

Appendix to Form of Bid

Appendix to Form of Bid
(This appendix forms part of the bid)

CONDITIONS OF CONTRACT	CLAUSE	AMOUNT
Bid Security	17	The bidder must fill the Bid Securing Declaration Form
Amount of Performance Security (Unconditional Bank Guarantee)	10.1	1% of Tender Sum in the form of Unconditional Bank Guarantee
Program to be submitted	14.1	Not later than 21 (twenty one) days after issuance of Order to Commence
Cash flow estimate to be submitted	14.3	Not later than 21 (twenty one) days after issuance of Order to Commence
Minimum amount of Third Party Insurance	23.2	1% of the Contract Sum
Period for commencement, from Engineer's order to commence	41.1	14
Time for completion	43.1	6 months
Amount of liquidated damages	47.1	0.05% of Contract Sum per day
Limit of liquidated damages	47.1	5% of Contract Sum
Defects Liability period	60.3	1 month
Percentage of Retention	60.3	5% of Interim Payment Certificate
Limit of Retention Money	60.3	5% of Contract Sum
Minimum amount of Interim Payment Certificates	60.2	Kshs 1,500,000.00
Time within which payment to be made after Interim Payment Certificate signed by Engineer	60.10	28 days
Time within which payment to be made after Final Payment Certificate signed by Engineer	60.10	28 days
Appointer of Adjudicator	67.3	The Chartered Institute of Arbitrators (Kenya)
Notice to Employer and Engineer	68.2	The Employers address is: The Director General, Kenya Urban Roads Authority (KURA), P.O. Box 41727 - 00100 <u>NAIROBI</u> The Engineer's address is: Director (Road Asset and Corridor Management), Kenya Urban Roads Authority (KURA), P.O. Box 41727 - 00100 <u>NAIROBI</u>

Signature of Tenderer..... Date

Bid Securing Declaration Form

BID -SECURING DECLARATION FORM

[The Bidder shall complete in this Form in accordance with the instructions indicated]

Date:..... [insert date (as day, month and year) of Bid Submission] Tender No.
.....[insert number of bidding process]

To:.....
insert complete name of Purchaser]

We, the undersigned, declare that:

- 1 We understand that, according to your conditions, bids must be supported by a Bid-Securing Declaration.
- 2 We accept that we will automatically be suspended from being eligible for bidding in any contract with the Purchaser for the period of time of **5 years** starting on the date of expiration of tender validity period, if we are in breach of our obligation(s) under the bid conditions, because we –
 - (a) have withdrawn our Bid during the period of bid validity specified by us in the Bidding Data Sheet; or
 - (b) having been notified of the acceptance of our Bid by the Purchaser during the period of bid validity,
 - (i) fail or refuse to execute the Contract, if required, or
 - (ii) fail or refuse to furnish the Performance Security, in accordance with the Instruction to tenderers.
- 3 We understand that this Bid Securing Declaration shall expire if we are not the successful Bidder, upon the earlier of
 - (i) our receipt of a copy of your notification of the name of the successful Bidder; or
 - (ii) twenty-eight days after the expiration of our Tender.
- 4 We understand that if we are a Joint Venture, the Bid Securing Declaration must be in the name of the Joint Venture that submits the bid, and the Joint Venture has not been legally constituted at the time of bidding, the Bid Securing Declaration shall be in the names of all future partners as named in the letter of intent.

Signed:[insert signature of person whose name and capacity are shown] in the capacity of [insert legal capacity of person signing the Bid Securing Declaration]

Name:[insert complete name of person signing the Bid Securing Declaration]

Duly authorized to sign the bid for and on behalf of: [insert complete name of Bidder]

Dated on day of, [insert date of signing]

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SCHEDULE 1: CONFIDENTIAL BUSINESS QUESTIONNAIRE

This Confidential Business Questionnaire of the Government of Kenya shall be completed by the Bidder.

REPUBLIC OF KENYA

CONFIDENTIAL BUSINESS QUESTIONNAIRE

You are requested to give the particulars indicated in Part 1 and either Part 2 (a). 2(b) or 2(c) whichever applies to your type of business.

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

Part 1 - General:

Business name

.....

Location of business premises

.....

Plot No.Street/Road

Postal Address..... Tel No. Email address.....

Nature of business.....

Current Trade Licence No.Expiring date

Maximum value of business which you can handle at any one time:

Kshs.....

Name of your bankers

Branch.....

Part 2(a) - Sole Proprietor:

Your name in full

Age.....

NationalityCountry of origin

*Citizenship details

Part 2(b) - Partnership:

Give details of partners as follows:

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

Part 2(c) - Registered Company:

Private or Public

State the nominal and issued capital of the company-

Nominal Kshs.

Issued Kshs.

Give details of all directors as follows:

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

Attach proof of citizenship (Compulsory)

Attach certified copy of Form CR12 (Compulsory)

I certify that the information given above is correct.

.....

Date

.....

Signature of Bidder

Part 3: Interest in the Firm:

Is there any person / persons in the Kenya Urban Roads Authority (KURA) who has interest in this firm? Yes /No**

I certify that the information given above is correct.

.....

Date

Signature of Bidder

** Delete as necessary

SCHEDULE 2: FORM OF WRITTEN POWER OF ATTORNEY

The Bidder shall state here below the name(s) and address of his representative(s) who is/are authorized to receive on his behalf correspondence in connection with the Bid.

.....
(Name of Bidder's Representative in block letters)

.....
(Address of Bidder's Representative)

.....
(Signature of Bidder's Representative)

Alternate:

.....
(Name of Bidder's Representative in block letters)

.....
(Address of Bidder's Representative)

.....
(Signature of Bidder's Representative)

*To be filled by all Bidders.

*Both representative and alternate must attach copy of National Identification card or Passport.

SCHEDULE 3: CERTIFICATE OF BIDDER'S VISIT TO SITE

This is to certify that

[Name/s].....

.....

Being the authorized representative/Agent of [Name of bidder]

.....

.....

participated in the organised inspection visit of the site of the works for the

**ROUTINE MAINTENANCE OF LOT 8 ROADS:
KILELESHWA/LAVINGTON/HURLINGHAM/KILIMANI AREA**

held on..... day of.....20.....

Signed.....
(Employer's Representative)

.....
(Name of Employer's Representative)

.....
(Designation)

NOTE: This part is to be completed at the time of the organized site visit.

SCHEDULE 4: MAJOR ITEMS OF CONSTRUCTION PLANT AND EQUIPMENT

The Bidder shall enter in this schedule all major items of plant and equipment which he proposes to bring to site. Only reliable plant in good working order and suitable for the work required of it shall be shown on this Schedule. Summary of the same shall be entered in Section

Date of Arrival on Project (Days after commence)	
Power Rating	
Owned/Leased/Imported	
Source	
Estimated CIF Mombasa Value (If to be Imported)	
Capacity t or m ³	
New or Used	
Year of Manufacture	
No. of each	
Description Type, Model, Make	

5: Qualification Criteria, Part 7.

I certify that the above information is correct.

.....
(Signature of Bidder)

.....
(Date)

SCHEDULE 5: KEY PERSONNEL

DESIGNATION	NAME	NATIONALITY	SUMMARY OF QUALIFICATIONS AND EXPERIENCE		
			Qualifications	General Experience (Yrs)	Specific Experience (Yrs)
Headquarters Partner/Director or other key staff (give designation)					
Site Office Site Agent					
 Foreman					
 Site Surveyor					

Note: The Bidder shall list in this schedule the key personnel he will employ from the Contractor's headquarters and from the Contractor's site office to direct and execute the work together with documentary evidence of their qualifications, experience, position held and nationality in accordance with Clause 15.2 and 16.3 of the Conditions of Contract Part II (where required, use separate sheets to add extra data for column 4). Bidders shall attach signed and certified CVs of all key staff.

I certify that the above information is correct.

.....
(Signature of Bidder)

.....
(Date)

SCHEDULE 6: SCHEDULE OF ROADWORKS CARRIED OUT BY THE BIDDER IN THE LAST FIVE YEARS:

SCHEDULE 6 A): NON-COMPLETED WORKS

DESCRIPTION OF WORKS	NAME OF CLIENT	VALUE OF WORKS (KSHS) *	YEAR COMPLETED/ REMARKS
<u>A) Non-completed Works</u>			

I certify that the above works were successfully carried out by this Bidder and hereby attach relevant copies of completion certificates.

.....
(Signature of Bidder)

.....
(Date)

SCHEDULE 6 B): COMPLETED WORKS

DESCRIPTION OF WORKS	NAME OF CLIENT	VALUE OF WORKS (KSHS) *	YEAR COMPLETED/ REMARKS
<u>B) Completed Works</u>			

I certify that the above works were successfully carried out by this Bidder and hereby attach relevant copies of completion certificates.

.....
(Signature of Bidder)

.....
(Date)

SCHEDULE 6 C): SPECIFIC CONSTRUCTION EXPERIENCE

DESCRIPTION OF WORKS	NAME OF CLIENT	VALUE OF WORKS (KSHS) *	YEAR COMPLETED/ REMARKS
C) <u>Specific Construction Experience</u>			

I certify that the above works were successfully carried out by this Bidder and hereby attach relevant copies of completion certificates.

.....
(Signature of Bidder)

.....
(Date)

SCHEDULE 7: SCHEDULE OF ONGOING PROJECTS

DESCRIPTION OF WORKS	NAME OF CLIENT	DATE OF COMMENCEMENT	DATE OF COMPLETION	VALUE OF WORKS (KSHS)	VALUE COMPLETED UP TO DATE %	PHYSICALLY COMPLETED UP TO DATE %

(The bidders must indicate all their on-going works as at the time of bidding. Any non-disclosure shall constitute non-responsiveness).

I certify that the above information is correct.

.....
(Signature of Bidder)

.....
(Date)

SCHEDULE 8: FINANCIAL STANDING

- 1 Submit copies of audited profit and loss statements and balance sheet for the last five calendar years and estimated projection for the next two years with certified English translation where appropriate.
- 2 Give turnover figures for each of the last two (2) financial years. Quote in millions and decimal thereof.

	Year 1 (.....)	Year 2 (.....)
	Ksh.	Ksh.
Road works		
Other civil Engineering works		
Other (specify)		
Total		

SUMMARY OF ASSETS AND LIABILITIES OF THE AUDITED FINANCIAL STATEMENTS OF THE LAST TWO (2) FINANCIAL YEARS.

	Year 1 (.....)	Year 2 (.....)
	KShs.	KShs.
1. Total Assets		
2. Current Assets		
3. Bank Credit Line Value		
4. Total Liabilities		
5. Current Liabilities		
6. Net Worth (1-4)		
7. Working capital (2+3-4)		

- (a) Name/ Address of Commercial Bank providing credit line

.....

- (b) Total amount of credit line KShs.....

Attach a certified copy of Undertaking of the Bank to provide the credit.

- (c) Attach bank statements for the last six (6) months

SCHEDULE 9: OTHER SUPPLEMENTARY INFORMATION

Financial reports for the last three years, balance sheets, profit and loss statements, auditors' reports etc. List them below and attach copies.

.....

.....

.....

.....

Evidence of access to financial resources to meet the qualification requirements. Cash in hand, lines of credit etc. List below and attach copies of supporting documents

.....

.....

.....

.....

Name, address, telephone, telex, fax numbers and email of the Bidders Bankers who may provide reference if contacted by the Contracting Authority.

.....

.....

.....

I certify that the above information is correct.

.....
Date

.....
Signature of Bidder

(To be signed by authorized representative and officially stamped)

SCHEDULE 10: LITIGATION HISTORY

Information on current litigation in which the Bidder is involved.

OTHER PARTY (IES)	CAUSE OF DISPUTE	AMOUNT INVOLVED (KSHS)

I certify that the above information is correct.

.....
Date

.....
Signature of Bidder

(To be signed by authorized representative and officially stamped)

**SCHEDULE 11: DECLARATION FORM FOR BANKRUPT OR INSOLVENT
AND DEBARMENT**

Date

To

The Kenya Urban Roads Authority

P.O Box 41727 – 00100,

IKM Place, 5th Ngong Ave, Nairobi,

KENYA.

Ladies and Gentlemen,

The Tenderer i.e. (full name and complete physical and postal address)

.....
.....

.....declare the following: -

a) That I/ We have not been debarred from participating in public procurement by anybody, institution or person.

b) That I/ We have not been involved in and will not be involved in corrupt and fraudulent practices regarding public procurement anywhere.

c) That I/ We are not insolvent, in receivership, bankrupt or in the process of being wound up and is not the subject of legal proceedings relating to the foregoing.

d) That I/We are not under any ongoing investigation by the Ethics and Anti-Corruption Commission (EACC) for any corrupt and/or economic crimes or practices.

e) That I/ We are not associated with any other Tenderer participating in this Tender.

f) That I/We do hereby confirm that all the information given in this tender is accurate, factual and true to the best of our knowledge.

Yours sincerely,

.....

Name of Tenderer

.....

Signature of duly authorised person signing the Tender

.....

Name and Capacity of duly authorised person signing the Tender

.....

Stamp or Seal of Tenderer

SCHEDULE 12: ANTI CORRUPTION DECLARATION / COMMITMENT / PLEDGE FORM

I/We of Post Office Box declare that I/ We recognize that Public Procurement is based on a free, fair and competitive tendering process which should not be open to abuse.

I/We Declare that I/We will not offer or facilitate, directly or indirectly, any inducement or reward to any public officer, their relations or business associates, in connection with tender No. for or in the subsequent performance of the contract if I/We am/are successful.

Signed by C.E.O. or Authorized Representative.

Name

Designation.....

Signature.....

Date.....

In case of sub-contracting

Signed by CEO of the firm to be subcontracted

Name.....

Designation.....

Signature.....

Date.....

SECTION XII: FORM OF AGREEMENT

FORM OF AGREEMENT

THIS AGREEMENT is made on the day of 20 between the **KENYA URBAN ROADS AUTHORITY** of **P. O. BOX 41727-00100, NAIROBI, KENYA** hereinafter called "the Employer" of the one part and **M/s** hereinafter called "the Contractor" of the other part.

WHEREAS the Employer is desirous that certain works should be executed, viz.

ROUTINE MAINTENANCE OF LOT 8 ROADS: KILELESHWA/LAVINGTON/HURLINGHAM/KILIMANI AREA and has a Contract with the Contractor for the execution completion and maintenance of such works in the region NOW THIS AGREEMENT WITNESSETH as follows:

In this agreement words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereinafter referred to.

The following document shall be deemed to form and be read and construed as part of this Agreement, viz.:

- The form of bid dated
- The Conditions of Contract (FIDIC IV) Part 2
- The Conditions of Contract (FIDIC IV) Part 1
- The Special Specification
- The Standard Specifications
- The Priced Bill of Quantities
- The Letter of Award and Acceptance
- Schedules of Supplementary Information
- The Drawings
- Other documents as may be agreed and listed

All aforesaid documents are hereinafter referred to as "The Contract".

In consideration of the payment to be made by the Employer to the Contractor, the Contractor hereby covenants with the Employer to execute, complete and maintain the works in conformity in all respects with the provisions of the Contract.

The Employer hereby covenants to pay the Contractor in consideration of the execution, completion and maintenance of the works the Contract Price at the times and in the manner prescribed by the Contract.

IN WITNESS WHEREOF the parties have hereunto set their respective hands on the day and year first above written.

SIGNED SEALED AND DELIVERED

By the said Employer:Date.....
(Director General, Kenya Urban Roads Authority)
For and on behalf of the said Employer

In the presence of:
(Name and Designation of Witness)

.....Date.....
(Signature of Witness)

.....
(Address Of witness)

By the said Contractor: Date.....
(Signature)

.....
(Name of the Director)

In the presence of:
(Name and Designation of Witness)

.....
(Signature of Witness)

.....
(Address Of witness)

SECTION XIII: FORM OF PERFORMANCE BANK GUARANTEE (UNCONDITIONAL)

FORM OF PERFORMANCE BANK GUARANTEE (UNCONDITIONAL)

To

The Director General,
Kenya Urban Roads Authority (KURA),
P.O. Box 41727 - 00100
NAIROBI

WHEREAS (hereinafter called “the Contractor”)
has undertaken in pursuance of Contract No.Dated
.....to execute the

**ROUTINE MAINTENANCE OF LOT 8 ROADS:
KILELESHWA/LAVINGTON/HURLINGHAM/KILIMANI AREA**

(hereinafter called the “Contract”)

AND WHEREAS it has been stipulated by you in the said Contract that the Contractor shall furnish you with a Bank Guarantee by a recognized bank for the sum specified in the Appendix to Form of Bid as security for compliance with his obligations in accordance with the Contract;

AND WHEREAS we have agreed to give the Contractor such a Bank Guarantee;

NOW THEREFORE we hereby affirm that we are the Guarantor and responsible to you on behalf of the Contractor, up to a total of

Kshs..... (amount in figures)

Kshs.

..... (amount in words)

and we undertake to payment to you, upon your first written demand and without cavil or argument, any sum or sums within and up to the limits as aforesaid without your needing to prove or show grounds or reasons for the sum specified therein.

We hereby waive the necessity of you demanding the said debt from the Contractor before presenting us with the demand.

We further agree that no change or addition to or other modification of the terms of the Contract or of the Works to be performed thereunder or of any of the Contract Documents which may be made between you and the Contractor shall in any way release us from any liability under this Guarantee and we hereby waive notice of any such change, addition or modification

This Guarantee shall be valid until 28 days after issuing of the Defects Liability Certificate.

AUTHORIZED SIGNATURE OF THE BANK.....

Name of Signatory.....

Name of bank.....

Address.....Date