



**TENDER FOR SALE OF BOARDED STORES ITEMS AND EQUIPMENT**

**TENDER NO. CMA/ONT/ DISP 01/2018-2019**

**CAPITAL MARKETS AUTHORITY  
EMBANKMENT PLAZA, 3<sup>RD</sup> FLOOR  
LONGONOT ROAD, UPPER HILL  
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**MARCH 2019**

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**TENDER NO. CMA/DISP 01/2018-2019**

Capital Markets Authority invites sealed bids for purchase of Old Furniture and Office Equipment at its premises, Embankment Plaza, 3rd Floor Longonot Road, Upper Hill on **"as is where is"** basis.

TENDER NO.	ITEM DESCRIPTION	TENDER SALE COMMENCEMENT DATE	CLOSING DATE
CMA/ONT/ DISP 01/2018-2019	Tender for Sale of Boarded Stores Items and Equipment	14/3/2019	29/3/2019 AT 11.00 AM

Interested firms or individuals may view and download tender document from the Capital Markets Authority website: [www.cma.or.ke](http://www.cma.or.ke) or [www.tenders.go.ke](http://www.tenders.go.ke)

Those who download the documents from the website must forward their particulars immediately for record purposes and to facilitate communication of any other clarification. Tender documents can also be obtained from the Procurement office, at Capital Markets Authority, Embankment Plaza, 3rd Floor Longonot Road, Upper Hill **during normal office working hours i.e. (Monday to Friday between 8.00 a.m. to 1.00 p.m. and 2.00 p.m. to 4:30 p.m.) free of charge. Viewing of the items will be done during working hours as above.**

Completed tender documents are to be enclosed in plain sealed envelopes, marked **"TENDER FOR SALE OF BOARDED STORES ITEMS AND EQUIPMENT - CMA/ONT/ DISP 01/2018-2019"** and deposited in the tender box provided at the reception of Capital Markets Authority, Embankment Plaza, 3rd floor or be addressed and posted to:

The Chief Executive,  
Capital Markets Authority  
Embankment Plaza, 3rd floor  
P.O. BOX 74800, 00200  
NAIROBI

So as to be received on or before **29<sup>th</sup> March, 2019** at 11.00 a.m. local time. Tenders will be opened immediately thereafter in the presence of the tenderers/ representatives who choose to attend.

**CHIEF EXECUTIVE**

## SECTION II - INSTRUCTIONS TO TENDERERS

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## SECTION II - INSTRUCTION TO TENDERERS

## **2.1 Eligible Tenderers**

- 2.1.1 This Invitation for Tenders is open to all tenderers eligible as described in the Appendix to instructions to tenderers.
- 2.1.2 Tenderers shall not be under a declaration of ineligibility for corrupt or fraudulent practices.

## **2.2 Cost of Tendering**

- 2.2.1 The tenderer shall bear all costs associated with the preparation and submission of its tender, and the procuring entity, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process.
- 2.2.2 The cost of collecting a hard copy of the tender document from the Procuring Entity's offices will be Kshs 1,000. No charge will be applicable where the tender document is downloaded.
- 2.2.3 The Procuring Entity shall allow the tenderer to review the tender document free of charge before purchase.

## **2.3 The Tender Document**

- 2.3.1 The tender document comprises the documents listed below and any addenda issued in accordance with clause 2.5 of these instructions to tenderers.
  - (i) Invitation to tender
  - (ii) Instructions to tenderers
  - (iii) Schedule of items and price
  - (iv) Conditions of Tender
  - (v) Form of tender
  - (vi) Confidential Business Questionnaire Form
  - (vii) Tender Commitment Declaration Form
- 2.3.2 The tenderer is expected to examine all instructions, forms, terms and specifications in the tender documents. Failure to meet all the requirements of the tender will be at the tenderer's risk and may result in the rejection of its tender.

## **2.4. Clarification of Documents**

- 2.4.1 A prospective tenderer requiring any clarification of the tender document may notify the Procuring Entity in writing or by post at the entity's address indicated in the Invitation for tenders. The Procuring Entity will respond in writing to any request for clarification of the tender documents, which it receives not later Seven (7) days prior to the deadline for the submission of tenders, prescribed by the procuring entity. Written copies of the Procuring

Entity's response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective tenderers that have received the tender document.

2.4.2 Clarification of tenders shall be requested by the tenderer to be received by the procuring entity not later than 7 days prior to the deadline for submission of tenders.

2.4.3 The Procuring Entity shall reply to any clarifications sought by the tenderer within 3 days of receiving the request to enable the tenderer to make timely submission of its tender.

## **2.5 Amendment of Documents**

2.5.1 At any time prior to the deadline for submission of tenders, the Procuring Entity, for any reasons, whether at its own initiative or in response to a clarification requested by a prospective tenderer, may modify the tender documents by amendment

2.5.2 All prospective candidates that have received the tender documents will be notified of the amendment in writing or by post and will be binding on them.

2.5.3 In order to allow prospective tenderers reasonable time in which to take the amendment into account in preparing their tenders, the Procuring Entity, at its discretion, may extend the deadline for the submission of tenders.

## **2.6 Tender Prices and Currencies**

2.6.1 The tenderer shall indicate on the appropriate Price Schedule the unit prices and total tender price of the items it proposes to purchase under the contract.

2.6.2 Prices quoted by the tenderer shall be fixed during the tender validity period and not subject to variation on any account. A tender submitted with an adjustable price quotation will be treated as non-responsive and will be rejected.

2.6.3 The Price quoted shall be in Kenya Shillings.

## **2.7 Tender deposit**

2.7.1 Tenderers shall not be required to put a deposit for every Lot tendered for in the amount indicated in the schedule of items and prices.

## **2.8 Validity of Tenders**

2.8.1 Tenders shall remain valid for 90 days or as specified in the appendix to instruction to tenderers after date of tender opening prescribed by the Procuring Entity, pursuant to paragraph 2.10 Tender valid for a shorter period shall be rejected by the Procuring entity as non-responsive.

2.8.2 In exceptional circumstances, the Procuring Entity may solicit the Tenderer's consent to an extension of the period of validity. The request and the responses thereto shall be made in writing. The tender deposit provided under paragraph 2.7 shall also be suitably extended.

A tenderer may refuse the request without forfeiting its tender deposit. A tenderer granting the request will not be required nor permitted to modify its tender.

## **2.9. Viewing of Tender Items**

- 2.9.1 Prospective bidders are advised to view the items, stores/equipment in liaison with the procuring entity before they bid for each lot. This will enable them to arrive at the most reasonable and competitive bids. Bids are based on **AS IS WHERE IS BASIS** and the conditions of the items are not warranted by the seller.

## **2.10 Sealing and Marking of Tenders**

- 2.10.1 The tenderer shall seal the tender and mark it with the number and name of the tender and **"DO NOT OPEN BEFORE 29<sup>th</sup> March, 2019 at 11:00 a.m."**

## **2.11 Deadline for Submission of Tenders**

- 2.12 Tenders must be received by the Procuring Entity at the address specified not later than **29<sup>th</sup> March, 2019 at 11:00 a.m.**
- 2.11.2 The procuring entity may, at its discretion, extend this deadline for the submission of tenders by amending the tender documents in accordance with paragraph 2.5. in which case all rights and obligations of the procuring entity and tenderers previously subject to the deadline will thereafter be subject to the deadline as extended.

## **2.12 Modifications and Withdrawals of Tenders**

### **2.12.1 Modification of tenders**

- 2.12.1.1 The tenderer may modify or withdraw its tender after the tender's submission, provided that written notice of the modification, including substitution or withdrawal of the tenders, is received by the Procuring entity prior to the deadline prescribed for submission of tenders.
- 2.12.1.2 The Tenderer's modification or withdrawal notice shall be prepared, sealed, marked, and dispatched in accordance with the provisions of paragraph 2.9.1. A withdrawal notice may also be sent by fax but followed by a signed confirmation copy, postmarked not later than the deadline for submission of tenders.
- 2.12.1.3 No tender may be modified after the deadline for submission of tenders

### **2.12.2 Withdrawals and tenders**

- 2.12.2.1 No tender may be withdrawn in the interval between the deadline for submission of tenders and the expiration of the period of tender validity specified by the tenderer. Withdrawal of a tender during this interval may result in the tenderer's forfeiture of its tender deposit, pursuant to paragraph 2.7.5

### **2.13 Opening of Tenders**

- 2.12.1 The Procuring entity will open all tenders in the presence of tenderers' representatives who choose to attend at **11:00 a.m.** and in the location specified in the invitation to tender. The tenderers or representatives who are present shall sign a register evidencing their attendance.
- 2.13.2 The tenderers' names, tender modifications or withdrawals, tender prices, and the presence or absence of requisite tender deposit and such other details as the Procuring Entity, at its discretion, may consider appropriate, will be announced at the opening.
- 2.13.3 The Procuring Entity will prepare minutes of the tender opening.

### **2.14 Clarification of tenders**

- 2.14.2 To assist in the examination, evaluation and comparison of tenders the Procuring Entity may, at its discretion, ask the tenderer for a clarification of its tender. The request for clarification and the response shall be in writing, and no change in the prices or substance of the tender shall be sought, offered, or permitted.
- 2.14.3 Any effort by the tenderer to influence the Procuring Entity in the Procuring Entity's tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderers' tender.

### **2.15 Evaluation and Comparison of Tenders**

- 2.15.1 The Procuring Entity will examine the tenders to determine whether they are complete, whether any computation errors have been made, whether required deposits have been furnished, whether documents have been properly signed and whether the tenders are generally in order. After examination, a tender that will be determined to be substantially non-responsive, will be rejected by the Procuring Entity.
- 2.15.2 The Procuring Entity will evaluate and compare the tenders, which have been determined to be substantially responsive.
- 2.15.3 The tender Evaluation Committee shall evaluate the tender within 30 days of the validity period from the date of opening the tender.

### **2.16 Award Criteria**

- 2.16.1 The Procuring entity will award the contract to the successful tenderer(s) whose tender has been determined to be substantially responsive and has been determined to be the highest evaluated tender, subject to the reserves price.



## 2.17 Notification of Award

- 2.17.2 Prior to the expiration of the period of tender validity, the Procuring Entity will notify the successful tenderer in writing that its tender has been accepted.
- 2.17.3 Simultaneously the other tenderers shall be notified that their tenders were unsuccessful.

## 2.18 Contacting the Procuring Entity

- 2.18.1 No tenderer shall contact the Procuring Entity on any matter relating to its tender, from the time of the tender opening to the time the contract is awarded.
- 2.18.2 Any effort by a tenderer to influence the Procuring Entity in its decisions on tender evaluation, tender comparison, or contract award may result in the rejection of the tenderer's tender.

## Appendix to Instructions to Tenderers

The following information for sale of boarded stores and equipment shall complement, supplement or amend the provisions of the instructions to tenderers. Whenever there is a conflict between the provisions of the instructions to tenderers and the provisions of the Appendix, the provisions of the appendix herein shall prevail over those of the instructions to tenderers.

<b>Instructions to Tenderers Reference</b>	<b><i>Particulars of appendix to Instructions to tenderers</i></b>
2.1	Members of the public are eligible tenderers
2.2.2	No charge will be applicable where the tender document is downloaded. The cost of collecting a hard copy of the tender document from the Procuring Entity's offices will be Kshs 1,000
2.7	No deposit is required
2.8.1	Tender shall remain valid for 90 days

**SECTION III - SCHEDULE OF ITEMS AND PRICES**

See Attached Appendix 1: Schedule of Items to guide

Lot No.	Item Description	Reserve Price for the Lot (Kshs)	Bid Price (Kshs)
Lot 1	Assorted Chairs	64,000	
Lot 2	Assorted Wooden Furniture	5,600	
Lot 3	Metallic Furniture	9,500	
Lot 4	Assorted ICT and Office Equipment	80,000	
<b>Total Bid Price (Kshs)</b>			

Total Bid Price in Words \_\_\_\_\_

\_\_\_\_\_

**NB:**

- Interested Bidders will be required to quote for all items in each Lot.
- Items will not be sold as single units but in lots.

Authorized official \_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## SECTION IV - CONDITIONS OF TENDER

- 4.1 A tenderer may tender for one lot or for as many lots as he/she wishes.
- 4.2 Sale will be 'as-is-where-is-basis'
- 4.3 Prospective bidders are required to inspect the items on site by arrangement with the Procurement Officer.
- 4.4 CMA shall not take any responsibility for the conditions or state of the items purchased as each prospective bidder is deemed to have viewed/inspected the items prior to making the offer.
- 4.5 No tenderer will pay a deposit in advance before the closing date of the tender for each lot tendered.
- 4.6 Successful Tenderers will be required to pay for the items within **fourteen (14) days** of notification of award. Failure to pay for items within 14 days after award will result to the contract being cancelled and the deposit forfeited. If there is an administrative review, the review procedures shall be followed.
- 4.7 Tenderers will be required to collect the items they have paid for within **fourteen (14) days** after making the payment failure to which storage charges will be charged as indicated in the appendix to Conditions of tender.
- 4.8 Items tendered for below the reserve price will be retained by the Procuring Entity.

## Appendix to Conditions of Tender

The following information for sale of boarded stores and equipment shall complement, supplement, or amend, the provisions of the conditions of the tender. Whenever there is a conflict between the provisions of the conditions of tender and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the conditions of tender.

Conditions of tender reference	<i>Particulars of the appendix to Conditions of tender</i>
4.7	<i>Storage charge of Ksh 200 per day shall be charged upon expiry of the period required to collect the items following payment</i>

**Notes on Standard Forms**

- 5.1 The form of tender, the confidential business questionnaire form and the tender deposit commitment declaration form must be completed by the tenderers and returned with the tender. Failure to complete any of these forms will lead to the disqualification of the tenderer.

**5.1 Form of Tender**

Date: \_\_\_\_\_  
Tender No. \_\_\_\_\_

To: .....  
.....  
[name and address of procuring entity]

Gentlemen and/or Ladies:

1. Having examined the tender documents including Addenda. Nos. .... [insert numbers]. The receipt of which is hereby duly acknowledged, we the undersigned, offer to purchase and collect all the items offered to us in conformity with the said tender documents for the sum of ..... [total tender amount in words and figures] or such other sums as may be ascertained in accordance with the Schedule of Prices attached herewith and made part of this Tender.
2. We undertake, if our Tender is accepted, to pay for and collect the items in accordance with the requirements of the tender.
3. We agree to abide by the tender for a period of .... [number] days from the date fixed for tender opening of the Instructions to tenderers, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.
4. We understand that you are not bound to accept the highest or any tender that you may receive.

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

\_\_\_\_\_  
[signature]

\_\_\_\_\_  
[in the capacity of]

Duly authorized to sign tender for and on behalf of \_\_\_\_\_

## 5.2 Confidential Business Questionnaire Form

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

<p>Part 1 – General</p> <p>Business Name .....</p> <p>Location of business Premises .....</p> <p>Plot No. .... Street/Road .....</p> <p>Postal Address ..... Tel No. ....</p> <p>Nature of business .....</p> <p>Current Trade Licence No. .... Expiring date .....</p> <p>Maximum value of business which you can handle at any one time Kshs .....</p> <p>Name of your bankers ..... Branch .....</p>
---

	<p>Part 2 (a) – Sole Proprietor</p> <p>Your Name in full ..... Age .....</p> <p>Nationality ..... Country of origin .....</p> <p>* Citizenship details .....</p>																									
	<p>Part 2 (b) Partnership</p> <p>Given details of partners as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name</th> <th style="width: 20%;">Nationality</th> <th style="width: 25%;">Citizenship Details</th> <th style="width: 20%;">Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>.....</td> <td></td> <td></td> <td></td> </tr> <tr> <td>1</td> <td>.....</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>.....</td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td>.....</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Name	Nationality	Citizenship Details	Shares	1.	.....				1	.....				2	.....				3	.....			
	Name	Nationality	Citizenship Details	Shares																						
1.	.....																									
1	.....																									
2	.....																									
3	.....																									

Part 2 (c) – Registered Company

Private or Public .....

State the nominal and issued capital of company –

Nominal Kshs.

Issued Kshs.

Given details of all directors as follows

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

Date ..... Seal/Signature of Candidate .....

.....



**5.4. LETTER OF NOTIFICATION OF AWARD**

Address of Procuring Entity

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

To: \_\_\_\_\_

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

RE: Tender No. \_\_\_\_\_

Tender Name \_\_\_\_\_

This is to notify that the contract/s stated below under the above-mentioned tender have been awarded to you.

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

1. Please acknowledge receipt of this letter of notification signifying your acceptance.
2. The contract/contracts shall be signed by the parties within 30 days of the date of this letter but not earlier than 14 days from the date of the letter.
3. You may contact the officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

*(FULL PARTICULARS)* \_\_\_\_\_  
\_\_\_\_\_

SIGNED FOR ACCOUNTING OFFICER

FORM RB 1

REPUBLIC OF KENYA

PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

APPLICATION NO..... OF.....20.....

BETWEEN

..... APPLICANT

AND

.....RESPONDENT (*Procuring Entity*)

Request for review of the decision of the..... (*Name of the Procuring Entity*) of .....dated the...day of .....20.....in the matter of Tender No.....of .....20...

**REQUEST FOR REVIEW**

I/We....., the above named Applicant(s), of address: Physical address..... Fax No.....Tel. No..... Email ....., hereby request the Public Procurement Administrative Review Board to review the whole/part of the above mentioned decision on the following grounds, namely: -

- 1.
- 2.
- etc.

By this memorandum, the Applicant requests the Board for an order/orders that: -

- 1.
- 2.
- etc

SIGNED ..... (Applicant)

Dated on..... day of ...../...20...

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**FOR OFFICIAL USE ONLY**

Lodged with the Secretary Public Procurement Administrative Review Board on ..... day of .....20.....

**SIGNED**  
**Board Secretary**