



**NATIONAL OIL CORPORATION OF KENYA**

**PRE-QUALIFICATION OF SUPPLIERS FOR  
PROVISION OF LEGAL SERVICES  
FOR FINANCIAL YEARS**

**2018 – 2020**

**NOCK/PRC/03(1406)2017-2018**

**National Oil Corporation of Kenya  
Kawi Complex, Popo Lane,  
Off Red Cross Road, South C  
P.O. Box 58567-00200  
NAIROBI**

**Email: [tenders@nockkenya.co.ke](mailto:tenders@nockkenya.co.ke);**

**Website: [www.nationaloil.co.ke](http://www.nationaloil.co.ke);**

<b>TABLE OF CONTENTS .....</b>	<b>Page</b>
<b>NATIONAL OIL CORPORATION OF KENYA.....</b>	<b>1</b>
<b>INVITATION FOR PRE-QUALIFICATION OF SUPPLIERS.....</b>	<b>3</b>
<b>SECTION 1 – INFORMATION TO CANDIDATES .....</b>	<b>6</b>
<b>1 INTRODUCTION .....</b>	<b>6</b>
<b>2 DOCUMENTS COMPRISING THE REQUEST FOR PRE-QUALIFICATION .....</b>	<b>7</b>
<b>3 PREPARATION OF TENDER DOCUMENTS .....</b>	<b>7</b>
<b>4 SUBMISSION, RECEIPT, AND OPENING OF TENDERS .....</b>	<b>8</b>
<b>5 TENDER EVALUATION .....</b>	<b>9</b>
<b>6 CONFIDENTIALITY .....</b>	<b>12</b>
<b>7 TENDER SUBMISSION FORM .....</b>	<b>13</b>
<b>8 LETTER OF APPLICATION .....</b>	<b>14</b>
<b>9 SUPPLIER PRE-QUALIFICATION QUESTIONNAIRE (TO BE COMPLETED BY THE SUPPLIER) .....</b>	<b>17</b>
<b>10 BIDDER’S DECLARATION AND INTEGRITY PACT .....</b>	<b>21</b>

# INVITATION FOR PRE-QUALIFICATION OF SUPPLIERS

**Tender No. (NOCK/PRC/03(1406)2017-2018**

**Tender Name: PROVISION OF LEGAL SERVICES**

1. National Oil Corporation of Kenya (**National Oil**) hereinafter referred as “Procuring entity” intends to prequalify candidates for Provision of Legal Services for the Financial Years 2018 to 2020.
2. Prequalification is open to entities who meet the required mandatory threshold to provide legal services.
3. A complete set of pre-qualification documents may view/obtain/download tender documents at [www.nationaloil.co.ke](http://www.nationaloil.co.ke) or IFMIS supplier portal: [supplier.treasury.go.ke](http://supplier.treasury.go.ke). They may also obtain further information from and inspect the tender documents at :

**Procurement Department**  
**National Oil Corporation of Kenya**  
**Kawi House, South C**  
**Red Cross Road, Off Popo Road**  
**P.O Box 58567 – 00200**  
**NAIROBI**  
**Email: [tenders@nockenya.co.ke](mailto:tenders@nockenya.co.ke)**

during normal working hours.

4. The following documents are mandatory and must accompany the submission as they will form the preliminary evaluation where non-submission of any of the documents will lead to disqualification from the process.
  - a) Certificate of Incorporation or Registration
  - b) VAT & PIN Certificate for the Law Firm
  - c) Current and valid practicing certificates
  - d) Valid Tax Compliance Certificate for the Law Firm
  - e) Certificate of Good Standing for the firm from Law Society of Kenya
  - f) Professional indemnity cover of Kshs 50 Million.
  - g) Duly Completed Confidential Pre – qualification Business Questionnaire(attached No. 9)
  - h) Dully filled bidders declaration and Integrity pact (Attached No. 10)
5. Bidders are required to submit documentation in line with clauses 5.7.1 and 5.7.2 of the tender documents.

6. Applications for pre-qualification must be submitted in plain sealed envelopes clearly labeled:

**“PRE-QUALIFICATION OF SUPPLIERS FOR PROVISION OF LEGAL SERVICES NOCK/PRC/03(1406)2017-2018) – DO NOT OPEN BEFORE AT 10000hrs (EAST AFRICA TIME)”.**

and must be deposited in the Tender Box provided at the Reception of National Oil office at Kawi Complex, Off Popo Lane, Red Cross Road, South C, Nairobi **or by post (clearly labeled as above) to:**

**Chief Executive Officer  
National Oil Corporation of Kenya  
Kawi Complex, Off Popo Lane,  
Red Cross Road, South C,  
P.O Box 58567-00200, Nairobi**

**so as to be received on or before 4<sup>th</sup> July 2018 at 1000hrs (East Africa Time).** Late submissions will not be accepted no matter the circumstances.

7. All candidates whose applications will have been received before the closing date and time will be advised in due course, of the results of their applications. Only candidates prequalified under this prequalification process will be invited to tender.
8. Bidders are required to submit a duly filled and signed Letter of application (clause 8)
9. Responses to the prequalification enclosed in plain sealed envelopes clearly marked **“PRE-Qualification of Suppliers for Provision of Legal Services NOCK/PRC/03(1406)** with the instructions **“Do not open before 4<sup>th</sup> July 2018 at 1000hrs hrs.”**, should be addressed to:

**The Chief Executive Officer  
National Oil Corporation of Kenya  
Kawi Complex, Off Popo Lane,  
Red Cross Road, South C  
PO Box 58567 – 00200, Nairobi**

and deposited in the **Tender Box** located at the Reception of National Oil office at Kawi Complex, Off Popo Lane, Red Cross Road, South C, Nairobi between 0800hrs and 1700hrs (East Africa Time), on or before **4<sup>th</sup> July 2018 at 1000 hrs.** *Late submissions shall automatically be disqualified whatever the circumstances.*

10. Responses to prequalification will be opened soon thereafter at **National Oil Offices – Meeting Room, Ground Floor, Kawi Complex, Off Popo Lane, Red Cross Road, South C**, in the presence of tenderers and/or their representatives who may wish to attend.

**CHIEF EXECUTIVE OFFICER**

## **SECTION 1 – INFORMATION TO CANDIDATES**

### **1 INTRODUCTION**

- 1.1 National Oil will pre-qualify and enlist prospective bidders for the supply of provision of legal services from among those who will have submitted their tenders, in accordance with the tender requirements to undertake the assignments described herein. All suppliers currently pre-qualified with National Oil should note that they too have to re-apply afresh as all other previous prequalification shall stand cancelled.
- 1.2 Bidders are invited to submit a pre-qualification tender for the supply of provision of legal services in the categories as listed in appendix a.
- 1.3 The Pre-qualification Tender document and the Tenderers response thereof shall be the basis for pre-qualification. Tenderers must familiarize themselves with the requirements described in this document including all attachments and take them into account while preparing the response.
- 1.4 National Oil does not bind itself to assign supply of provision of legal services but shall endeavor to ensure tenders for specific provision of legal services will be treated equitably.
- 1.5 Applicants will be informed in writing of the results of the application, without assigning any reason for National Oil's decision thereof.
- 1.6 Tenderers will meet all costs associated with preparation and submission of their applications.
- 1.7 It is National Oil policy to require that tenderers observe the highest standard of professional and moral ethics during the selection and execution of such contracts. In pursuance of this policy, National Oil:
- 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 pre-qualification process; and
    - (ii) "Fraudulent practice" means a misrepresentation of facts in order to influence the pre-qualification process to the detriment of the Purchaser/Employer, and includes collusive practices among Tenderers (prior to or after submission of Tenders) designed to establish prices at artificial, non-competitive levels and to deprive the Purchaser (National Oil) of the benefits of free and open competition.
  - b) Will reject a Tender for pre-qualification if it determines that a Tenderer has engaged in corrupt or fraudulent activities in competing for the contract in question;

- c) Will declare a Tender ineligible, for pre-qualification if at any time it determines that Tenderer 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 tenderer.
- f) Will declare a Tender ineligible for prequalification if at any time it determines that Tenderer has no legal capacity to enter into a contract for the procurement.
- g) Will declare a Tender ineligible for pre-qualification if at any time it determines that Tenderer is insolvent, in receivership, bankrupt or in the Process of being wound up and is not the subject of legal proceedings related to the foregoing.
- h) Will declare a Tender ineligible, for prequalification if at any time National Oil determines that Tenderer is related to an employee of the company or a Member of Board or Accounting Officer or Procurement Committee of the Company unless otherwise pre-declared to avoid conflict of interest.
- i) Will declare a Tender ineligible for prequalification if at any time, it determines that Tenderer has committed an offence relating to procurement, has breached a contract for procurement before by another public company, has in procurement proceedings, given false information about its actions and has been blacklisted before by another public company.

1.8 Tenderers shall furnish information as described in the pre-qualification tender document.

1.9 Tenderers shall be aware of the provisions on corrupt and fraudulent practices as spelt out in the Public Procurement and Asset Disposal Act, 2015 and the Public Procurement and Disposal Regulations, 2006.

## **2 DOCUMENTS COMPRISING THE REQUEST FOR PRE-QUALIFICATION**

2.1 Tenderers may request a clarification on the Tender Pre-qualification document up to 7 (seven) days before the Tender submission date. Any request for clarification must be sent in writing by mail, facsimile, or electronic mail to the Purchaser's/Employer's address. The Purchaser/Employer will respond in writing by normal postal mail, facsimile, or electronic mail to such requests and will send copies of the response to all Tenderers who intend to submit tenders.

## **3 PREPARATION OF TENDER DOCUMENTS**

3.1 Tenderers are required to submit a Tender written in English language.

- 3.2 Tenderers are expected to examine the documents comprising this Request for pre-qualification in detail. Material deficiencies in providing the information requested may result in rejection of a Tender.
- 3.3 Tenderers are required to meet the qualification criteria stipulated. Those who do not meet the requirements need not submit tenders. Only tenders, which fulfill these requirements, will be considered for detailed evaluation.
- 3.4 The pre-qualification documents shall not include any financial proposal information other than audited accounts for at most two (2) years.

### **3.5 Validity Period**

- 3.5.1 The request for pre-qualification must remain valid for not less than 120 days from the date of submission.
- 3.5.2 National Oil shall endeavor to complete the evaluation and communicate within this period.

## **4 SUBMISSION, RECEIPT, AND OPENING OF TENDERS**

- 4.1 The Tender Document shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the Tenderer. Any such corrections must be initialed by the person(s) who sign(s) the Tender Document.
- 4.2 All pages of the Tender Document must be initialed by an authorized representative of the tenderer.
- 4.3 The Tender should be prepared and submitted in a plain sealed envelope marked:

**“PRE-QUALIFICATION OF SUPPLIERS FOR PROVISION OF LEGAL SERVICES NOCK/PRC/03(1406)2017-2018 – DO NOT OPEN BEFORE 4<sup>TH</sup> JULY 2018 AT 1000HRS (EAST AFRICA TIME)”**

and be deposited in the tender box provided at the Reception of National Oil Office located at the Ground Floor, Kawi Complex, Off Popo Lane, Red Cross Road, South C,  
If sent by post, then it should be addressed to:

**Chief Executive Officer,  
National Oil Corporation of Kenya,  
Kawi Complex, Off Popo Lane,  
Red Cross Road, South C,  
P.O. Box 58567-00200, Nairobi**

### **4.4 Deadline for Submission**



The closing date and time for the Pre-qualification shall be **4<sup>TH</sup> JULY 2018 AT 1000 HRS (East African Time)**. All submissions shall be marked “**DO NOT OPEN BEFORE 4<sup>TH</sup> JULY 208 HRS (EAST AFRICA TIME), 1000HRS**”.

#### **4.5 Late Tender**

Any Tender received after the deadline in clause 4.4 shall be rejected as a late tender and shall not be considered further.

#### **4.6 Tender Opening**

4.6.1 A tender opening committee shall open the Tender immediately after the closing time for submission of the Tender.

4.6.2 National Oil will prepare a record of the Tender opening.

### **5 TENDER EVALUATION**

5.1 National Oil will examine the tenders to determine completeness, general orderliness and sufficiency in responsiveness.

5.2 Tenderers shall not contact National Oil on matters relating to their tender from the time of opening to the time the evaluation is finalized and official communication sent to them. Any effort by the Tenderer to influence National Oil in the tender evaluation shall result in the cancellation of their tender.

5.3 Pre-qualification will be based on meeting the minimum criteria regarding the Applicant's legal status, general and particular experience, personnel and financial position as demonstrated by the responses in the attached forms.

5.4 The applicants must have registered offices and National Oil reserves the discretion of visiting physical premises from which the applicant conducts business if so desired to confirm existence and capability to deliver the said goods or services or works.

5.5 Tenderers who qualify according to the selection criteria will be invited to submit their quotations for the supply of goods or services or works as and when required.

5.6 National Oil reserves the right to accept or reject any or all tenders.

5.7 There shall be two phases of carrying out the evaluation of prequalification applications.

- a) Preliminary Evaluation
- b) Detailed Technical Evaluation

### **5.7.1 Preliminary Evaluation**

- i) All the applications shall be sorted out according to the various categories and levels contained in the applications for prequalification form.
- ii) Pre-screening shall be done for all the applications in each category to determine responsiveness namely, copies of:
  - a) Certificate of Incorporation or Registration
  - b) VAT & PIN Certificate for the Firm
  - c) Current practicing certificates
  - d) Valid Tax Compliance Certificate for the Firm
  - e) Certificate of Good Standing for the firm from Law Society of Kenya
  - f) Professional indemnity cover of Kshs 50 Million.
  - g) Duly Completed Confidential Pre – qualification Business Questionnaire
  - h) Dully filled signed and stamped bidders declaration and Integrity pact
  - i) Completeness of the tender for pre-qualification of suppliers and service providers form.
- iii) Casual applicants shall be considered substantially non-responsive and shall be excluded from those considered for detailed evaluation.
- iv) A list shall be compiled for those tenderers who pass the preliminary evaluation to be evaluated in detail.

### **5.7.2 Detailed Technical Evaluation**

The evaluation team shall undertake a thorough and objective analysis of the suppliers contained in the list utilizing the following procedures:

- i) The drawing up of a pro-forma in respect to each application listing the queries contained in the questionnaire attached in the pre-qualified application form and the comments and responses received.
- ii) A detailed assessment of each applicant to be made in the course of studying the application to complete each pro-forma.
- iii) Development of a system to evaluate responses to a number of the more important questions and in particular those relating to:-
  - a) Structure and organization of the tenderer
  - b) Financial standing
  - c) Annual Turnover over last two years.
  - d) Experience in relevant field.

- e) Available resources (Management capability, technical staff and equipment)
- f) Reputation – references
- g) Membership certificate(s) of statutory and other affiliation/bodies/associations (where applicable)

### Evaluation criteria

To check for technical responsiveness, the evaluation criteria below will be used.

	<b>Evaluation Criteria</b>	<b>SCORE</b>	<b>Bidder COMMENTS</b>
1	<p><b>a. General experience in provision of legal services.</b> BidderS to submit a list of 5 major institutions where they have offered legal services in the last 2 years (attach reference letters from the said institutions) The list must include names and addresses of the institutions, dates and period of engagement and the contact persons for each institution. Letters of recommendation from the candidate’s five (5) major clients.</p> <p>○ <i>Each complete submission as requested above carries 3 points</i></p> <p><b>b. Organization structure:</b> Bidder to provide company profile - (10marks)</p>	25	
2	<p><b>Specific experience of provision of legal services in the Oil and Gas Sector.</b> Bidder to attach list of clients that include names and addresses of the clients, dates and period of engagement and the contact persons for each client.</p> <ul style="list-style-type: none"> <li>• 5 points will be awarded for each complete submission</li> </ul>	15	
3	<p>Number of years firm has been engaged in provision of legal services</p> <p>≥ 5 years (20 points will be awarded)</p> <p>&lt; 5 years &gt;4 years (15 points will be awarded)</p> <p>&lt;4 years &gt;3 years (10 points will be awarded)</p> <p>&lt;3years (5 points will be awarded)</p>	20	
4	<p><b>Team composition</b></p> <p>Key staff education and professional qualification:</p>	20	

	<b>Evaluation Criteria</b>	<b>SCORE</b>	<b>Bidder COMMENTS</b>
	Bidder to attach current detailed CV`s of partners/ associates) signed by the owners showing relevant experience in provision of legal services and giving evidence of specialization)		
	<b>TOTAL</b>	<b>80</b>	

The least score for technical responsiveness is 65 points out of 80 as above.

Only bidders who successfully pass the preliminary evaluation – Section 5.7.1 and score the minimum 65 points out of 80 will be considered successful and prequalified for provision of legal services to National Oil Corporation of Kenya for the financial years 2018 – 2020.

## **5.8 Disclosure of Evaluation Results**

Information relating to preliminary evaluations of all the application, and also those who qualify for pre-qualification shall not be disclosed to applicants or any other persons not officially concerned with such process until the notification of pre-qualification results is made to all applicants.

## **5.9 Notification of Pre-qualification results**

Once the list of those who succeeded to be pre-qualified has been approved and ratified by the Accounting Officer, the Head of Procurement shall notify in writing all those applicants who have been pre-qualified and also those who failed to be pre-qualified.

## **6 CONFIDENTIALITY**

6.1 Information relating to evaluation of tenders and recommendations concerning pre-qualification shall not be disclosed to the tenderers until the pre-qualified firms have been advised accordingly.

**TENDER SUBMISSION FORM**

To: Chief Executive Officer  
National Oil Corporation of Kenya  
Kawi Complex, Off Popo Lane,  
Red Cross Road, South C,  
P.O. box 58567-00200  
NAIROBI.

Dear Madam,

We, the undersigned, offer to supply the required goods/services/works in accordance with your Tender for Pre-qualification of Suppliers for provision of legal services for financial years 2018 – 2020 and hereby submit our Tender Document.

Our Tender is binding to us and if found acceptable we shall be pleased to be included in the list of the pre-qualified firms.

We understand you are not bound to accept either in part or whole any tender you receive.

We remain

Yours sincerely,

Authorised Signature .....

Name of Signatory .....

Title of Signatory .....

Name of Tenderer .....

Address .....

.....

.....

## LETTER OF APPLICATION

Date .....

To .....

.....  
(name and address of the procuring entity)

Ladies and/or Gentlemen

1. Being duly authorized to represent and act on behalf of ..... (name of firm) (hereinafter referred to as “the Applicant”), and having reviewed and fully understood all of the pre qualification information provided, the undersigned hereby apply to be prequalified by yourselves for provision of legal services for the financial years 2016 to 2018.

Ref No.	Tender name
Category C – Ref. No. C1	Prequalification for provision of Legal Services – NOCK/PRC/.....

2. Attached to this letter are copies of original documents defining
- the Applicant’s legal status
  - the principal place of business and
  - the place of incorporation (*for applicants who are corporations*), or the place of registration and the nationality of the owners (*for applicants who are partnerships or individually-owned firms*).
3. Your Agency and its authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this application, and to seek clarification from our bankers and clients regarding any financial and technical aspects. This letter of Application will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and as requested by yourselves to verify statements and information provided in this application, such as the resources, experience, and competence of the Applicant.
4. Your Agency and its authorized representatives may contact the following persons for further information.

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

<b>Personnel inquiries</b>	
<i>Contract 1:</i>	<i>Telephone 1:</i>
<i>Contract 2:</i>	<i>Telephone 2:</i>

<b>Technical inquiries</b>	
<i>Contract 1:</i>	<i>Telephone 1:</i>
<i>Contract 2:</i>	<i>Telephone 2:</i>

<b>Financial inquiries</b>	
<i>Contract 1:</i>	<i>Telephone 1:</i>
<i>Contract 2:</i>	<i>Telephone 2:</i>

5. This application is made with the full understanding that:
- a) bids by prequalified applicants will be subject to verification of all information submitted for prequalification at the time of bidding.
  - b) Your Agency reserves the right to:
    - amend the scope and value of any contracts bid under this project; in such event, bids will only be called from prequalified bidders who meet the revised requirements; and
    - reject or accept any application, cancel the prequalification process, and reject all applications.
  - c) your Agency shall not be liable for any such actions and shall be under no obligation to inform the Applicant of the grounds for them
6. Appended to this application, we give details of the participation of each party, including capital contribution and profit/loss agreements, in the joint venture or association. We also specify the financial commitment in terms of the percentage of the value of the <each> contract, and the responsibilities for execution of the <each> contract.

7. The undersigned declare that the statement made and the information provided in the duly completed application are complete, true, and correct in every detail.

Signed: .....	Signed: .....
Name:	Name:
For and on behalf of (name of Applicant or lead partner of a joint venture):	For and on behalf of (name of partner):

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



9

**SUPPLIER PRE-QUALIFICATION QUESTIONNAIRE (TO BE COMPLETED BY THE SUPPLIER)**

- (A) NAME .....
- (B) P.O. BOX .....POSTAL CODE .....TOWN .....
- (C) PHYSICAL DDRESS .....
- (D) NAME OF STREET .....
- (E) TELEPHONE NUMBERS .....
- (F) FAX NUMBERS .....
- (G) E-MAIL .....WEBSITE.....
- (H) CONTACT PERSON.....DESIGNATION.....

**CERTIFICATE OF REGISTRATION/INCORPORATION**

Number: ..... DATE.....  
(ATTACH COPY)

CURRENT TRADE LICENCE NO. .... DATE .....  
(ATTACH COPY)

PIN CERTIFICATE NO. .... DATE .....  
(ATTACH COPY)

VAT REGISTRATION NO. .... DATE .....  
(ATTACH COPY)

**NAME AND ADDRESS OF BANKERS**

.....

BRANCH.....

ACCOUNT NUMBER.....

BANK CODE .....

BRANCH CODE .....

SORT AND SWIFT CODE .....

LEGAL STATUS OF SUPPLIER .....

(Indicate whether Business Name or Sole Proprietorship or Company or Partnership, etc)

PERIOD IN BUSINESS .....

1 NATURE OF LEGAL BUSINESS/SPECIALITY

.....  
.....

NAMES OF DIRECTORS AND SHAREHOLDING (%): -

- (1).....
- (2) .....
- (3).....
- (4).....
- (5).....

2 ASSOCIATE COMPANIES

- (1).....
- (2) .....
- (3).....
- (4).....
- (5).....
- (6).....

TOTAL NUMBER OF STAFF EMPLOYED.....

- (1) MANAGERIAL / SUPERVISORY.....
- (2) TECHNICAL .....
- (3) SEMI -SKILLED .....

OTHER ORGANIZATIONS/COMPANIES WHERE YOU CURRENTLY SUPPLY AND RANGE OF SUPPLY ITEMS (excluding National Oil)

- (1).....
- (2) .....
- (3).....

- (4).....
- (5).....
- (6).....

SPECIFY AND GIVE DESCRIPTIVE DETAILS OF THE SERVICES YOU WISH TO SUPPLY  
 .....  
 .....

VALUE OF BUSINESS YOU CAN HANDLE AT ANY ONE TIME  
 KSHS.....

HAVE YOU PREVIOUSLY BEEN PROVIDING LEGAL SERVICES TO NATIONAL OIL?  
 Yes/No: .....

IF YES, GIVE DETAILS AND INDICATE THREE OF NATIONAL OIL LAST PURCHASE  
 ORDER NUMBER/ENGAGEMENT AND DATE OF ENGAGEMENT  
 .....  
 .....  
 .....

DO YOU HAVE ANY PENDING ORDERS WITH NATIONAL OIL?

IF	YES	GIVE	DETAILS
.....			
.....			

HAVE YOU EVER FAILED TO HONOUR ANY NATIONAL OIL PURCHASE  
 ORDER/ENGAGEMENT OR COMMITTED AN OFFENCE UNDER THE PUBLIC  
 PROCUREMENT & ASSET DISPOSAL ACT?

IF	YES	GIVE	ORDER	DETAILS
.....				
.....				

HAVE YOU EVER BEEN DEBARRED FROM PARTICIPATING IN PUBLIC  
 PROCUREMENT?  
 .....

**DECLARATION**

I/We the undersigned state that the above information is correct and that I/We give National Oil authority to seek any other references concerning my/our company from whatever sources deemed relevant e.g. Company Registry, Bankers, Kenya Revenue Authority, etc AND that giving false or misleading information may render my application null and void

Signed .....

Name .....

Designation .....

For and on behalf of M/s .....

Dated this .....day of .....2018

.....  
Suppliers/Company's rubber Stamp or Common Seal.

10 **BIDDER’S DECLARATION AND INTEGRITY PACT**

**Bidder’s Declaration**

We/I the undersigned ....., in the capacity of .....  
..... for ..... *[name of the company/firm/individual]* certify that the **bidder is not in any of the following situations:**

- 1 Bankruptcy; are the subject of proceedings for a declaration of bankruptcy, or of an order for compulsory winding up or administration by court, or of any other similar proceedings;
- 2 Payments to us have been suspended in accordance with the judgment of a court other than a judgment declaring bankruptcy and resulting, in accordance with our national laws, in the total or partial loss of the right to administer and dispose off our property;
- 3 Legal proceedings have been instituted against us involving an order suspending payments and which may result, in accordance with our national laws, in a declaration of bankruptcy or in any other situation entailing the total or partial loss of the right to administer and dispose of our property;
- 4 Are being wound up, or our affairs are being administered by court, or have entered into an arrangement with creditors, or have suspended business activities or are subject to an injunction against running business by a court of law;
- 5 Have been convicted by a final judgment of any crime or offence concerning our/my professional conduct;
- 6 Are guilty of serious misrepresentation with regard to information required for participation in an invitation to tender or execution of a tender already awarded; and
- 7 Are in breach of contract on another contract with the Government of Kenya or other local or international contracting authority or foreign government.
- 8 Have been convicted of an offence concerning our/my professional conduct by a court of law, or found guilty of grave professional misconduct;
- 9 Have not fulfilled obligations relating to payments of taxes or statutory contributions.

If the bidder is in any of the above listed situations, kindly attach documents giving details of the situation.

Names in full: [.....]

Duly authorized to sign this bid on behalf of (bidder’s name):

[.....]

Place and date: [.....]

Stamp of the firm/company:

## **Integrity Pact**

### **Bidder's Oath to fulfill the Integrity Pact**

Accepting that transparent business management and fair public administration are key to social development and national competitiveness, and in an effort to purge corruption and apply sanctions to corrupt businesses, and in full support of the worthy goals of this Integrity Pact, concerning the present tender for: \_\_\_\_\_, all personnel of \_\_\_\_\_ and its sub-contractors and agents hereby agree that:

1. We shall not conduct any unethical business practices, such as bid-rigging for the sake of a particular bidder to win the bid, or price-fixing. If proven as a fact that we have engaged in bid-rigging for the sake of a particular bidder to win the bid, we shall accept to be prohibited from submitting bids placed by National Oil Corporation of Kenya (herein referred to as NATIONAL OIL) for a period of two (2) years. If proven that we have discussed with other bidders in a bid to fix a price, or rigged a bid for a particular bidder to win the bid, we shall accept the prohibition from submitting bids placed by NATIONAL OIL for a period of two (2) years. If any unethical behaviour is tantamount to a fraudulent practice, we accept that such a case may be handed over to the authorities for investigation and possible prosecution.
2. In the process of bidding, or concluding or execution of a contract, we shall not offer any bribe, gifts, entertainment or any other undue benefits directly or indirectly to related officials, and in case it is proved that we have violated any terms of this Integrity Pact in relation with a bid, or concluding or execution of a contract, or offered bribes for favours in a contract, to win a contract, or facilitate payment which should not have been forthcoming, we shall accept the prohibition from submitting a bid placed by NATIONAL OIL for a period of two (2) years. If proven as a fact that we have offered bribes to NATIONAL OIL or related officials for favours regarding a bid or contract to a bidder or a winning bidder, or for the purpose of faulty execution of the objectives of a contract, we shall accept the prohibition from submitting bids placed by NATIONAL OIL for a period of two (2) years. If proven that we have offered bribes to NATIONAL OIL or related officials in relation to bidding, or concluding or execution of a contract, we shall accept the prohibition from submitting bids placed by NATIONAL OIL for a period of two (2) years.
3. In case it is proven that we have offered bribes to a related official or a NATIONAL OIL official regarding a bid, or concluding or execution of a contract, we shall accept the cancellation of the contract, and shall not file any civil, administrative or criminal appeals.
4. We shall make our best effort to institute a Company Code of Conduct that prohibits bribery, bid rigging/fixing or any other corrupt practices in business relations with officials and NATIONAL OIL, and a company regulation that prohibits any retaliatory acts toward anyone reporting inside corruption.
5. In addition, I confirm on behalf of the bidder that the details included in the bidders profile and experience sheet and our quotation are correct to the best of my knowledge and belief. In addition,

we authorize, NATIONAL OIL to seek information from any source to confirm our compliance with the requirements of this Integrity Pact.

- 6 The bidder authorizes NATIONAL OIL, to seek information from any source, including publication of the name of the bidder to confirm that the bidder is compliant with the requirements of this Integrity Pact.

*We shall fulfill this Integrity Pact as a solemn oath made on the basis of mutual trust, and, if and when we win a bid, we shall sign and fulfill the above as a "Special Condition of Contract," and not file any civil, administrative or criminal appeals regarding any of the above terms.*

Dated: \_\_\_\_\_

Signed by: \_\_\_\_\_  
(Chief Executive/Chief Executive Officer)

Full Name printed: \_\_\_\_\_

Stamp: \_\_\_\_\_