



ANGLICAN DEVELOPMENT SERVICES LIMITED

P.O.BOX 2830-50100,

27.11.2023

KAKAMEGA, KENYA

INVITATION TO BID

SUBJECT: SUPPLY OF MATERIALS & REHABILITATION WORKS

REF: ADSW /TD/14/2023

Anglican Development Services Western Limited (ADS-W) is a faith-based development organization that aims to contribute to sustainable development of communities in Western Kenya since January 1997. ADS-W is implementing a **Food systems project** in the three counties of Kakamega, Siaya and Bungoma. To achieve the goals of the project, we invite eligible bidders to bid for **Rehabilitation works** as described below:

LOT 1: Rehabilitation of market infrastructure – Supply of items

LOT 2: Rehabilitation of Aggregation centers- Kamukuywa Dairy Farmers Cooperatives in Kimili sub-county, Bungoma County

LOT 3: Renovation of Butso South Dairy Cooperative –Lurambi sub-county, Kakamega county

Attached to this Invitation to Bid/Request for Proposal are the following annexes which constitutes this Request for Proposal:

Annex I: Supplier Declaration Form

Annex III: Bill of Quantities for Lot 1

Annex IV: Bill of Quantities for Lot 2

Annex V: Bill of Quantities for Lot 3

Bidders can apply for one or all the above lots depending on their capacity and specialization.

1. GENERAL REMARKS AND SPECIAL CONDITION

All items must be sound, fair and in merchantable quality. The quality must be in line with the technical specifications stated in this invitation to tender. The bidder has to clearly indicate and specify the details of the offered product in case of an alternative offer.

- **For supplies of items/products, if tender is awarded, delivery shall be immediate i.e within max 7 working days from the date of receiving and signing the Purchase Contract.**
- **All offered products must meet national/international standards such as DIN/ISO**
- **We reserve the right to divide the order into lots and order from various bidders.**
- **Timely arrival and completion of work is of utmost importance.**
- **Bidders are requested to bid per lot including transport to the respective destinations on the specific BoQs**
- **Part shipment will not be allowed without the authorization of WHH.**

2. INSTRUCTIONS TO CONSRUCTION COMPANIES

In submitting a proposal, the Construction Company accepts in full and without restriction the special and general conditions governing this Contract as the sole basis of this procurement procedure, whatever his own conditions of services may be, which he hereby waives. Construction Companies are expected to examine carefully and comply with all instructions, forms, Contract provisions and specifications contained in this Request for Proposal ("RFP").

Construction Companies bear sole liability for examining with appropriate care the RFP, including those design documents available for inspection, and for obtaining reliable information with respect to any and all conditions and obligations that may in any way affect the amount or nature of the proposal or the execution of the Works. In the event that the Construction Company is successful, no claim for alteration of the proposal amount will be entertained on the grounds of errors or omissions in the obligations of the Construction Company described above.

3. PREPARATION OF THE BID

The bidder is expected to examine all instructions, terms, conditions, forms, specifications and other information in the bid documents and **conduct a site visit for each lot (lot 2 and 3) he/she intends to bid**. Failure to furnish all information required by the bid documents for each lot he/she intends to bid may result in rejection of the submitted bid. The bidder is not allowed to make any addition or alteration in the bid documents.

4. COST OF SUBMITTING A PROPOSAL

The Construction Company shall bear all costs associated with the preparation and submission of his proposal/bid and the Contracting Authority will in no case be responsible or liable for these costs, regardless of the conduct or outcome of the procurement process

5. ELIGIBILITY AND QUALIFICATION REQUIREMENTS

Construction Companies (and each member if the Construction Company is a joint venture or consortium) shall provide evidence satisfactory to the Contracting Authority of their eligibility and of the capability and adequacy of resources to carry out the Contract effectively.

Construction Companies are not eligible to participate in this procedure, submit a proposal or be awarded the Works Contract if they are in one of the situations listed in our **Supplier Declaration Form page 3/3 (refer to the attached Welthungerhilfe Qualification Form pg 3/3)**.

Construction Companies shall in the Proposal Submission Form attest that they meet the above eligibility criteria. If required by the Contracting Authority, the Construction Company which proposal is accepted shall further provide evidence satisfactory to the Contracting Authority of its eligibility through certificates issued by competent authorities in its country of establishment or operation, or, if such certificates are not legally available, through a sworn statement.

To be eligible, Construction Companies must also have the capability and the adequate resources to carry out the Contract effectively. In particular, **they must document their financial resources, through the documents requested in the General and Financial Information and their experience through the documents requested in the Technical Qualifications**.

All bidding companies should have the minimum administrative compliance/criteria below: Companies that fail to meet one of these requirements will be rejected.

N/B: Bidders are required to submit all the below listed documents to proceed to the Evaluation stage

- a) Copies of tenderer's Certified Audited Financial Statements for 2020, 2021/ 2022 Financial years.
- b) **Tenderer's Company's Registration Certificate /Certificate of incorporation).**
- c) Up to date Tax Compliance Certificate from KRA for the current year 2023.

- d) **Valid Trading Licence for the current financial year 2023.**
- e) Up to date Bank statements from September- November 2023 Certified/Stamped by the customer's bank.
- f) **Completeness of tender documents (in the BoQ form and on the supplier's letterhead) and signatures and stamps on all other documents submitted.**
- g) Tenderer must have undertaken and successfully completed minimum of 2 same size or larger value construction works as requested in this tender, in terms of BoQ amounts. Tenderers must submit BoQ, "works completion certificate" and other contractual information as proof.
- h) **Tenderer must have valid construction license from National Construction Authority (NCA) license of category 7 for building works. Copy of Certificate & license must be submitted as a proof.**
- i) Power of Attorney (Official document proving that the person signing on behalf of the company is duly authorized to do so and any other material and information which should be provided and made known to the Contracting Authority.
- j) **Tenderer must have the following tools and equipment to undertake the work, spades, wheelbarrows, measuring tapes and spirit levels (Contractor to list all tools they have at their disposal to execute this contract)**
- k) Participation in the site visits is mandatory and will take place alongside ADS-W representatives.
- l) Qualifications of the construction team (attached CVs)

NB: Contractors will be required to attach the site visit report signed by ADS-W representative when submitting the tender documents

6. EXCLUSION FROM AWARD OF CONTRACT

The Contract may not be awarded to a Construction Companies who during this procurement procedure:

- (a) Is subject to conflict of interest in accordance with article on Welthungerhilfe General Terms and Conditions for Works Contracts (Supplier Qualification annex)
- (b) Is guilty of misrepresentation in supplying the information required as a condition of participation and eligibility in the procedure or fails to supply this information;
- (c) Performs, condones or tolerates corrupt, fraudulent, collusive or coercive practices as specified in Welthungerhilfe General Terms and Conditions for Works Contracts, regardless of whether such practices can be attributed to this procurement procedure;
- (d) Attempts to influence the procurement committee of the Contracting Authority in the process of examination, clarification, evaluation and comparison of proposals, to obtain information on how the procedure is progressing or to influence the Contracting Authority in its decision concerning the award of the Contract.
- (e) Fails to meet one of the requirements under administrative compliance listed under no.4 (Eligibility & Qualifications)

7. LANGUAGE OF BID

The proposals, all correspondence and documents related to this Invitation to Bid between the Bidder and the Contracting Authority must be written in the language of the procedure, which is English. The measurement units used in this bid documents are the International SI units: meter (m), cubic meter (m³), Kilogram (kg). Liter (l) etc. These units must be used in the bid and during the execution of the contract.

8. DOCUMENTS COMPRISING THE PROPOSAL

The Construction Company (and, if the Construction Company is a joint venture or consortium, each member thereof) shall complete and submit the following documents with its proposal:

- a. Proposal submission form duly completed and signed by the Construction Company (and each

- member if the Construction Company is a joint venture or consortium)
- b. Financial Proposal and Breakdown of the Overall Price using the forms provided as BoQs
 - c. General and Financial Information Form duly completed with all the documents requested
 - d. Technical Qualifications Form duly completed with all the documents requested.
 - e. Company's Registration Certificate of the Construction Company (of each member of the joint venture or consortium, of the Sub-Contractors and of the suppliers);

9. FINANCIAL PROPOSAL

The Financial Proposal must be presented as a global price and be submitted using the form in Annex (BOQs)

The Construction Companies must also provide a Breakdown of the Overall Price in accordance with the annexes for BoQs.

All items must be priced in **Kenyan Shillings (KES)**

The price quoted must include VAT, taxes, customs and import duties that are levied in accordance with the laws and regulations of the state of the Contracting Authority or the country of the execution.

The Construction Companies will be deemed to have taken full account of all requirements and obligations, whether expressed or implied, covered by all parts of this request and to have priced the items in the breakdown of overall price accordingly. The amount must therefore include all incidental and contingent expenses and risks of every kind necessary to construct, complete and maintain the whole of the works in accordance with the Contract. Unless separate items are provided in the breakdown, rates and sums include all costs involved in the various items in the breakdown. The item descriptions given in the breakdown will in no way limit the Contractor's obligations under the Contract to provide all the works described elsewhere. Notwithstanding, any limits which may be implied by the wording of individual items, the amounts entered will be deemed to be works that are complete in every respect.

10. SUB-CONTRACTORS

If the Construction Company intends to use Sub-Contractors, he shall state in the Construction Company's Technical Qualifications annex by declaring their names, qualifications, role and duties in the performance of the Contract and the Construction Company shall specify the parts of the works, which will be executed by the Sub-Contractors. The Construction Company shall have the liability to ensure that Sub-Contractors satisfy the eligibility requirements specified in article 4 of these instructions.

11. JOINT VENTURES CONSORTIA

If a Construction Company is a joint venture or consortium of two or more persons, the proposal must be single with the objective of securing a single Contract. Each person must sign the proposal, and all such persons shall be jointly and severally bound by the proposal and any resulting Contract. Only one of such persons shall be designated in the Proposal submission form to act as leader with authority to bind the joint venture or consortium. For the purposes of performance of the Contract, the joint venture or consortium shall act in accordance with the provisions of Welthungerhilfe General Terms and Conditions for Works Contracts.

12. SITE VISIT

The Bidders for (Lot 2 and 3) are strongly advised to visit and examine the site of the works and its surroundings for the purpose of assessing, at his own responsibility, expense and risk, factors necessary for the preparation of his proposal. The Construction Company shall arrange with the Contracting Authority the granting of permission to enter the Site, for the Construction Company's individual inspections. The site visits will be done jointly with a representative of the Contracting Authority (ADS-W Program representative).

It is a condition of the bid that the bidder is deemed to have visited the site and satisfied himself with all the conditions prevailing including constraints and difficulties for executing the works. Thus, in visiting the site, it is highly recommended that the bidder's representative should be a technical or management staff who is responsible

in the preparation of bid. ADS-W will only issue a Certificate of Site Visit to an authorized employee/Staff of the bidder who presents a valid Identification Card.

13. LAWS OF COUNTRY OF WORKS EXECUTION

By submitting their proposals, Construction Companies are deemed to have knowledge to have taken into consideration all relevant laws, acts and regulations of Kenya that may in any way affect or govern the operations and activities covered by the proposal and the resulting Contract.

In completing the section on personnel to be employed, the Construction Company shall pay special attention to Welthungerhilfe article on General Terms and Conditions for Works Contracts (Child labor and Forced labor) and the Construction Company shall further have the obligation to comply with all regulations, rules or instructions concerning the conditions of employment of any class of employee according to the laws of Kenya.

14. VALIDITY

Proposals shall remain valid and open for acceptance for a period 1 (30 days) months from the closing date. The Contracting Authority may ask Construction Companies in writing to extend this period.

15. ACCESSING THE TENDER DOCUMENTS

The tender documents are accessible on-line free of charge from the below link: <https://.adswestern.org/tender>

16. SUBMISSION OF PROPOSALS & CLOSING DATE

Deadline of submission shall be **Friday 8th December 2023 at 11:00AM Kenyan time**

17. SUBSTANTIAL RESPONSIVENESS, TECHNICAL RESPONSIVENESS & CORRECTION OF ERRORS

The Contracting Authority will determine whether the proposals meet the eligibility requirements, have been properly signed, are substantially responsive to the RFP, have any material errors in computation, and are otherwise generally in order. The Contracting Authority will also proceed with a summary examination of the technical qualities of each proposal classifying them as technically responsive or non-responsive. If a proposal is not substantially responsive i.e. it contains material deviations from or reservations to the terms, conditions and specifications in the RFP, and/or is technically non-responsive, it shall not be considered further, unless the Construction Company having made the non-responsive proposal is authorized by the Contracting Authority to re-submit immediately a substantially and technically responsive proposal.

Proposals determined to be substantially responsive and technically responsive will be checked by the Contracting Authority for any arithmetic errors. Where there is a discrepancy between the amounts in the figures and words, the amount in words will govern. If a Construction Company refuses to accept the correction, his proposal will be rejected.

18. NEGOTIATIONS

The Contracting Authority reserves the right to contact the Construction Companies having submitted proposals determined to be substantially and technically responsive, in order to propose negotiation of the terms of such proposals. Negotiations will not entail any substantial deviation to the terms and conditions of the RFP, but shall have the purpose of obtaining from Construction Companies better conditions in terms of technical quality, implementation periods, payment conditions, etc.

Negotiations may also have the purpose of reducing the scope of the Works or revising other terms of the Contract in order to bring the proposed price down, when the proposed prices exceed the limits of the funds made available to the Contracting Authority by its donor/funding agency. However, WHH shall not be bound by the highest or lowest bidder and will only enter into such negotiation with the highest ranked bidder deemed best value for money.

19. EVALUATION OF PROPOSALS AND EVALUATION CRITERIA

The evaluation/selection method will be the Quality and Cost based Selection. A three-stage procedure shall be utilised in evaluation of the proposals i.e administrative, technical and financial.

Proposals will then be ranked according to their combined technical, administrative and financial scores using the weights of 40% for the Technical & Administrative and 60 % for the Financial offer.

a. Technical Evaluation:

Proposals determined to be technically responsive will be evaluated on the following basis -

For the comparison and evaluation of the technical proposal, the Contracting Authority shall take the following criteria into consideration with the indicated weights.

S/NO	Technical Specifications	Rating
1.	<ul style="list-style-type: none"> • Total monetary value of construction works performed in 2022. • Proof of Audited Financial Statements for the financial year 2022. 	10 points
2	<p>Experience in similar works successfully completed to be backed with:</p> <p>Certificate of completion, Delivery reports or recommendation letters from the supplier with details of works amount should be attached.</p>	10 points
3	Qualifications and experience of key site management, and technical persons (Attach CVs and Certificates)	10 points
4	<p>List of owned or leased construction equipment and tools (Please Attach proper Documentation)</p> <p>Proposed duration of the project _____</p>	10 points

b. Financial Proposal

The lowest Financial Proposal will be given a financial score of 60 points.

Each proposal overall score shall therefore be: Technical scores (max 40) + Financial scores (max 60).

The Contracting Authority will award the contract to the company whose proposal has been determined to be substantially responsive to the requirements of this Request for Proposal and which has obtained the highest overall score, provided that the company has also been determined to fulfil the eligibility and non-exclusion criteria.

20. AWARD OF CONTRACT

The Contracting Authority will award the Contract to the bidder who appears to have the capability and resources to carry out the Contract effectively, who has been determined to fulfil the eligibility and non-exclusion criteria, whose Proposal has been determined to be substantially responsive to the request and whose bid has obtained the best score.

21. RIGHT OF THE CONTRACTING AUTHORITY TO ACCEPT OR REJECT ANY PROPOSAL AND/OR TO CANCEL THE PROCEDURE

The Contracting Authority reserves the right to accept any proposal or reject any or all proposals at any time prior to the award of the Contract, without thereby incurring any liability to the Construction Companies. The Contracting Authority reserves the right to initiate a new invitation to submit a proposal.

22. DELIVERY CONDITIONS

Materials and service delivery for Lot 2 and Lot 3 shall be delivered at the project sites i.e Kamukuywa Dairy Farmers Cooperatives in Kimili sub-county, Bungoma County and Butsotso South Dairy Cooperative in Lurambi sub-county, Kakamega county. Items in Lot 1 shall be delivered at ADS-W, Kakamega regional office.

23. SERVICE DELIVERY SCHEDULE

Delivery of materials and completion of works shall be within the shortest time possible. Bidders must however indicate the proposed completion period on their bids. Please note this shall be part of the evaluation criteria

24. WORKS INSPECTION

Materials shall be inspected on the ground for conformity by WHH/ADS-W representatives to ascertain quality and quantity. The inspection shall be on the account of ADS-W. Goods and services not meeting required standards will be rejected. In case goods and or services are rejected, the Supplier will contractually be obliged to pay already incurred fees for rejected goods and services and also for such fees which will become payable towards inspection.

25. ORDERING PARTY

ADS-Western Ltd

Regional office, Kakamega

P. O. Box 2830-50100

Kakamega

26. CONSIGNEE/NOTIFY

ADS-Western Limited

27. PAYING AUTHORITY

ADS-Western Limited

28. PAYMENT CONDITIONS

Cash Against Documents (CAD). Payment within 10 working days upon accomplishment of every milestone as follows:

- For Lot 1: 100% payment upon delivery and confirmation of the functioning of the items
- For Lot 2 and Lot 3: 60% after delivery of all the required materials for rehabilitation. 40% after final completion of structure rehabilitation, inspection and handing over to ADS-W/WHH.

Payments shall be done through cheques

Documents needed for payment are as follows:

- Original Invoice and Delivery notes for every milestone achieved
- Certificate of Completion for every milestone achieved

29. PENALTIES

In the event of delay in delivery caused other than by force majeure ADSW is entitled to make use of a penalty of 5/1000 per calendar day of the total value of the consignment still to be delivered. The penalty will be deducted from the invoice. In the event of incomplete delivery caused by the Supplier, ADSW is entitled to deduct the losses from the invoice. In case of damaged cargo caused by inappropriate packaging ADSW reserves the right to deduct from the relevant order sum an amount according to the variance to the requested specification. In case the quality is not in line with specifications initially agreed by both sides, the Supplier has to inform WHH as soon as possible. Goods not meeting agreed quality will be rejected by WHH, but if WHH accepts these goods a deduction from the order sum and a penalty will be applied.

30. VALIDITY OF TENDERS

All offers must be valid 90 days from tender deadline **at minimum**.

Quotations must specify all details according to the tender text. Incomplete offers and offers that arrive later than the deadline for reply will automatically be excluded. All responses will be opened by WHH/DDP tender committee only. Suppliers who do not receive a written feedback 21 days after expiry of the deadline should consider themselves unsuccessful.

In case of need for clarification, please submit your questions online on the same link provided above.

31. ANTI-TERRORISM POLICY

ADSW renounces all forms of terrorism and will never knowingly support, tolerate or encourage terrorism or the activities of those who embrace terrorism or money laundering. Consistent with numerous United Nations Security Council resolutions, including S/RES/1269(1999), S/RES 1368(2001) and S/RES1373(2001) and the European Union, ADSW is firmly committed to the international fight against terrorism and in particular against the financing of terrorism. It is the policy of ADS-W to seek to ensure that none of its donor funds are used, directly or indirectly, to provide support to individuals or entities

associated with terrorism or money laundering. Therefore, ADS-W will match their suppliers and Service providers against the Sanctions lists on a regular basis. By submitting an offer, suppliers and service providers agree to this.

This tender is valid without original signature as well.

Annex I: Supplier Declaration Form

Annex III: Bill of Quantities for Lot 1

Annex IV: Bill of Quantities for Lot 2

Annex V: Bill of Quantities for Lot 3

SUPPLIER QUALIFICATION FORM

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1. We want some information about your company

Company Name	
Legal Form	
Founded (Year)	
Established in (Country)	
Bank Details (Account Holder, Bank Name, IBAN, BIC, Swift, Currency)	
VAT-Registration Number	
Physical Address	
Name of Chief Executive Officer (CEO)	
Place and Date of Birth of CEO	
Name of Owner	
Place and Date of Birth of Owner (if individual)	
Website	
Sales & Marketing Contact	

Range of Services provided by the Company (Company Portfolio)	
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