the following number of long listed Applications: 3. This number is referred to as <b>x</b>, and is the minimum number to</p>

	<p>be Initially Selected.</p> <p><b>EOI – maximum number (y)</b></p> <p>The Purchaser, may, at its sole discretion, Initially Select more than the minimum number of long listed Applications. The maximum number that may be Initially Selected is 6. This number is referred to as <i>y</i>.</p>
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## Section III - EOI Criteria and Requirements

This section contains all the methods, criteria, and requirements that the Purchaser shall use to evaluate Applications. The information to be provided in relation to each requirement and the definitions of the corresponding terms are included in the respective Application Forms.

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**Table 1 – Qualification Criteria and Requirements**

**1. Eligibility**

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
1.1	<b>Nationality</b>	Nationality in accordance with ITA 4.5	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.2	<b>Conflict of Interest</b>	No conflicts of interest in accordance with ITA 4.6	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.3	<b>Government Eligibility</b>	Not having been declared ineligible by the Government, as described in ITA 4.7	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter

## 2. Historical Contract Non-Performance

Criteria			Single Entity Requirements	Joint Venture			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
2.1	<b>History of Non-Performing Contracts</b>	Non-performance of a contract <sup>1</sup> did not occur as a result of Supplier's default since 1 <sup>st</sup> January 2011.	Must meet requirement <sup>1</sup>	Must meet requirements	Must meet requirement <sup>2</sup>	N/A	Form CON-2
2.2	<b>Pending Litigation</b>	Applicant's financial position and prospective long term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant	Must meet requirement	N/A	Must meet requirement	N/A	Form CON – 2
2.3	<b>Litigation History</b>	No consistent history of court/arbitral award decisions against the Applicant <sup>3</sup> since 1 <sup>st</sup> January 2011.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form CON – 2

<sup>1</sup> Nonperformance, as decided by the Purchaser, shall include all contracts where (a) nonperformance was not challenged by the Supplier, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the Supplier. Nonperformance shall not include contracts where Purchaser's decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the applicant have been exhausted.

<sup>2</sup> This requirement also applies to contracts executed by the Applicant as JV member.

<sup>3</sup> The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Applicant or any member of a joint venture may result in rejection of the Application.

### 3. Financial Situation and Performance

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
3.1	Financial Capabilities	(i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the cash flow requirements estimated as KSH 20,000,000 for the subject contract(s) net of the Applicants other commitments.	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN – 3.1, with attachments
		(ii) The Applicant shall also demonstrate, to the satisfaction of the Purchaser, that it has adequate sources of finance to meet the cash flow requirements on contracts currently in progress and for future contract commitments.	Must meet requirement	Must meet requirement	N/A	N/A	



Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
		(iii) The audited balance sheets or, if not required by the laws of the Applicant’s country, other financial statements acceptable to the Purchaser, for the last 3 years shall be submitted and must demonstrate the current soundness of the Applicant’s financial position and indicate its prospective long-term profitability.	Must meet requirement	N/A	Must meet requirement	N/A	
3.2	<b>Average Annual Turnover</b>	Minimum average annual turnover in Data Center Design, and/or Supply and/or Installation of KSH 20,000,000 (Twenty Million Shillings), calculated as total certified payments received for contracts in progress and/or completed within the last 3 years, divided by three years.	Must meet requirement	Must meet requirement	Must meet 50 %,(fifty percent) of the requirement	Must meet 70 %, (Seventy percent)] of the requirement	Form FIN – 3.2

### 4. Experience

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
4.1	<b>General Experience</b>	Experience in Data Center Design, and/or Supply and/or Installation contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last 5 years.	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 4.1
4.2	<b>Specific Experience</b>	A minimum number of 3 (THREE) similar <sup>4</sup> contracts specified below that have been satisfactorily and substantially <sup>5</sup> completed as a prime contractor, joint venture member <sup>6</sup> , management contractor or subcontractor between 1st January 2011 and Application submission deadline:  <i>[Each of the contracts required above shall meet the following minimum key requirements: [Based on Section VII, Scope of Purchaser’s Requirement, specify the minimum key requirements in terms of functional characteristics, performance, production capacity,</i>	Must meet requirement	Must meet requirement	N/A	N/A	Form EXP 4.2

<sup>4</sup> Summation of number of small value contracts (less than the value specified under requirement) to meet the overall requirement will not be accepted.

<sup>5</sup> Substantial completion shall be based on 80% or more of the contracts completed.

<sup>6</sup> For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant’s role and responsibilities shall be considered to meet this requirement.

Criteria			Single Entity Requirements	Joint Venture Requirements			Documentation
No.	Subject	Requirement		All Members Combined	Each Member	One Member	Submission Requirements
		<p><i>complexity, and/or other characteristics]</i></p> <p><i>[The above specific experience requirements may be met by specialized subcontractors, if permitted in accordance with ITA 25.2]</i></p>					

**Table 2 – Rated Criteria and Requirements**

**1. Past Performance**

							Scoring		Documentation														
Requirement							Maximum score	Remark	Submission Requirement														
<p><b>1.1 Number of similar contracts</b>                      [Number of successfully completed Data Center Design and Installation contracts that exceed the number specified in Table 1, Sub-Factor 4.2 (where this number is x) that are:</p> <ol style="list-style-type: none"> <li>similar to the Requirements (Reference Table 1, 4.2); and</li> <li>completed during the past 5 years. [insert number equal or more than the number of years specified in Table 1, Sub-Factor 4.2]</li> </ol> <p><b>Scoring methodology:</b></p> <table border="1"> <tr> <td><b>Number of contracts</b> [Number of successfully completed similar contracts.]</td> <td>[&gt;= x+4 contracts]</td> <td>[x+3 contracts]</td> <td>[x+2 contracts]</td> <td>[x+1 contracts]</td> <td>[x contracts]</td> <td></td> </tr> <tr> <td><b>Weighting</b></td> <td>[100]</td> <td>[70]</td> <td>[40]</td> <td>[10]</td> <td>[5]</td> <td></td> </tr> </table>							<b>Number of contracts</b> [Number of successfully completed similar contracts.]	[>= x+4 contracts]	[x+3 contracts]	[x+2 contracts]	[x+1 contracts]	[x contracts]		<b>Weighting</b>	[100]	[70]	[40]	[10]	[5]		40	In case of JV, all members combined will be evaluated.	Form EXP 4.2
<b>Number of contracts</b> [Number of successfully completed similar contracts.]	[>= x+4 contracts]	[x+3 contracts]	[x+2 contracts]	[x+1 contracts]	[x contracts]																		
<b>Weighting</b>	[100]	[70]	[40]	[10]	[5]																		
<p><b>1.2 Timeliness</b>                      [Number of successfully completed similar contracts presented to meet the requirement under Table 1, Sub-Factor 4.2 that demonstrate timely completion.].</p> <p><b>Scoring methodology:</b></p> <table border="1"> <tr> <td><b>Timeliness</b> Timeliness will be calculated as: (D/CP)x100 (in percentage),</td> <td>[0 %]</td> <td>[1% to 5%]</td> <td>[6% to 10%]</td> <td>[11% to 15%]</td> <td>[16% to 20 %]</td> <td>[&gt;20%]</td> </tr> </table>							<b>Timeliness</b> Timeliness will be calculated as: (D/CP)x100 (in percentage),	[0 %]	[1% to 5%]	[6% to 10%]	[11% to 15%]	[16% to 20 %]	[>20%]	20	In case of JV, all members combined will be evaluated.	Form EXP 4.2							
<b>Timeliness</b> Timeliness will be calculated as: (D/CP)x100 (in percentage),	[0 %]	[1% to 5%]	[6% to 10%]	[11% to 15%]	[16% to 20 %]	[>20%]																	

							Scoring		Documentation
Requirement							Maximum score	Remark	Submission Requirement
Where:									
<ul style="list-style-type: none"> <li>D (in months) = delay beyond the original contract completion period for which the contractor is responsible,</li> <li>CP (in months) = The original contract completion period</li> </ul>									
<b>Initial score</b>	[100]	[80]	[60]	[40]	[20]	[0]			

## 2. Management Capability

Requirement	Scoring		Documentation												
	Maximum score	Remark	Submission Requirement												
<p><i>[Management capability successfully demonstrated in the following key areas:</i></p> <ol style="list-style-type: none"> <li><i>1. Organizational management structure</i></li> <li><i>2. Management facilities (policy, systems, practice)</i></li> <li><i>3. Financial management (policy, systems, practice)</i></li> <li><i>4. Risk management – identification, mitigation and management (policy and practice)</i></li> <li><i>5. Health and safety management (policy, systems, practice)</i></li> <li><i>6. Professional development and staff training (policy and practice)</i></li> <li><i>7. Innovation (policy and practice)</i></li> <li><i>8. Sustainable business (policy, systems and practice).]</i> <p><b>Scoring methodology:</b></p> <table border="1"> <tr> <td><b>Key areas:</b> <i>[Number of key areas successfully demonstrated.]</i></td> <td><i>[all 8]</i></td> <td><i>[6-7]</i></td> <td><i>[4-5]</i></td> <td><i>[1-3]</i></td> <td><i>[0]</i></td> </tr> <tr> <td><b>Initial score</b></td> <td><b><i>[100]</i></b></td> <td><b><i>[70]</i></b></td> <td><b><i>[40]</i></b></td> <td><b><i>[10]</i></b></td> <td><b><i>[0]</i></b></td> </tr> </table> </li></ol>	<b>Key areas:</b> <i>[Number of key areas successfully demonstrated.]</i>	<i>[all 8]</i>	<i>[6-7]</i>	<i>[4-5]</i>	<i>[1-3]</i>	<i>[0]</i>	<b>Initial score</b>	<b><i>[100]</i></b>	<b><i>[70]</i></b>	<b><i>[40]</i></b>	<b><i>[10]</i></b>	<b><i>[0]</i></b>	20	In case of JV, the capability of the lead member will be evaluated	Table 2-MC
<b>Key areas:</b> <i>[Number of key areas successfully demonstrated.]</i>	<i>[all 8]</i>	<i>[6-7]</i>	<i>[4-5]</i>	<i>[1-3]</i>	<i>[0]</i>										
<b>Initial score</b>	<b><i>[100]</i></b>	<b><i>[70]</i></b>	<b><i>[40]</i></b>	<b><i>[10]</i></b>	<b><i>[0]</i></b>										

### 3. Contract/Project Management Capability

Criteria						Scoring		Documentation												
Requirement						Maximum score	Remark	Submission Requirement												
<p><i>[Contract/project management capability successfully demonstrated in the following key areas:</i></p> <ol style="list-style-type: none"> <li><i>1. Contract/Project management policy</i></li> <li><i>2. Contract/Project management (systems, processes, practice)</i></li> <li><i>3. Scope of human resources and structure assigned to contract/project management</i></li> <li><i>4. Contract/Project implementation standards and quality assurance (policy, systems, practice)</i></li> <li><i>5. Budget and financial management (standards, policy, systems, practice)</i></li> <li><i>6. Risk identification and processes to mitigate and manage</i></li> <li><i>7. Value engineering, continuous improvement. (policy, systems, practice)]</i> <p><b>Scoring methodology:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;"><b>Key areas:</b> <i>[Number of key areas successfully demonstrated.]</i></td> <td style="width: 12.5%;"><i>[all 7]</i></td> <td style="width: 12.5%;"><i>[5-6]</i></td> <td style="width: 12.5%;"><i>[3-4]</i></td> <td style="width: 12.5%;"><i>[1-2]</i></td> <td style="width: 12.5%;"><i>[0]</i></td> </tr> <tr> <td style="text-align: right;"><b>Initial score</b></td> <td><b><i>[100]</i></b></td> <td><b><i>[70]</i></b></td> <td><b><i>[50]</i></b></td> <td><b><i>[30]</i></b></td> <td><b><i>[0]</i></b></td> </tr> </table> </li></ol>						<b>Key areas:</b> <i>[Number of key areas successfully demonstrated.]</i>	<i>[all 7]</i>	<i>[5-6]</i>	<i>[3-4]</i>	<i>[1-2]</i>	<i>[0]</i>	<b>Initial score</b>	<b><i>[100]</i></b>	<b><i>[70]</i></b>	<b><i>[50]</i></b>	<b><i>[30]</i></b>	<b><i>[0]</i></b>	30	In case of JV, the capability of the lead member will be evaluated	Table 2-PM
<b>Key areas:</b> <i>[Number of key areas successfully demonstrated.]</i>	<i>[all 7]</i>	<i>[5-6]</i>	<i>[3-4]</i>	<i>[1-2]</i>	<i>[0]</i>															
<b>Initial score</b>	<b><i>[100]</i></b>	<b><i>[70]</i></b>	<b><i>[50]</i></b>	<b><i>[30]</i></b>	<b><i>[0]</i></b>															

## **Section IV - Application Forms**

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## Application Submission Letter

Date: *[insert day, month, and year]*  
EOI No. and title: *[insert EOI number and title]*

To: *[insert full name of Purchaser]*

We, the undersigned, apply to be initially selected for the referenced Request for Expression of Interest (REOI) and declare that:

- (a) **No reservations:** We have examined and have no reservations to the EOI Document, including Addendum(s) No(s)., issued in accordance with ITA 8: *[insert the number and issuing date of each addendum]*.
- (b) **No conflict of interest:** We have no conflict of interest in accordance with ITA 4.6;
- (c) **Eligibility:** We (and our subcontractors) meet the eligibility requirements as stated in ITA 4, we have not been suspended by the Purchaser based on execution of a Proposal-Securing Declaration in accordance with ITA 4.10;
- (d) **Suspension and Debarment:** We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the Government. Further, we are not ineligible under other Government’s laws or official regulations or pursuant to a decision of the United Nations Security Council;
- (e) **State-owned enterprise or institution:** *[select the appropriate option and delete the other]*  
*[We are not a state-owned enterprise or institution] / [We are a state-owned enterprise or institution but meet the requirements of ITA 4.9];*
- (f) **Subcontractors and Specialized Subcontractors:** We, in accordance with ITA 24.2 and 25.2, plan to subcontract the following parts of the contract:  
  
*[Insert any part of the contract which the Applicant intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]*
- (g) **Commissions, gratuities, fees:** We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the EOI process, the corresponding RFP process or execution of the Contract:

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
--------------------------	----------------	---------------	---------------

<i>[insert full name for each occurrence]</i>	<i>[insert street/ number/city/country]</i>	<i>[indicate reason]</i>	<i>[specify amount currency, value, exchange rate and KSH equivalent]</i>
---	---	--------------------------	---

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*[If no payments are made or promised, add the following statement: “No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application”]*

- (h) **Not bound to accept:** We understand that you may cancel the EOI process at any time and that you are neither bound to accept any Application that you may receive nor to invite the initially selected Applicants to Submit Proposal for the contract subject of this EOI process, without incurring any liability to the Applicants, in accordance with ITA 26.1.
- (i) **True and correct:** All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

Signed *[insert signature(s) of an authorized representative(s) of the Applicant]*

Name *[insert full name of person signing the Application]*

In the capacity of *[insert capacity of person signing the Application]*

Duly authorized to sign the Application for and on behalf of:

Applicant’s Name *[insert full name of Applicant or the name of the JV]*

Address *[insert street number/town or city/country address]*

Dated on *[insert day number]* day of *[insert month]*, *[insert year]*

*[For a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached]*

## Form ELI -1.1 Applicant Information Form

Date: *[insert day, month, year]*

EOI No. and title: *[insert EOI number and title]*

Page *[insert page number]* of *[insert total number]* pages

You are requested to give the particular indicated in Part 1 and either Part 2(a), 2(b), or 2( c) which ever applies to your type of business

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

### Part 1 General: Applicants Details

Applicants Name:	
In case of Joint Venture (JV), name of each member:	
Nature of business:	
Registration Certificate No:	
Name of your bankers:	
Branch:	
Contacts:	
PIN No.	
VAT No.	
Tax Compliance No.	
Business License No.	
Software License No.	
Applicant's authorized representative information	
Name: <i>[insert full name]</i>	
Address: <i>[insert street/ number/ town or city/ country]</i>	
Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i>	
E-mail address: <i>[indicate e-mail address]</i>	

### Part 2(a) – Sole Proprietor:

Your name in full	
Age	
Nationality	
Country of origin	
Citizenship details	

### Party 2(b) – Partnership

Give details of partners as follows:

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

**Part 2(c) – Registered Company:**

State whether Private or Public:	
State the Nominal capital of the company (Ksh equivalent):	
State the Nominal capital of the company (Ksh equivalent):	

Give details of all directors as follows

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

1. Attached are copies of original documents of: (mandatory)

- Certificate of Incorporation, Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above.
- In case of JV, letter of intent to form JV or JV agreement.
- Pin Certificate (or equivalent document)
- VAT Certificate (or equivalent document)
- Tax Compliance Certificate (or equivalent document)
- Local Business License (or equivalent document)
- Software Licenses/Authorizations/Ownership (or equivalent documents of authorizations to from the license owners to perform this assignment)

2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

## Form ELI -1.2 Applicant's JV Information Form

*[The following form is additional to Form ELI – 1.1., and shall be completed to provide information relating to each JV member (in case the Applicant is a JV) as well as any Specialized Subcontractor proposed to be used by the Applicant for any part of the Contract resulting from this EOI]*

Date: *[insert day, month, year]*

EOI No. and title: *[insert EOI number and title]*

Page *[insert page number]* of *[insert total number]* pages

Applicant name: <i>[insert full name]</i>
Applicant's JV Member's name: <i>[insert full name of Applicant's JV Member]</i>
Applicant's JV Member's country of registration: <i>[indicate country of registration]</i>
Applicant JV Member's year of constitution: <i>[indicate year of constitution]</i>
Applicant JV Member's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant JV Member's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA 4.5. <input type="checkbox"/> In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and they are not under the supervision of the Purchaser, in accordance with ITA 4.9.
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

## Form CON – 2

### Historical Contract Non-Performance, and Pending Litigation and Litigation History

*[The following table shall be filled in for the Applicant and for each member of a Joint Venture]*

Applicant’s Name: *[insert full name]*  
 Date: *[insert day, month, year]*  
 Joint Venture Member’s Name: *[insert full name]*  
 EOI No. and title: *[insert EOI number and title]*  
 Page *[insert page number]* of *[insert total number]* pages

Non-Performed Contracts in accordance with Section III, Table 1 Qualification Criteria, and Requirements			
<input type="checkbox"/> Contract non-performance did not occur since 1 <sup>st</sup> January <i>[insert year]</i> specified in Section III,– Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 <sup>st</sup> January <i>[insert year]</i> specified in Section III,– Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.1.			
Year	Non-performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and KSH equivalent)
<i>[insert year]</i>	<i>[insert amount and percentage]</i>	Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> Name of Purchaser: <i>[insert full name]</i> Address of Purchaser: <i>[insert street/city/country]</i> Reason(s) for nonperformance: <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>
Pending Litigation, in accordance with Section III, Table 1 Qualification Criteria, and Requirements			
<input type="checkbox"/> No pending litigation in accordance with Section III, Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.3.			
<input type="checkbox"/> Pending litigation in accordance with Section III, Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.3 as indicated below.			

<b>Year of dispute</b>	<b>Amount in dispute (currency)</b>	<b>Contract Identification</b>	<b>Total Contract Amount (currency), KES Equivalent (exchange rate)</b>
<i>[insert year]</i>	<i>[insert amount]</i>	Contract Identification: [indicate complete contract name, number, and any other identification] Name of Purchaser: <i>[insert full name]</i> Address of Purchaser: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate “Purchaser” or “Contractor”]</i>  Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i>	<i>[insert amount]</i>
Litigation History in accordance with Section III, Table 1 Qualification Criteria, and Requirements			
<input type="checkbox"/> No Litigation History in accordance with Section III, Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.4. <input type="checkbox"/> Litigation History in accordance with Section III, Table 1 Qualification Criteria, and Requirements, Sub-Factor 2.4 as indicated below.			
<b>Year of award</b>	<b>Outcome as percentage of Net Worth</b>	<b>Contract Identification</b>	<b>Total Contract Amount (currency), KES Equivalent (exchange rate)</b>
<i>[insert year]</i>	<i>[insert percentage]</i>	Contract Identification: [indicate complete contract name, number, and any other identification] Name of Purchaser: <i>[insert full name]</i> Address of Purchaser: <i>[insert street/city/country]</i> Matter in dispute: <i>[indicate main issues in dispute]</i> Party who initiated the dispute: <i>[indicate “Purchaser” or “Contractor”]</i> Reason(s) for Litigation and award decision <i>[indicate main reason(s)]</i>	<i>[insert amount]</i>

**Form FIN – 3.1**

## Financial Situation and Performance

*[The following table shall be filled in for the Applicant and for each member of a Joint Venture]*

Applicant's Name: *[insert full name]*  
 Date: *[insert day, month, year]*  
 Joint Venture Member Name: *[insert full name]*  
 EOI No. and title: *[insert EOI number and title]*  
 Page *[insert page number]* of *[insert total number]* pages

### 1. Financial data

Type of Financial information in (currency)	Historic information for previous <i>[insert number]</i> years, <i>[insert in words]</i> (amount in currency, currency, exchange rate*, KES equivalent)				
	Year 1	Year 2	Year 3	Year4	Year 5
Statement of Financial Position (Information from Balance Sheet)					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Cash Flow Information					
Cash Flow from Operating Activities					

\* Refer ITA 14 for the exchange rate

### 2. Sources of Finance

*[The following table shall be filled in for the Applicant and all parties combined in case of a Joint*



*Venture]*

Specify sources of finance to meet the cash flow requirements on contracts currently in progress and for future contract commitments.

No.	Source of finance	Amount (KSH equivalent)
1		
2		
3		

**3. Financial documents**

The Applicant and its parties shall provide copies of financial statements for 5 years pursuant Section III, Table 1 –Qualification Criteria, and Requirements Sub-factor 3.1. The financial statements shall:

- (a) reflect the financial situation of the Applicant or in case of JV member , and not an affiliated entity (such as parent company or group member).
- (b) be independently audited or certified in accordance with local legislation.
- (c) be complete, including all notes to the financial statements.
- (d) correspond to accounting periods already completed and audited.

Attached are copies of financial statements<sup>1</sup> for the 5 years required above; and complying with the requirements

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<sup>1</sup> If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, the reason for this should be justified.

**Form FIN - 3.2**  
**Average Annual Turnover in Data Center**  
**Design and/or Supply and/or Installation**

*[The following table shall be filled in for the Applicant and for each member of a Joint Venture]*

Applicant's Name: *[insert full name]*  
 Date: *[insert day, month, year]*  
 Joint Venture Member Name: *[insert full name]*  
 EOI No. and title: *[insert EOI number and title]*  
 Page *[insert page number]* of *[insert total number]* pages

<b>Annual turnover data</b>			
<b>Year</b>	<b>Amount Currency</b>	<b>Exchange rate*</b>	<b>KES equivalent</b>
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Turnover **	

\* Refer ITA 14 for date and source of exchange rate.

\*\* Total KES equivalent for all years divided by the total number of years. See Section III, Table 1 Qualification Criteria, and Requirements, 3.2.

## Form EXP - 4.1

### General Experience in data center Design and/or Supply and/or Installation

*[The following table shall be filled in for the Applicant and in the case of a JV Applicant, each Member]*

Applicant's Name: *[insert full name]*  
 Date: *[insert day, month, year]*  
 Joint Venture Member Name: *[insert full name]*  
 EOI No. and title: *[insert EOI number and title]*  
 Page *[insert page number]* of *[insert total number]* pages

*[As per Section III, Table 1 Qualification Criteria, and Requirements, Sub-Factor 4.1. list contracts chronologically, according to their commencement (starting) dates.]*

Starting Year	Ending Year	Contract Identification	Role of Applicant
<i>[indicate year]</i>	<i>[indicate year]</i>	Contract name: <i>[insert full name]</i> Brief Description of the Contracts performed by the Applicant: <i>[describe contracts performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KSH equivalent*]</i> Name of Purchaser: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Contracts performed by the Applicant: <i>[describe contracts performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KSH equivalent*]</i> Name of Purchaser: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Contracts performed by the Applicant: <i>[describe contracts performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KSH equivalent*]</i> Name of Purchaser: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>

\* Refer ITA 14 for date and source of exchange rate.

## Form EXP - 4.2 Specific Experience

(Table 1, 4.2 and Table 2)

*[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]*

Applicant's Name: *[insert full name]*  
Date: *[insert day, month, year]*  
Joint Venture Member Name: *[insert full name]*  
EOI No. and title: *[insert EOI number and title]*  
Page *[insert page number]* of *[insert total number]* pages

<b>Similar Contract No.</b> <i>[insert number] of [insert number of similar contracts required]</i>	<b>Information</b>			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, i.e., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, i.e., 03 October, 2017]</i>			
Original contractual completion period				
If there was any delay in completion, provide the period of delay due to contractors default Cause of delay	Force Majeure	Contractually justified extension of time	Contractors default	Others
Period corresponding to cause of delay (months)				
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		KSH <i>[insert Exchange rate and total contract amount in KSH equivalent]*</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in KSH equivalent]*</i>	

responsibilities	<i>[insert roles and responsibilities]</i>
Description of the similarity in accordance with Section III Table 1, 4.2	
Complexity	<i>[insert description of complexity]</i>
Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Purchaser's Requirements]</i>
Purchaser's Name:	<i>[insert full name]</i>
Address:	<i>[indicate street / number / town or city / country]</i>
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>
E-mail:	<i>[insert e-mail address, if available]</i>

\* Refer ITA 14 for date and source of exchange rate.

**Table 2-MC**  
**Management Capability**

*The applicant shall demonstrate Management capability in accordance with Table 2-2*

**Table 2-PM**  
**Contract / Project Management Capability**

*The applicant shall demonstrate Contract / Project Management Capability in accordance with Table 2-2*

## Confidential Business Questionnaire

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.....

	<p><b>Part 2 (a) – Sole Proprietor</b></p> <p>Your name in full..... Age.....                  Nationality..... Country of Origin.....                  Citizenship details                  .....</p>																				
	<p><b>Part 2 (b) – Partnership</b></p> <p>Given details of partners as follows</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Name</th> <th style="width: 30%;">Nationality</th> <th style="width: 30%;">Citizenship details</th> <th style="width: 25%;">Shares</th> </tr> </thead> <tbody> <tr> <td>1. ....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2. ....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>3. ....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>4. ....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>	Name	Nationality	Citizenship details	Shares	1. ....	.....	.....	.....	2. ....	.....	.....	.....	3. ....	.....	.....	.....	4. ....	.....	.....	.....
Name	Nationality	Citizenship details	Shares																		
1. ....	.....	.....	.....																		
2. ....	.....	.....	.....																		
3. ....	.....	.....	.....																		
4. ....	.....	.....	.....																		
	<p><b>Part 2 (c) – Registered Company</b></p> <p>Private or Public                  State the nominal and issued capital of company                  Nominal Kshs.                  Issued Kshs.                  Given details of all directors as follows</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Name</th> <th style="width: 30%;">Nationality</th> <th style="width: 30%;">Citizenship details</th> <th style="width: 25%;">Shares</th> </tr> </thead> <tbody> <tr> <td>1. ....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2. ....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>3. ....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>4. ....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>	Name	Nationality	Citizenship details	Shares	1. ....	.....	.....	.....	2. ....	.....	.....	.....	3. ....	.....	.....	.....	4. ....	.....	.....	.....
Name	Nationality	Citizenship details	Shares																		
1. ....	.....	.....	.....																		
2. ....	.....	.....	.....																		
3. ....	.....	.....	.....																		
4. ....	.....	.....	.....																		
	<p>Date..... Signature of Candidate.....</p>																				





## **PART 2 – Purchaser’s Requirements**

# **Section VII - Scope of Purchaser’s Requirements**

## **Contents**

<b>1.</b>	<b>Description of the Data center Design, Supply and Installation.....</b>	<b>55</b>
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# 1. Description of the Goods works and services required

## DESCRIPTION OF THE GOODS AND SERVICES REQUIRED

### 1. Overview of the Datacenter Requirement

The National Youth Service intends to implement a New Modula Data Center at its offices located along Thika Road, Nairobi to guarantee continuity and availability of services to achieve zero data loss for critical services in case of an unscheduled disruption, downtime or a disaster. The continuous availability of data center services will serve to avoid disruptions to the NYS operations and reputation damage considering the strategic nature of its operations. In this regard it is proposed that a Data Center (DC) be constructed and equipped at the Administration block of NYS headquarters. The estimated DC space is approximately 6.3 x 11.5 sq. meters

The complete project is proposed to entail Construction of a New Data Center (DC) at the HQs block and installation of the requisite DC equipment and their related Data Centre services.

### 2. Scope of the Data Center Installation –

NYS is looking for contractor with technical specialties including architecture, cabling infrastructure, electrical design, environmental control, and fire protection. The scope for this component shall comprise Supply, Delivery and Configuration of the requisite Data Centre Infrastructure with the following minimum specifications; -

- Design, Supply, Delivery and Configuration of the Scalable Data Center (DC Infrastructure with Best TIER II and UPTIME Classification).
- Complete data center solutions: with high availability, agility and low TCO through integration and standardization.
- Over 40% reduction in power consumption compared to traditional designs with a smaller footprint.
- Fast and easy to understand the design and implementation using planning and design mechanisms. Out of the box Data Center management, solutions conceived as integrated systems.
- Customized solutions and services: to meet the needs of new builds, existing data centers, and private clouds.
- Implement & Demonstrate Higher Availability (HA).
- Data Centre (DC) Air flow Management Cooling and Cooling Efficiency.
- Data Centre (DC) Local and remote monitoring capabilities.
- Data Centre (DC) Physical security and Threat Management System.

- End-to-end data center life cycle services complete service solution to optimize data center from operations to Comprehensive maintenance up to 3 years after the Installation and handover of the project.
- Reference Sites - Verification of the site references shall be conducted in discretion on the reference sites provided by bidder and forms an integral part of the technical criteria.
- Commission the project and carrying out Knowledge Transfer
- The Contractor will be responsible for the design and supply of all materials and components necessary to complete all the works and the installation of the Data center.

### **3. Implementation Period**

It is expected that the implementation (Design, Supply, Installation, Testing, Training and Commissioning and Support Services) of the system will take 3 calendar months.

## **4. Site and Other Data**

*To be provided upon request by applicants.*