



**NATIONAL CONSTRUCTION  
AUTHORITY**

**TENDER FOR REGISTRATION OF GARAGES FOR SERVICING,  
MAINTENANCE AND REPAIRS OF NCA MOTOR VEHICLES**

**TENDER NO. NCA/REG/001/2023-2024**

**CLOSING DATE: WEDNESDAY 15<sup>TH</sup> MAY, 2024**

**SUPPLY CHAIN MANAGER  
NATIONAL CONSTRUCTION AUTHORITY  
P.O. BOX 21046-00100  
NAIROBI**

**EXECUTIVE DIRECTOR  
NATIONAL CONSTRUCTION  
AUTHORITY  
P.O. BOX 21046-00100  
NAIROBI**

## **SECTION I: INVITATION FOR REGISTRATION OF SUPPLIERS**

**Date: 30<sup>th</sup> April, 2024**

**TENDER No: NCA/REG/001/2023-2024:**

### **TENDER NAME: REGISTRATION OF GARAGES FOR SERVICING, MAINTENANCE AND REPAIRS OF NCA MOTOR VEHICLES**

The National Construction Authority (NCA) is a State Corporation established under the National Construction Authority Act, 449A of 2011, to oversee the construction industry and coordinate its development.

The National Construction Authority (NCA) intends to update its list of Garages for Servicing, Maintenance and Repairs of NCA Motor Vehicles hence invites applications from competent firms for supply and delivery of goods, works and services for financial year 2024-2025 and 2025-2026.

Pursuant to Section 57 and 71 of the Public Procurement and Asset Disposal Act, 2015, NCA wishes to update lists of registered suppliers, contractors and consultants in various specific categories of goods, works and services.

In order to be considered for procurement opportunities in future, interested firms are required to submit registration application documents for the specified category. Registration documents are downloaded free of charge from NCA Website: [www.nca.go.ke](http://www.nca.go.ke) or from the Public Procurement Information portal: [www.tenders.go.ke](http://www.tenders.go.ke).

Completed registration documents enclosed in plain sealed envelopes, clearly marked with the tender name and reference number should be sent to;

**The Executive Director,  
National Construction Authority,  
P.O. Box 21046-00100, NAIROBI**

**OR dropped in the Tender Box at 9th Floor KCB Towers.**

**so as to be received on or before 11.00am on Wednesday 15<sup>th</sup> May, 2024.**

**Manager, Supply Chain  
For: EXECUTIVE DIRECTOR**

**SECTION II: REGISTRATION CATEGORIES**

**CATEGORY A: PROVISION OF SERVICES**

<b>CODE. NO.</b>	<b>SUB – CATEGORY</b>
NCA/REG/001/2023-2024	Registration for Servicing, Maintenance and Repairs of NCA Motor Vehicles & Motor Cycles

## **SECTION III: INSTRUCTIONS TO CANDIDATES**

### **2.1 INTRODUCTION**

2.1.1 The National Construction Authority (NCA) would like to invite interested candidates who must qualify by meeting the set criteria as provided by the NCA to perform the contract of supply of the goods to the Authority.

### **2.2. FORMAT AND SIGNING OF APPLICATIONS**

2.2.1 The applicant shall prepare one original documents comprising the registration document, as described in Instructions to Candidates, bound with the section containing the Appendix to instructions and clearly marked "ORIGINAL". In addition, the applicant shall submit one copy of the same registration document clearly marked "COPY". In the event of discrepancy between them, the original shall prevail.

2.2.2 The original and copy of the registration document shall be typed or written in indelible ink (in the case of copies, photocopies are also acceptable) and shall be signed by a person or persons duly authorized to sign on behalf of the applicant pursuant to Sub-Clause 2.4.2. The person or persons signing the registration document shall initial all pages of the tender where entries or amendments have been made.

The registration document shall be without alterations, omissions or conditions except as necessary to correct errors made by the applicant, in which case such corrections shall be initialed by the person or persons signing the registration document.

### **2.3 SUBMISSION OF APPLICATIONS**

Applications for registration shall be submitted in sealed envelopes marked with the registration document name and reference number and deposited in the tender box at address and location indicated or be addressed to the respective addresses provided in the tender notice so as to be received on or before **15<sup>th</sup> May, 2024**

2.3.1 Applications received after the closing date shall be rejected and returned to the applicant unopened.

2.3.2 The Candidate shall seal the original and the copy of the registration document in separate envelopes duly marking the envelopes "ORIGINAL" and "COPY". The envelopes shall then be sealed in an outer separate envelope.

The inner and outer envelopes shall:

- (a) Be addressed and delivered to NCA headquarters as provided in the invitation for registration and the registration advertisement.
- (b) Bear the name and identification number of the registration document. In addition to the identification required in sub-Clause 2.9.1, the inner envelopes shall indicate the name and address of the applicant to enable the application to be returned unopened in case it is declared "late" pursuant to Clause 2.3.1.

2.3.3 If the outer envelope is not sealed and marked as instructed above, National Construction Authority will assume no responsibility for the misplacement or premature opening of the registration document. If the outer envelope discloses the Candidate's identity the Employer will not guarantee the anonymity of the registration submission, but this shall not constitute grounds for rejection of the registration document.

2.3.4 All the information requested for registration shall be provided in the English language. Where information is provided in any other language, it shall be accompanied by a translation of its pertinent parts into English language. The translation will govern and will be used for interpreting the information.

2.3.5 Failure to provide information that is essential for effective evaluation of the applicant's qualifications or to provide timely clarification or substantiation of the information supplied may result in the applicant's disqualification.

## **2.4 ELIGIBLE CANDIDATES**

2.4.1 Suppliers registered with Registrar of Companies under the Laws of Kenya in respective merchandise or services are invited to submit their registration documents to The Supply Chain Manager, National Construction Authority so that they may be pre-qualified for submission of quotations. The prospective suppliers are required to supply mandatory information for registration- Form REG-1.

2.4.2 Candidates shall provide such evidence of their continued eligibility satisfactory to the Authority, as the Authority shall reasonably request.

## **2.5 QUALIFICATION CRITERIA**

2.5.1 Registration will be based on meeting the minimum requirements to pass in the criteria set as shown below. The attached questionnaire forms REG-1, REG-2, REG-3, REG-4, REG-5 and REG-6 are to be completed by prospective suppliers who wish to be pre-qualified for submission of tender for the specific tender.

2.5.2 The registration of suppliers' application forms -Form REG-1 which are not filled out completely and submitted in the prescribed manner will not be considered. All the documents that form part of the proposal must be written in English and in ink.

### **2.5.3 Experience:**

- (a) Prospective bidders shall have at least 1 year experience in the supply of goods, services and allied items in case of potential supplier should show competence, willingness and capacity to service the contract.
- (b) Prospective supplier requires special experience and capability to organize supply and delivery of items, or services at short notice.

### **2.5.4 Personnel**

The names pertinent information and CV of the key personnel for individual or group to execute the contract must be indicated in form REG-2.

### **2.5.5 Financial Condition**

The Supplier's financial condition will be determined by latest financial statements submitted with the registration documents as well as letters of reference from their bankers regarding suppliers credit position. Potential suppliers will be pre-qualified on the satisfactory information given.

2.5.6 Potential bidders must give a statement that demonstrates an understanding of the category of interest on form REG-3.

2.5.7 Special consideration will be given to the financial resources available as working capital, taking into account the amount of uncompleted orders on contract and now in progress. Potential bidders should provide evidence of financial capability to execute the contract.

### **2.5.8 Confidential Business Questionnaire**

The general information and details of nature of business and location should be included as required in the attached Form.

### **2.5.9 Past Performance**

Past performance will be given due consideration in pre-qualifying bidders. Letter of reference from past customers should be included in Form REG-4.

### **2.5.10 Litigation History and Sworn Statement**

Application must include information on any history of litigation or arbitration resulting from contracts executed in the last one year or currently under execution – Form REG-5 and a sworn statement by the Tenderer ensuring the accuracy of the information given - Form REG-6.

## **2.6 COST OF APPLICATION**

The applicant shall bear all costs associated with the preparation and submission of its tender and the Employer will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the registration process.

## **2.7 CLARIFICATION OF REGISTRATION DOCUMENTS**

2.7.1 The prospective applicant requiring any clarification of the registration documents may notify the Employer in writing or by cable (hereinafter the term cable is deemed to include telex and facsimile) at the Employer's mailing address indicated in the registration data.

2.7.2 The Employer will respond in writing to any request for clarification that he receives earlier than 7 days prior to the deadline for the submission of applications. Copies of the Employer's response to queries raised by applicants (including an explanation of the query but without identifying the sources of the inquiry) will be sent to all prospective applicants who will have purchased the registration documents.

## **2.8 AMENDMENT OF REGISTRATION DOCUMENTS**

2.8.1 At any time prior to the deadline for submission of applications, the Employer may, for any reason, whether at his own initiative or in response to a clarification requested by a prospective applicant, modify the registration documents by issuing subsequent Addenda.

2.8.2 The Addendum thus issued shall be part of the registration documents pursuant to Sub-Clause 2.7.2 and shall be communicated in writing or cable to all purchasers of the registration documents. Prospective applicants shall promptly acknowledge receipt of each Addendum by cable to the Employer.

2.8.3 In order to afford prospective applicants reasonable time in which to take an Addendum into account in preparing their applications, the Employer may, at his discretion, extend the deadline for the submission of applications in accordance with Clause 2.8.1.

## **2.9 DEADLINE FOR SUBMISSION OF REGISTRATION DOCUMENTS**

2.9.1 Applications must be received by the Employer at the address specified in Sub-Clause 2.10.1, no later than the time and date stipulated in the notice for pre-qualification.

2.9.2 The Employer may, at his discretion, extend the deadline for the submission of applications through the issue of an Addendum in accordance with Clause 2.8 in which case all rights and obligations of the Employer and the applicants previously subject to the original deadline shall thereafter be subject to the new deadline as extended.

## **2.10 OPENING OF REGISTRATION DOCUMENTS**

2.10.1 The Employer will open the applications in the presence of applicants' designated representatives who choose to attend, at the time, date, and location stipulated in the letter of invitation. The applicants' representatives who are present shall sign a register evidencing their attendance.

2.10.2 The Employer shall prepare minutes of the opening of the registration documents, including the information disclosed to those present.

2.10.3 Applications not opened and read out at opening shall not be considered further for evaluation, irrespective of the circumstances.

## **2.11 PROCESS TO BE CONFIDENTIAL**

2.11.1 Information relating to the examination, evaluation of applications, and recommendations for the successful candidate shall not be disclosed to applicants or any other persons not officially concerned with such process until approval to the successful applicant has been announced. Any effort by a applicant to influence the Employer's processing of applications or approval decisions may result in the rejection of the applications

## **2.12 CLARIFICATION OF APPLICATIONS AND CONTACTING OF THE EMPLOYER**

2.12.1 To assist in the examination, evaluation, and comparison of applications, the Employer may, at his discretion, ask any applicant for clarification of his/her application.

2.12.2 Subject to Sub-Clause 2.11.1, no applicant shall contact the Employer on any matter relating to its application from the time of the opening to the time the registration list is approved. If the applicant wishes to bring additional information to the notice of the Employer, it should do so in writing.

2.12.3 Any effort by any applicant to influence the Employer in the Employer's registration evaluation, registration comparison or registration approval decisions may result in the rejection of the candidate's application.

## **2.13 EXAMINATION OF REGISTRATION DOCUMENTS AND DETERMINATION OF RESPONSIVENESS**

2.13.1 Prior to the detailed evaluation of applications, the Employer will determine whether each application (a) has been properly signed and delivered pursuant to clause 2.3 ; (b) is substantially responsive to the requirements of the registration documents; and (c) provides any clarification and/or substantiation that the Employer may require to determine responsiveness pursuant to Sub-Clause 2.15

2.13.2 A substantially responsive application is one that conforms to all the terms, conditions, and specifications of the registration documents without material deviation or reservation. A material deviation or reservation is one (a) which limits in any substantial way, inconsistent with the registration documents, the Employer's rights or the applicant's obligations under the contract; or (b) whose rectification would affect unfairly the competitive position of other applicants presenting substantially responsive applications.

2.13.3 If an application is not substantially responsive, it will be rejected by the Employer and may not subsequently be made responsive by correction or withdrawal of the nonconforming deviation or reservation.

2.13.4 The employer will, prior to the approval of the registration may confirm the qualification of each applicant who shall have passed the technical stage the registration process in order to determine whether the applicant possesses all the requirements in the application for the registration document submitted.

## **2.14 NOTIFICATION OF QUALIFIED APPLICANTS**

2.14.1 Applicants whose applications are determined to be successful in accordance with sub-clause 2.15 will be notified by the Authority within thirty (30) days from the date of opening of registration documents.

2.14.2 At the same time the Employer notifies qualified Applicants that their applications are responsive, the Employer shall notify the other Applicants whose applications are not responsive.

## **2.15 EVALUATION AND COMPARISON OF APPLICATIONS**

2.15.1 The Employer will evaluate and compare only the applications determined to be substantially responsive in accordance with Clauses 2.13.

2.15.2 Registration will be based on meeting the minimum requirements to pass in the criteria set.

## **2.16 EMPLOYER'S RIGHT TO ACCEPT ANY APPLICATION AND TO REJECT ANY OR ALL APPLICATIONS**

2.16.1 The Employer reserves the right to accept or reject any application, and to annul the registration process and reject all applications, at any time prior to approval of contact, without thereby incurring any liability to the affected applicant or applicants or any obligation to inform the affected Applicant or Applicants of the grounds for the Employer's action.

## **2.17 NOTIFICATION OF APPROVAL**

2.17.1 Prior to expiration of the period of registration validity prescribed by the Employer, the Employer will notify successful applicants.

## **2.18 ACCEPTANCE OF THE APPROVAL**

2.18.1 The successful candidates shall be required to acknowledge in writing the acceptance of their registration to the Employer.



## **APPENDIX TO INSTRUCTIONS TO CANDIDATES**

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

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

- (i) Subject to Clause 2.2.1 and 2.3.2 on Format & signing of applications and Submission of Applications respectively, Bidders are requested to submit **One Original and one copy of the tender** document
- (ii) Subject to Clause 2.15 on Evaluation and Comparison of Applications, the evaluation criteria shall be as follows:-

## PRELIMINARY EVALUATION

### A: MANDATORY REQUIREMENTS

No.	Requirements	Score
1)	Dully filled signed and stamped Registration Submission Form addressed to The Executive Director	
2)	Copy of Certificate of Registration/Incorporation	
3)	Copy of Valid Tax Compliance Certificate	
4)	Copy of <b>Valid</b> Single Business Permit related to this line of Business from County Governments	
5)	Evidence of physical registered garage and address ( <i>Evidence required can be; a copy of lease agreement or Title deeds or copy of electricity bill or water bill in the name of the company or the director of the company</i> ).	
6)	Provide the latest CR 12 Certificate for Companies and Identification documents for sole proprietor and partnership firms.	
7)	Dully filled signed and stamped registration submission form	
8)	Dully filled, signed and stamped Confidential Business Questionnaire	
9)	Dully filled, signed and stamped SD1 form	
10)	Dully filled, signed and stamped SD2 form	
11)	Dully filled, signed and stamped declaration and commitment to the code of ethics form	
12)	Dully filled, signed and stamped certificate of independent tender dertermination form	
13)	Dully Filled registration Data (Registration of suppliers Application form) (REG- 1)	
14)	Dully filled, signed Technical personnel form ( <i>6 staff members to fill separately and attach CVs</i> ) (REG- 2)	
15)	Give statement that demonstrates an understanding of the category of interest (REG-3)	
16)	Dully filled, signed and stamped Past Experience Form (REG- 4)	
17)	Dully filled Litigation History form (REG- 5)	
18)	Dully filled, signed and stamped Sworn statement (REG- 6)	
19)	Must be registered with the Mechanical and Transport Department as an authorized garage. ( <i>Attach evidence</i> )	
20)	Insurance Policy covering theft, damage, injury etc., on third party vehicles under repairs. ( <i>attach a copy</i> )	
21)	The firm <b>MUST</b> have been in operation for the last <b>ten years</b> repairing motor vehicle ( <i>Attach, contracts, LPO/LSO or single business permit indicating the same for the 10 years</i> )	
22)	Attach reference letters from five (5) Ministries or Government Agencies you have worked with within the last three (3) years	
23)	Bidders must provide a Credit Facility of atleast 30 Days from receipt of a dully authorized invoice. ( <i>Attach a commitment letter accepting the credit period</i> )	
24)	Bidder must Provide a Letter of Reference from their bankers addressed to the Executive Director.	
25)	Provide One original & one copy of Tender document properly bound and sequentially serialized/paginated in the form of i.e 1, 2, 3, 4....on each page including all the attachments	
	<b>Responsiveness (Yes/No)</b>	

**Note: Bidders must meet ALL the Mandatory Requirement to qualify for Due Diligence visits.**

**B. DUE DILIGENCE**

The Authority will undertake due diligence by visiting all the successful garages in the mandatory requirements to confirm availability of the following;

No.	Requirements during due diligence	Score (Yes/No)
1)	Secure physical garage premises	
2)	Good access Road to the premises	
3)	Availability of Inspection/ramp pit or vehicle lift	
4)	Presence of Security guard manning the area	
5)	Presence of Alarm system/electric fence	
6)	Availability of firefighting equipment.	
7)	Availability of the following workshop tools and equipment; <ul style="list-style-type: none"><li>• Tool boxes</li><li>• Arc welding Machine</li><li>• Gas welding equipment</li><li>• Trolley jack</li><li>• Safety stands/ pole jacks</li><li>• Greasing equipment</li><li>• Spray painting equipment</li><li>• Air compressor</li><li>• Engine Hoist</li></ul>	
8)	Presence of qualified staff; mechanics, Electricians, Panel beaters/ painters.	

**Note:**

- 1. Bidders must meet ALL the requirements in the Due Diligence visits to qualify for registration.**
- 2. Any No response will lead to disqualification.**

**SECTION IV: REGISTRATION SUBMISSION FORM**

Date \_\_\_\_\_

Registration No. \_\_\_\_\_

To: **The Executive Director,  
National Construction Authority  
KCB Tower, Kenya Road, Upper Hill  
P.O Box 21046-00100  
NAIROBI, KENYA**

Gentlemen and/or Ladies:

Having examined the Registration documents including Addenda Nos. .... the receipt of which is hereby duly acknowledged, we, the undersigned, offer to supply the required goods/services in accordance with your Request for Quotations and we hereby submit our Registration Document

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

**Category applied for Registration; NCA/REG/001/2023-2024 – Registration of Garages for Servicing, Maintenance and Repairs of NCA Motor Vehicles**

We understand that you are not bound to accept any tender you may receive.

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

\_\_\_\_\_

[signature]

[in the capacity of]

Duly authorized to sign tender for an on behalf of *(Name of the firm)*

\_\_\_\_\_  
\_\_\_\_\_

**i) CONFIDENTIAL BUSINESS QUESTIONNAIRE**

**Instruction to Tenderer**

Tenderer 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**

	<b>ITEM</b>	<b>DESCRIPTION</b>
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, and telephone number</i> ) of state which stock exchange	

**General and Specific Details**

b) **Sole Proprietor**, provide the following details.

Name in full \_\_\_\_\_ Age \_\_\_\_\_

Nationality \_\_\_\_\_ Country of Origin \_\_\_\_\_

Citizenship \_\_\_\_\_

c) **Partnership**, provide the following details.

	<b>Names of Partners</b>	<b>Nationality</b>	<b>Citizenship</b>	<b>% Shares owned</b>
1				
2				
3				

d) **Registered Company**, provide the following details.

i) Private or public Company \_\_\_\_\_

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

Nominal Kenya Shillings (Equivalent) .....

Issued Kenya Shillings (Equivalent) .....

iii) Give details of Directors as follows.

	Names of Director	Nationality	Citizenship	% Shares owned
1				
2				
3				

e) **DISCLOSURE OF INTEREST-Interest of the Firm in the Procuring Entity.**

i) Are there any person/persons in **National Construction Authority** 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	Tenderer 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.		
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?		

**Certification**

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

Full Name \_\_\_\_\_

Title or Designation \_\_\_\_\_

(Signature) \_\_\_\_\_ (Date) \_\_\_\_\_

**ii) CERTIFICATE OF INDEPENDENT TENDER DETERMINATION**

I, the undersigned, in submitting the accompanying Letter of Tender to **the National Construction Authority For Registration of Garages for Servicing, Maintenance and Repairs of NCA Motor Vehicles** in response to the request for tenders made by **the National Construction Authority** do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of \_\_\_\_\_ *[Name of Tenderer]* that:

1. I have read and I understand the contents of this Certificate;
2. I understand that the Tender will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am the authorized representative of the Tenderer with authority to sign this Certificate, and to submit the Tender on behalf of the Tenderer;
4. For the purposes of this Certificate and the Tender, I understand that the word “competitor” shall include any individual or organization, other than the Tenderer, whether or not affiliated with the Tenderer, who:
  - a) Has been requested to submit a Tender in response to this request for tenders;
  - b) could potentially submit a tender in response to this request for tenders, based on their qualifications, abilities or experience;
5. The Tenderer discloses that *[check one of the following, as applicable]*:
  - a) The Tenderer has arrived at the Tender independently from, and without consultation, communication, agreement or arrangement with, any competitor;
  - b) the Tenderer has entered into consultations, communications, agreements or arrangements with one or more competitors regarding this request for tenders, and the Tenderer discloses, in the attached document(s), complete details thereof, including the names of the competitors and the nature of, and reasons for, such consultations, communications, agreements or arrangements;
6. In particular, without limiting the generality of paragraphs(5)(a) or (5)(b) above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - a) prices;
  - b) methods, factors or formulas used to calculate prices;
  - c) the intention or decision to submit, or not to submit, a tender; or
  - d) the submission of a tender which does not meet the specifications of the request for Tenders; except as specifically disclosed pursuant to paragraph (5) (b) above;
7. In addition, there has been no consultation, communication, agreement or arrangement with any competitor regarding the quality, quantity, specifications or delivery particulars of the works or services to which this request for tenders relates, except as specifically authorized by the procuring authority or as specifically disclosed pursuant to paragraph (5)(b) above;
8. The terms of the Tender have not been, and will not be, knowingly disclosed by the Tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening, or of the awarding of the Contract, which ever comes first, unless otherwise required by law or as specifically disclosed pursuant to paragraph (5) (b) above.

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

*[Name, title and signature of authorized agent of Tenderer and Date]*

**iii) SELF-DECLARATION FORMS**

**FORM SD1**

**SELF DECLARATION THAT THE PERSON/TENDERER IS NOT DEBARRED IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015**

I, ....., of Post Office Box ..... being a resident of..... in the Republic of ..... do hereby make a statement as follows:-

1. THAT I am the Company Secretary/ Chief Executive/ Managing Director /Principal Officer/Director of ..... (*insert name of the Company*) who is a Bidder in respect of Tender No. .... for.....(*insert tender title/description*) for.....(*insert name of the Procuring entity*) and duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its Directors and subcontractors have not been debarred from participating in procurement proceeding under Part IV of the Act.
3. THAT what is deponed to herein above is true to the best of my knowledge, information and belief.

.....

(Title)

.....

(Signature)

.....

(Date)

Bidder Official Stamp



**FORM SD2**

**SELF DECLARATION THAT THE PERSON/TENDERER WILL NOT ENGAGE IN ANY CORRUPT OR FRAUDULENT PRACTICE**

I, .....of P. O. Box.....being a resident of ..... in the Republic of ..... do hereby make a statement as follows:-

1. THAT I am the Chief Executive/Managing Director/Principal Officer/Director of ..... (*Insert name of the Company*) who is a Bidder in respect of Tender No..... for .....(*insert tender title/description*) for .....(*insert name of the Procuring entity*) and duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its servants and/or agents /subcontractors will not engage in any corrupt or fraudulent practice and has not been requested to pay any inducement to any member of the Board, Management, Staff and/or employees and/or agents of.....  
.....(*insert name of the Procuring entity*) which is the procuring entity.
3. THAT the aforesaid Bidder, its servants and/or agents /subcontractors have not offered any inducement to any member of the Board, Management, Staff and/or employees and/or agents of..... (*name of the procuring entity*)
4. THAT the aforesaid Bidder will not engage /has not engaged in any corrosive practice with other bidders participating in the subject tender
5. THAT what is deponed to here in above is true to the best of my knowledge information and belief.

.....  
.....  
.....  
(Title) (Signature) (Date)

Bidder's Official Stamp

**DECLARATION AND COMMITMENT TO THE CODE OF ETHICS**

I, ..... (*Person*) on behalf of  
(*Name of the Business/ Company/Firm*) .....

..... declare that I have read and fully understood the contents of the Public Procurement & Asset Disposal Act, 2015, Regulations and the Code of Ethics for persons participating in Public Procurement and Asset Disposal and my responsibilities under the Code.

I do hereby commit to abide by the provisions of the Code of Ethics for persons participating in Public Procurement and Asset Disposal.

Name of Authorized signatory.....  
.....

Sign.....

Position.....

Office address.....

Telephone.....

E-mail.....

Name of the Firm/Company.....  
.....

Date.....

**(Company Seal/ Rubber Stamp where applicable)**

Witness

Name.....

Sign.....

Date.....

## APPENDIX 1-FRAUD AND CORRUPTION

*(Appendix 1 shall not be modified)*

### 1. Purpose

- 1.1 The Government of Kenya's Anti-Corruption and Economic Crime laws and their sanction's policies and procedures, Public Procurement and Asset Disposal Act (*no. 33 of 2015*) and its Regulation, and any other Kenya's Acts or Regulations related to Fraud and Corruption, and similar offences, shall apply with respect to Public Procurement Processes and Contracts that are governed by the laws of Kenya.

### 2. Requirements

- 2.1 The Government of Kenya requires that all parties including Procuring Entities, Tenderers, (applicants/proposers), Consultants, Contractors and Suppliers; any Sub-contractors, Sub-consultants, Service providers or Suppliers; any Agents (whether declared or not); and any of their Personnel, involved and engaged in procurement under Kenya's Laws and Regulation, observe the highest standard of ethics during the procurement process, selection and contract execution of all contracts, and refrain from Fraud and Corruption and fully comply with Kenya's laws and Regulations as per paragraphs 1.1 above.

- 2.2 Kenya's public procurement and asset disposal act (*no. 33 of 2015*) under Section 66 describes rules to be followed and actions to be taken in dealing with Corrupt, Coercive, Obstructive, Collusive or Fraudulent practices, and Conflicts of Interest in procurement including consequences for offences committed. A few of the provisions noted below highlight Kenya's policy of no tolerance for such practices and behavior:

- 1) A person to whom this Act applies shall not be involved in any corrupt, coercive, obstructive, collusive or fraudulent practice; or conflicts of interest in any procurement or asset disposal proceeding;
- 2) A person referred to under sub section (1) who contravenes the provisions of that sub-section commits an offence;
- 3) Without limiting the generality of the subsection (1) and (2), the person shall be: -
  - a) disqualified from entering into a contract for a procurement or asset disposal proceeding; or
  - b) if a contract has already been entered into with the person, the contract shall be voidable;
- 4) The voiding of a contract by the procuring entity under subsection (7) does not limit any legal remedy the procuring entity may have;

3. An employee or agent of the procuring entity or a member of the Board or committee of the procuring entity who has a conflict of interest with respect to a procurement: -

- a) Shall not take part in the procurement proceedings;
- b) shall not, after a procurement contract has been entered into, take part in any decision relating to the procurement or contract; and
- c) Shall not be a subcontractor for the tender to whom was awarded contract, or a member of the group of tenders to whom the contract was awarded, but the subcontractor appointed shall meet all the requirements of this Act.

4. An employee, agent or member described in subsection (1) who refrains from doing anything prohibited under that subsection, but for that subsection, would have been within his or her duties shall disclose the conflict of interest to the procuring entity;

- 4.1 If a person contravenes subsection (1) with respect to a conflict of interest described in subsection (5) (a) and the contract is awarded to the person or his relative or to another person in whom one of them had a direct or

indirect pecuniary interest, the contract shall be terminated and all costs incurred by the public entity shall be made good by the a warding officer. etc.

In compliance with Kenya's laws, regulations and policies mentioned above, the Procuring Entity:

- a) Defines broadly, for the purposes of the above provisions, the terms set forth below as follows:
  - i) “corrupt practice” is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
  - ii) “fraudulent practice” is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;
  - iii) “collusive practice” is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
  - iv) “coercive practice” is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
  - v) “obstructive practice” is:
    - a) deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede investigation by Public Procurement Regulatory Authority (PPRA) or any other appropriate authority appointed by Government of Kenya into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
    - b) Acts intended to materially impede the exercise of the PPRA's or the appointed authority's inspection and audit rights provided for under paragraph 2.3e. Below.
    - c) Defines more specifically, in accordance with the above procurement Act provisions set forth for fraudulent and collusive practices as follows:

"fraudulent practice" includes a misrepresentation of fact in order to influence a procurement or disposal process or the exercise of a contract to the detriment of the procuring entity or the tenderer or the contractor, and includes collusive practices amongst tenderers prior to or after tender submission designed to establish tender prices at artificial non-competitive levels and to deprive he procuring entity of the benefits of free and open competition.
    - d) Rejects a proposal for award of a contract if PPRA determines that the firm or individual recommended for award, any of its personnel, or its agents, or its sub-consultants, sub- contractors, service providers, suppliers and/ or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;
    - e) Pursuant to the Kenya's above stated Acts and Regulations, may sanction or recommend to appropriate authority(ies) for sanctioning and debarment of a firm or individual, as applicable under the Acts and Regulations;
    - f) Requires that a clause be included in Tender documents and Request for Proposal documents requiring (i) Tenderers (applicants/proposers), Consultants, Contractors, and Suppliers, and their Sub-contractors, Sub-consultants, Service providers, Suppliers, Agents personnel, permit the PPRA or any other appropriate authority appointed by Government of Kenya to inspect<sup>2</sup>all accounts, records and other documents relating to the procurement process, selection and/or contract execution, and to have them audited by auditors appointed by the PPRA or any other appropriate authority appointed by Government of Kenya; and
    - g) Pursuant to Section 62 of the above Act, requires Applicants/Tenderers to submit along with their Applications/Tenders/Proposals a “Self-Declaration Form” as included in the procurement document declaring that they and all parties involved in the procurement process and contract execution have not engaged/will not engage in any corrupt or fraudulent practices.

**FORM REG - 1 - REGISTRATION DATA**

**REGISTRATION OF SUPPLIERS APPLICATION FORM**

I/We .....hereby apply for registration as supplier(s)

*(Name of Company/Firm)*

of .....

*(Sub Category Description)*

.....

*(Sub-Category Code No.)*

Post Office Address .....

Town.....Street .....

Name of building .....

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

Telephone Nos. ....

Full Name of applicant .....

Other branches location .....

**Organization & Business Information**

Management Personnel .....

Chief Executive .....

Secretary .....

General Manager .....

Treasurer .....

Other.....

**Partnership (if applicable)**

- 1) Names of Partners .....
- 2) Business founded or incorporated .....
- 3) Under present management since .....
- 4) Net worth equivalent Kshs.....
- 5) Bank reference and address .....
- 6) Bonding company reference address.....
- 7) Enclose copy of organization chart of the firm indicating the main fields of activities .....
- 8) State any technological innovations or specific attributes which distinguish you from your competitor.....
- 9) Indicate terms of trade/sale .....

**REG -2 TECHNICAL PERSONNEL (3 Staff Members)**

Name .....

Age .....

Academic Qualification .....

Under graduate.....

Post graduate.....

Diploma in Mechanical/ Electrical Engineering.....

Certificate in Mechanics/ Electrical.....

Craft/ Artisan.....

Professional Qualification .....

.....

*(Attach Certificates if any)*

Length of service with Contractor or Supplier position held

.....

*(Attach copies of certificates of three (6 technical personnel in the organization and their CVs – Mechanical, Electrician and Panel beater/ painters)*

**a). Motor Mechanics** Provide at least two (2) Cv’s and certificates for technical staff with certification in motor vehicle mechanics

**b). Motor Electrician**

Provide at least two (2) Cv’s and certificates for technical staff with certification in Motor Electrical

**c) Body works**

Provide at least two (2) Cv’s and certificates for technical staff with certification in Panel beating and body works



**NAME OF FIVE CLIENTS**

1. Name of 1<sup>st</sup> Client (organization)
  - i) Name of Client (organization) .....
  - ii) Address of Client (organization) .....
  - iii) Name of Contact Person at the client (organization) .....
  - iv) Telephone No. of Client .....
  - v) Value of Contract .....
  - vi) Duration of Contract (date) .....

**(Attach documental evidence of existence of contract)**
2. Name of 2<sup>nd</sup> Client (organization)
  - i) Name of Client (organization) .....
  - ii) Address of Client (organization) .....
  - iii) Name of Contact Person at the client (organization) .....
  - iv) Telephone No. of Client .....
  - v) Value of Contract .....
  - vi) Duration of Contract (date) .....

**(Attach documental evidence of existence of contract)**
3. Name of 3<sup>rd</sup> Client (organization)
  - i) Name of Client (organization) .....
  - ii) Address of Client (organization) .....
  - iii) Name of Contact Person at the client (organization) .....
  - iv) Telephone No. of Client .....
  - v) Value of Contract .....
  - vi) Duration of Contract (date) .....

**(Attach documental evidence of existence of contract)**
4. Others clients .....



**FORM REG-5 - LITIGATION HISTORY**

Name of Contract Supplier

Suppliers/ Service providers should provide information on any history of litigation or arbitration resulting from contracts executed in the last one year or currently under execution.

<b>YEAR</b>	<b>AWARD FOR OR AGAINST</b>	<b>NAME OF CLIENT CAUSE OF LITIGATION AND MATTER IN DISPUTE</b>	<b>DISPUTED AMOUNT (CURRENT VALUE, KSHS. EQUIVALENT)</b>

**Bidder's Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**FORM REG-6 - SWORN STATEMENT FOR REGISTRATION OF GARAGES FOR SERVICING, MAINTENANCE AND REPAIRS OF NCA MOTOR VEHICLES**

NCA intends to update its register for registration of garages for servicing, maintenance and repairs of NCA motor vehicles for the financial year, 2024-2025. Interested eligible applicants are invited to apply for registration, indicating the category of goods, works or services they wish to be registered in.

Having studied the registration information for the above tender, I/we hereby state:

- a. The information furnished in our application is accurate to the best of my/our knowledge.
- b. That in case of being registered i/we acknowledge that this will grant us the right to participate in due time in the submission of a tender or quotation on the basis of provisions in the tender or quotation documents to follow.
- c. We enclose all the required documents and information required for the registration evaluation.

**Date** .....

**Applicant's Name / Company's Name** .....

**Represented by** .....

**Signature& Stamp** .....

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