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Our Ref: KETRACO/PT/026/2024

11th September,2024

RE: TENDER CLARIFICATION No. 1

THE TENDER FOR PROVISION OF CONFERENCE FACILITIES (TENDER NUMBER: KETRACO/PT/026/2024).

Find herein the Clarification No. 1 consisting of 1 page into the Principal Tender Document.

All other terms and conditions of the tender remain the same.

No.	Clause	Reference	Description	Clarification	KETRACO's Response
1.	3.3.5		Tenderers shall submit dully filled, signed and stamped form of tender	The reference provided for form of tender had the second page missing	Form of Tender missing page has been included and uploaded
2.	3.3.7		Tenders shall submit dully filled, signed and stamped confidential business questionnaire	The confidential business questionnaire was found to be missing the third page.	CBQ missing page has now been included and uploaded


 HESBON KISERO
 Ag. SENIOR MANAGER SUPPLY CHAIN

1. **FORM OF TENDER**

INSTRUCTIONS TO TENDERERS

i) *All italicized text is to help the Tenderer in preparing this form.*

ii) *The Tenderer must prepare this Form of Tender on stationery with its letterhead clearly showing the Tenderer's complete name and business address. Tenderers are reminded that this is a mandatory requirement.*

iii) *Tenderer must complete and sign CERTIFICATE OF INDEPENDENT TENDER DETERMINATION and the SELF DECLARATION FORMS OF THE TENDERER as listed under (s) below.*

Date of this Tender submission:.....*[insert date (as day, month and year) of Tender submission]* **Tender** **Name** **and**

Identification:.....*[insert identification]* **Alternative**

No.:.....*[insert identification No if this is a Tender for an alternative]*

To: *[Insert complete name of Procuring Entity]*

- a) **No reservations:** We have examined and have no reservations to the tendering document, including Addenda issued in accordance with ITT9;
- b) **Eligibility:** We meet the eligibility requirements and have no conflict of interest in accordance with ITT4;
- c) **Tender-Securing Declaration:** We have not been suspended nor declared ineligible by the Procuring Entity based on execution of a Tender-Securing Declaration or Proposal-Securing Declaration in Kenya in accordance with ITT21;
- d) **Conformity:** We offer to provide the Non-Consulting Services in conformity with the tendering document of the following:*[insert a brief description of the Non-Consulting Services]*;
- e) **Tender Price:** The total price of our Tender, excluding any discounts offered in item(f) below is: *[Insert one of the*

options below as appropriate]

Option 1, in case of one lot: Total price is: Insert the total price of the Tender in words and figures, indicating the various amounts and the respective currencies;

Or

Option 2, in case of multiple lots: (a) Total price of each lot [insert the total price of each lot in words and figures, indicating the various amounts and the respective currencies]; and (b) Total price of all lots (sum of all lots) [insert the total price of all lots in words and figures, indicating the various amounts and the respective currencies];

f) **Discounts:** The discounts offered and the methodology for their application are:

i) The discounts offered are: *[Specify in detail each discount offered.]*

ii) The exact method of calculations to determine the net price after application of discounts is shown below:

[Specify in detail the method that shall be used to apply the discounts];

g) **Tender Validity Period:** Our Tender shall be valid for the period specified in TD5 19.1 (as amended if applicable) from the date fixed for the Tender submission deadline (specified in TD5 23.1 (as amended if applicable), and it shall remain binding upon us and may be accepted at any time before the expiration of that period:

h) **Performance Security:** If our Tender is accepted, we commit to obtain a Performance Security in accordance with the tendering document:

i) **One Tender Per Tenderer:** We are not submitting any other Tender(s) as an individual Tenderer, and we are not participating in any other Tender(s) as a Joint Venture member or as a subcontractor, and meet the requirements of ITT4.3, other than alternative Tenders submitted in accordance with ITT14;

j) **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 PRA. Further, we are not ineligible under Kenya's official regulations or pursuant to a decision of the United Nations Security Council;

- k) **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 ITT 4.6];*
- l) **Commissions, gratuities and fees:** We have paid, or will pay the following commissions, gratuities, or fees with respect to the Tendering process or execution of the Contract: *[insert complete name of each Recipient, its full address, r gratuity].*

Name of Recipient	Address	Reason	Amount

(If none has been paid or is to be paid, indicate "none.")

- a) *[Delete if not appropriate, or amend to suit]* We confirm that we understand the provisions relating to Standstill Period as described in this tendering document and the Procurement Regulations.
- m) **Binding Contract:** We understand that this Tender, together with your written acceptance thereof included in your Form of Acceptance, shall constitute a binding contract between us, until a formal contract is prepared and executed;
- n) **Not Bound to Accept:** We understand that you are not bound to accept the lowest evaluated cost Tender, the Best Evaluated Tender or any other Tender that you may receive; and
- o) **Fraud and Corruption:** We hereby certify that we have taken steps to ensure that no person acting for us or on our behalf engages in any type of Fraud and Corruption.
- p) **Collusive practices:** We hereby certify and confirm that the tender is genuine, non-collusive and made with the intention of accepting the contract if awarded. To this effect we have signed the "Certificate of Independent tender Determination" attached below.
- q) **Code of Ethical Conduct:** We undertake to adhere by the Code of Ethics for Persons Participating in Public Procurement and Asset Disposal, copy available

from _____(sp)
execution of any resulting contract.

i) We, the Tenderer, have completed fully and signed the following
Forms as part of our Tender:

i) Tenderer's Eligibility: Confidential Business
Questionnaire—to establish we are not in any conflict to
interest.

ii) Certificate of Independent Tender Determination—to
declare that we completed the tender without colluding
with other tenderers.

iii) Self-Declaration of the Tenderer—to declare that we will,
if awarded a contract, not engage in any form of fraud
and corruption.

iv) Declaration and commitment to the Code of Ethics for
Persons Participating in Public Procurement and Asset
Disposal.

Further, we confirm that we have read and understood the full
content and scope of fraud and corruption as informed in
"Appendix 1- Fraud and Corruption" attached to the Form of
Tender.

Name of the Tenderer:.....*[insert complete
name of person signing the Tender]

Name of the person duly authorized to sign the Tender on behalf
of the Tenderer:.....**[insert complete name of
person duly authorized to sign the Tender]

Title of the person signing the Tender:.....[insert complete title of the
person signing the Tender]

Signature of the person named above:[insert
signature of person whose name and capacity are shown above]

Date signed.....[insert date of signing] day of
.....[insert month], [insert year]

i) **TENDERER'S ELIGIBILITY - CONFIDENTIAL BUSINESS QUESTIONNAIRE**

Instruction to Tenderer

Tender is instructed to complete the particulars required in this Form, *one form for each entity if Tender is a JV*. Tenderer is further reminded that it is an offence to give false information on this Form.

a) Tenderer's details

	ITEM	DESCRIPTION
1	Name of the Procuring Entity	
2	Reference Number of the Tender	
3	Date and Time of Tender Opening	
4	Name of the Tenderer	
5	Full Address and Contact Details of the Tenderer.	1. Country 2. City 3. Location 4. Building 5. Floor 6. Postal Address 7. Name and email of contact person.
6	Current Trade License Registration Number and Expiring date	
7	Name, country and full address (<i>postal and physical addresses, email, and telephone number</i>) of Registering Body/Agency	
8	Description of Nature of Business	
9	Maximum value of business which the Tenderer handles.	
10	State if Tenders Company is listed in stock exchange, give name and full address (<i>postal and physical addresses, email,</i>	

				2
				1
Names of Director	Nationality	Citizenship	% Shares owned	

!!!) Give details of Directors as follows.

.....
 Issued Kenya Shillings (Equivalent)

.....
 Nominal Kenya Shillings (Equivalent)

!!) State the nominal and issued capital of the Company-

i) Private or public Company _____

d) Registered Company, provide the following details.

				3
				2
				1
Names of Partners	Nationality	Citizenship	% Shares owned	

c) Partnership, provide the following details.

_____ Citizenship

_____ Country of Origin

_____ Nationality

_____ Age
 Name in full _____

b) Sole Proprietor, provide the following details.

General and Specific Details

_____	_____ and telephone number) of state which stock exchange
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3			
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e) **DISCLOSURE OF INTEREST-Interest of the Firm in the Procuring Entity.**

- i) Are there any person/persons in.....
 (Name of Procuring Entity) who has/have an interest or
 relationship in this firm?
 Yes/No.....

If yes, provide details as follows.

	Names of Person	Designation in the Procuring Entity	Interest or Relationship with Tenderer
1			
2			
3			

ii) **Conflict of interest disclosure**

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
1	Tenderer is directly or indirectly controlled by or is under common control with another tenderer.		
2	Tenderer receives or has received any direct or indirect subsidy from another tenderer.		
3	Tenderer has the same legal representative as another tenderer		
4	Tender has a relationship with another tenderer, directly or through common third parties that puts it in a position to influence the tender of another tenderer, or influence the decisions of the Procuring Entity regarding this tendering process.		
5	Any of the Tenderer's affiliates participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of the tender.		
6	Tenderer would be providing goods, works, non-consulting services or consulting services during implementation of the contract specified in this Tender Document.		

(Date)

(Signature)

Title or Designation

Full Name

On behalf of the Tenderer, I certify that the information given above is complete, current and accurate as at the date of submission.

f) Certification

Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
7		Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who are directly or indirectly involved in the preparation of the Tender document or specifications of the Contract, and/or the Tender evaluation process of such contract.
8		Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who would be involved in the implementation or supervision of the Contract.
9		Has the conflict stemming from such relationship stated in item 7 and 8 above been resolved in a manner acceptable to the Procuring Entity throughout the tendering process and execution of the Contract?