

INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA(ICPAK)



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TENDER NO. ICPAK/SCM/OT/04/2025/2027

PREQUALIFICATION OF LEGAL SERVICES FOR A PERIOD OF TWO (2) YEARS

TENDER SUBMISSION DEADLINE: 2ND JUNE 2025-11:00AM

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SECTION I: INVITATION TO TENDER

Institute of Certified Public Accountants of Kenya (ICPAK) invites bids from eligible law firms to be placed in our Panel of Advocates for a period of two (2) years and who may from time to time be appointed to **provide legal services (hereinafter referred to as ‘the Services’)**.

Tender documents with detailed specifications and conditions detailing the requirements can be viewed and downloaded from the ICPAK website **www.icpak.com**, free of charge. All bidders will be required to email their name, email address, physical address and telephone contact to **procurement@icpak.com**.

Completed Tender documents should be submitted and deposited in the Tender Box situated at the ICPAK, 9th floor at the lift lobby on or before **2nd June 2025** at **11.00AM**. **The tender document should be addressed to:**

**The Chief Executive Officer,
ICPAK,
P.O. Box 59963-00200 ,
Nairobi.**

Tenders will be opened on **2nd June 2025** at **11.30 am** in the presence of the tenderer's or their representatives at ICPAK boardroom 10th floor.

The bidders are also encouraged to demonstrate high degrees of integrity, fidelity, and honesty in the information supplied to ICPAK as part of their bids. The information should be as clear and concise as possible.

SECTION III: INFORMATION TO TENDERERS

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INFORMATION TO TENDERERS

3.1 Introduction

- 3.1.1 ICPAK invites eligible prospective Tenderers for the provision of Legal Services to undertake the assignments described herein for two (2) years.
- 3.1.2 All Law Firms Are advised to Read carefully this tender document in its entirety before making any bid.
- 3.1.3 The prequalification of legal service providers does not constitute a retainer.
- 3.1.4 The tender document and the tenderers response thereof shall be the basis for qualification to be placed in the Panel of Advocates. Tenderers must familiarize themselves with the requirements described in this document including all attachments and take them into account while preparing their response.
- 3.1.5 Tenderers will be informed in writing of the results of their application.
- 3.1.6 Tenderers will meet all costs associated with preparation and submission of their applications.
- 3.1.7 Tenderers who have previously been on the ICPAK panel of Advocates should also apply for reconsideration.
- 3.1.8 It is ICPAK's policy to require that tenderers observe the highest standards of ethics and professionalism in the procurement process and execution of Service Level Agreements. In pursuance of this policy, ICPAK:
 - a. Defines, for the purpose of this provision, the terms set forth below: "**Corrupt and Fraudulent practice**" meaning as defined in **Appendix I**.
 - b. Will reject a tender if it determines that a tenderer has engaged in corrupt or fraudulent activities in competing for the tender in question;
 - c. Will declare a tenderer ineligible, if at any time it determines that tenderer has engaged in corrupt or fraudulent practices in competing for, or in executing, a similar tender;
 - d. Will have the right to examine financial or other records relating to the performance of such services to determine capability; and
 - e. Will have the right to inspect the business premises of the tenderer.
- 3.1.9 Tenderers shall furnish information as described in the tender document.
- 3.1.10 Tenderers shall be aware of the provisions on fraud and corruption stated in herein after.

3.2 Professional Qualifications

The Advocates must be active members of the Law Society of Kenya in good standing and with current Practicing Certificates. They should not have any pending disciplinary cases nor have been found culpable of professional misconduct over the past five years. Due diligence will be carried out to ensure that they have not been disbarred.

3.3 Professional Insurance Indemnity

ICPAK may classify the firms of advocates for purposes of determination of the suitability of each firm for any assignment, based on the risk involved and the technical expertise required. The classification, as defined by ICPAK, shall be as follows: -

- i) **Category A law firms (Super-size):** Has a Professional Indemnity Cover of not less than KES.100million.
- ii) **Category B law firms (Large):** Has a Professional Indemnity Cover of KES.100million
- iii) **Category C law firms (Medium):** Has a Professional Indemnity Cover of KES.25million
- iv) **Category D law firms (Standard):** Has a Professional Indemnity Cover of KES.10million

3.4 Expertise

The law firms must be ranked highly by their peers as well as have proven experience of the issues in question. While it is important for the lead partners to be experienced, the qualification of other members of the firm who will be undertaking most of the legal services should also possess considerable experience. This includes associates, research assistants and paralegals.

The law firm must have at least a partner(s) who is (are) a commissioner(s) for oaths and Notary Public with a current Notary Certificate.

3.5 Scope of Legal Services

- 3.5.1 The legal services being procured include but not limited to: Civil Litigation and Practice, Commercial Law, Privacy and Data Protection Law , Construction Law, Public Procurement and Disposal Law, Employment and Labour Relations Law, Constitutional Law, Arbitration & Alternative Dispute Resolution Law and Practice, Tax Law, Land Law & Conveyancing, Public Private Partnership Law, International Law, Project Finance, and Environmental Law.
- 3.5.2 The law firms should attach their profiles stating the type of cases/matters handled and their success rate in litigation and commercial transactions. The profile should indicate experience in handling matters before the different courts and tribunals including Arbitrations and Adjudications handled.
- 3.5.3 The firms should also provide a list of clients handled which should include government departments and parastatals, international companies and private organizations; and the type of matters handled.

3.6 Firm Profile

Provide firm profile showing names of Partners, Associates in practice; Certification by regulatory/affiliation bodies (provide copies of the Partnership Deed/Certificate of Registration of Business Name/ LLP Certificate, current Practicing Certificates etc.); Letters from the Advocates Complaints Commission and the Disciplinary Committee on the status of partners/firm in regard to complaints; and whether the firm is a member of an international consortium of lawyers or member of international legal bodies.

3.7 Facilities

The firm should possess facilities like a modern legal library, access to online law reports or other legal resources, computers, internet connectivity etc. to enable them to provide adequate services and facilitate real-time communication.

3.8 Payment of Fees/Costs

3.8.1 ICPAK will consider law firm's that offer the right balance of value for money as measured by the quality of legal service offered. Law firms will be required to identify ways in which legal costs for any significant or complex matter can be mitigated and be willing to negotiate on the same.

3.8.2 The payment of fees will be based on the Advocates Remuneration Order, capped or as may be agreed between the firm and ICPAK. The mode of billing shall be as per the terms of the Service Level Agreement between the firm and ICPAK and subject to prior agreement between the firm and ICPAK.

3.9 Litigation against ICPAK

The firm should disclose if they have engaged in the past or are currently involved in pending litigation against ICPAK and the nature of the litigation in order to avoid conflict of interest. The firm should declare any conflict of interest.

3.10 Ability to Work Closely with the Institute Secretary

The selected law firms will be required to work closely with the Office of Corporation Secretary. To ensure effective communication, the selected firms are required to put in place the necessary mechanism to facilitate continuous communication and to ensure timely feedback/reporting on the progress of matters being handled. Quarterly reports will be required in respect of litigation matters to be submitted no later than the first week of every quarter.

3.11 Monitoring and Evaluation

The selected law firms must agree to be monitored through regular client satisfaction surveys in order to ensure that they maintain high standards of service. The firms must give regular reports to ICPAK. The Law firms must enter into Service Level Agreements with the Procuring Entity once they are formally instructed.

3.12 Clarifications of Tender Document

Tenderers may request a clarification on the Tender document up to seven

(7) days before the Tender submission date. Any request for clarification must be sent in writing by postal mail or electronic mail to the ICPAK's address **procurement @icpak.com**. ICPAK will respond in writing by normal postal mail or electronic mail to such requests and will send copies of the response to all Tenderers who intend to submit tenders.

3.13 Preparation of Tender Documents

3.13.1 Tenderers are requested to submit a tender written in English language.

3.13.2 Tenderers are expected to examine the tender documents in detail. Material deficiencies in providing the information requested may result in rejection of a tender.

3.13.3 Tenderers are required to meet the evaluation criteria stipulated hereinafter. Those who do not meet the requirements need not submit tenders. Only tenders, which fulfil these requirements, will be considered for detailed evaluation.

3.14 Period of Validity

The Tender for prequalification of legal services must remain valid for not less than one hundred and twenty (120) days from the date of submission. ICPAK will make best effort to complete the evaluation and communicate within this period.

3.15 Qualification Criteria

Qualification will be based on meeting the minimum requirements to pass in the criteria set as shown below:

- (i) Submission of duly completed Tender Form.
- (ii) A certified copy of Certificate of Registration/Incorporation.
- (iii) Three letters of recommendation from your corporate clients.
- (iv) Certified valid Tax Compliance Certificate.
- (v) Duly Completed Confidential Business Questionnaire.
- (vi) Evidence of physical address and premises (attach copies of utility bills e.g. electricity/water or lease agreement/Title.
- (vii) Certified copy of current Practicing Certificates for all partners and associates.
- (viii) Attach CV's of Partners, Associates and Consultants if any.
- (ix) Currently taken out a Professional Insurance Indemnity Cover
- (x) The declaration will be either pass or fail regarding the applicant's general and experience, personnel and equipment capabilities as demonstrated by the applicant's response in the forms provided. The procuring entity reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the services.
- (xi) An applicant shall as part of his application submit a registered Power of Attorney authorizing the signatory of the applicant to commit the applicant and update any information submitted with their applications for Prequalification, which may have changed, and update in any case the information indicated in the schedules and continue to meet the minimum threshold criteria set out in the Prequalification documents.

3.16 Submission, Receipt, and Opening of Prequalification Document

- 3.16.1 The original Tender Document shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the applicant. Any such corrections must be initialed by the person or person who sign (s) the Prequalification Document.
- 3.16.2 An authorized representative of the Applicants should initial all pages of the tender document.
- 3.16.3 The Tender document should be prepared and submitted in duplicate in a plain sealed envelope marked:

"PREQUALIFICATION OF LEGAL SERVICES"

and delivered to:

**The Chief Executive Officer, Institute of
Certified Public Accountants of Kenya,
P.O. Box 59963-00200
NAIROBI.**

3.17 Tender Submission

3.17.1 Submission Time:

The closing time for the submission of the Prequalification Document shall be **2nd June 2025** at 10.00am and shall be sent to the above address. Documents shall be marked on top "**DO NOT OPEN BEFORE 2nd June 2025** at **11.00am.**

3.17.2 Late Submission

Any Prequalification Document received after the deadline shall be rejected as a late tender and shall not be considered.

3.17.3 Tender Opening

An Opening Committee shall open the applications immediately after the closing time for submission of the Prequalification Document. ICPAK will prepare a record of the Tender Document opening.

3.17.4 ICPAK will examine the tenders to determine completeness, general orderliness and sufficiency in responsiveness.

3.17.5 Tenderers must paginate their Tender document consistent with the table of contents to facilitate ease of reference during evaluation.

3.17.6 Applicants shall not contact ICPAK on the matter relating to their Tender

Document from the time of opening to the time the evaluation is finalized unless official communication is sent to them. Any effort by the Applicant to influence

Stage of evaluation 1: MANDATORY REQUIREMENTS

ICPAK in the Tender Document evaluation shall result in the rejection of their application.

Responsive	No. Requirements	Responsive or Not Responsive
MR 1	Must submit a copy of a valid Trading License/permit	
MR 2	Submission of two tender documents securely bound (Spiral or book) and clearly marked (original and (copy) by the tenderer. Loose or stapled documents will not be accepted.	
MR 3	Bid document MUST be chronologically and sequentially serialized (paginated) i.e. 1234... on every page including the table of contents and the original tender document.	
MR 4	Must submit a copy of the Certificate of incorporation or Registration Certificate and corresponding CR12, CR13 where applicable	
MR 5	Must submit a valid tax compliance certificate.	
MR 6	Form of tender MUST be dully filled as per the Tender instructions provided in the form of Tender template signed and stamped (attach power of attorney for the company that has more than one (1) director)	
MR 7	Must submit duly filled Certificate of Independent Tender Determination, signed and stamped	
MR 8	Must submit duly filled Self Declaration Forms (SD1, SD2 and Declaration and commitment to the code of ethics).All of them MUST be signed and stamped by the authorized signatory	
MR 9	Tenderer Information Form - Dully filled and stamped as per the tenderer Information form	
MR 10	Evidence of firm's professional insurance indemnity of Minimum KES 5,000,000.00	
MR 11	Certificate of good standing from LSK and ACC	
MR 12	A copy of the Certificate of Registration of the Law Firm	
MR 13	Evidence of Physical Address and premises through e.g copy of utility bill i.e. electricity, water, telephone; copy of	

	title deed lease or tenancy agreement etc.	
MR 14	Must Submit law firm's Pin Certificate	

3.17.7 Prequalification will be based on meeting the following minimum criteria regarding the Applicant's legal status, general and experience, personnel and financial position as demonstrated by the responses in the attached forms.

3.17.8 The Applicants should have registered offices and ICPAK reserves the discretion of visiting physical premises from which the applicant conducts business if so desired to confirm existence and capability to deliver the said services.

3.17.9 Applicants who qualify according to the selection criteria will be required to offer various legal services as and when required within the two (2) years.

3.17.10 ICPAK reserves the right to accept or reject any or all Tender Documents without the obligation to assign any reason(s) for its decision thereof.

3.18 Evaluation Criteria

PART II TECHNICAL CRITERIA			
NO	REQUIREMENT	PARAMETER	MAXIMUM SCORE
A	Experience in advising public institutions or large commercial enterprises (attach evidence)	<ul style="list-style-type: none"> • Give two clients with an annual turnover of KES.5-10 million (20mks) • Give two clients with an annual turnover of between KES.3-5 million and above (15mks) • Give two clients with annual turnover of below 2-3M(10mks) 	20 max
B	Value of Professional Indemnity	• KES.5 million and over	10 max
C	Capacity		

	C1 Advocates Qualifications & Experience: Qualifications and experience of practice of key professional staff (attach CVs for the advocates)	Qualification: Current practicing certificate for all advocates Experience Senior Partners <ul style="list-style-type: none"> • Over 15 years (10mks) • 11-15 years (7mks) • Less than 10 years (5ks) Associates <ul style="list-style-type: none"> • Over 8 years (4mks) • 3-7 years (2mks) • Under 3 years (1mk) 	6 max 10 max 4 max
	C2 Size Number of Partners	<ul style="list-style-type: none"> • 6 and above(5mks) • 3-5 (3mks) • 1-2 (2mks) 	5 max

	Number of Associates	<ul style="list-style-type: none"> • 6 and above(5mks) • 3-5 (3mks) • 1-2 (2mks) 	5 max
	C3 Firm Profile	Firm Brochure	5 max
NO	REQUIREMENT	PARAMETER	MAXIMUM SCORE
D	Ten (10) major litigation brief successfully handled in terms of value and subject matter in the last five (5) year including Arbitration/Adjudication/PPP Petition/PPARB Request for Review in the format indicated in Schedule IX .	Provide the schedule/summary of the briefs	35 max
TOTAL SCORE			100
Each responsive bid will be given a Technical Score. A bid shall be rejected at this stage if it does not respond to important aspects of the Criteria or if it fails to achieve the minimum Technical Score of 70 points.			

3.19 Confidentiality

Information relating to evaluation of proposals and recommendations

concerning awards shall not be disclosed to the tenderers who submitted the proposals or to other people not officially concerned with the process, until the winning firm has

been notified that it has been prequalified for the services.

3.20 Notification of Award

- 3.20.1 ICPAK will promptly notify the successful Candidates.
- 3.20.2 The selected Candidates will be expected to commence any allocated assignment on receipt of any instructions from ICPAK.
- 3.20.3 Upon Award, ICPAK does not bind itself to assign any case to any of the qualified law firms/lawyers but shall endeavor to ensure equitable distribution of the available briefs among the qualified law firms/lawyers taking into account the experience and qualification of the individual firm.

SECTION IV: PREFERRED AREAS OF PRACTICE

Please indicate as appropriate the areas of specialization of practice where you wish to be considered for provision of legal services.

No	Areas Of Practice & Legal Knowledge	Name of Personnel attached to the area	Brief of any recent experience in an assignment of specific nature (not more than 3 years old)
1.	Judicial Review		
2.	Conveyancing		
3.	Company & Commercial Law		
4.	Privacy and Data Protection Law		
5.	Employment and Labour Relations Law		
6.	Intellectual Property Law		
7.	Public Private Partnership/PPP Committee Petition		
8.	Insurance Claims		
9.	Public Procurement & Disposal Law/PPARB Request for Review		
10.	Environmental and Land Law		
11.	Constitutional and Human Rights Litigation		
12.	Constitutional Law		

13.	General Civil Litigation		
14.	Criminal Law		
15.	Adjudication/Arbitration		
16.	Any relevant Law Concerning Construction		

Any others: Please specify

Firms are free to indicate all the areas

SECTION V: FIRM REFERENCES

NO	COMPANY	CONTACTS
1		
2		
3		
4		
5		

Note: Current recommendation letters from the clients listed MUST be provided

SECTION VI: FORMAT OF CURRICULUM VITAE FOR PROFESSIONAL STAFF

Full name of lawyer: _____

Position in firm i.e. Partner or Associate _____

Years and months with Law Firm: _____

Membership (and status) in Professional Bodies: _____

Key Qualifications

(Give an outline of lawyer's key experience and training most pertinent to the Services going not more than five (5) years prior to the date of the Tender Document. Indicate degree of responsibility held by the lawyer on relevant previous assignments and give dates and locations. For experience in the last six (6) years, also give types of activities performed and client references, where appropriate).

Preferred areas of practice if appointed to ICPAK panel

(Give an outline of lawyer's preferred areas of practice relevant to the Service and any two (2) outstanding achievements in that area going not more than five (5) years prior to date of Tender Document. Give client references, where possible).

Employment Record

(Starting with present position, list in reverse order every employment held in the last ten (10) years. List all positions held by the lawyer giving dates, name of employing organization, titles of positions held, and locations of assignments).

Certification

I, the undersigned certify that to the best of my knowledge and belief the information above correctly describes me, my qualifications and my experience.

(Signature of lawyer)

Date: _____

Yours sincerely

Full name of Law Firm

Signature of duly authorized person signing the Tender

Name and Capacity of duly authorized person signing the Tender

Stamp of the Law Firm

To:

The Chief Executive Officer
Institute of Certified Public
Accountants of Kenya
P.O. Box 59963-0200
NAIROBI.

Dear Sir,

Having read, examined and understood the Pre-qualification Tender Document including all Addenda, receipt of which we hereby acknowledge, we, the undersigned law firm, offer to provide Legal Services for the sums as may be ascertained in accordance with Clause 3.8 of the Tender Document.

If our bid is acceptable, we shall be pleased to be included in list of ICPAK Panel of Lawyers.

Yours sincerely,

Authorized Signature: _____

Name & Title of Signatory: _____

(Name of person duly authorized to sign Tender)

Name of Tenderer:

Stamp or Seal of Tenderer: _____

SECTION VIII: CONFIDENTIAL BUSINESS QUESTIONNAIRE

You are requested to **duly** complete the form giving the particulars indicated in Part 1; and either Part 2(a), 2(b) or 2 (c) whichever applies to your type of business; and Part 3. You are advised that it is a serious offence to give false information on this

PART 1 – GENERAL

Business Name

.....

..... Location of business premises.

.....Plot

No Street/Road

..... Postal Address

..... Tel No.Company Mobile

..... Email address..... Contact Person

.....Mobile..... Nature of

Business.....

..... Registration Certificate No.

.....

Maximum value of business which you can handle at any one time –KES.

.....

Name of your Bankers.....Branch.

.....

form.

PART 2 (a) – SOLE PROPRIETOR

Your name in full Age

..... Nationality

..... Countr

y

of origin Citizenship details

.....

..... **NB: If a Kenya Citizen, indicate under “Citizenship Details” whether by Birth, Naturalization or Registration.**

PART 2 (b) PARTNERSHIP

Given 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 company:

Nominal KES..

..... Issued

KES.

..... Given

details of all directors as follows

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

PART 2 (d) ASSOCIATE FIRMS

Indicate whether your firm associates or collaborates with any international law firms. If so, kindly indicate the name(s) of the firm(s) and their expertise. This is for informational purposes and shall not be scored.

PART 2 (e) DEBARMENT

I / We declare that I/ we have not been debarred from any procurement process and shall not engage in any fraudulent or corrupt acts with regard to this or any other tender by Institute of certified Public Accountants of Kenya and any other public or private institutions.

Full Names:

.....
.....

(Name of person duly authorized to sign Tender)

Signature.....
.....

Dated this.....day of 2022

In the capacity of.....

Duly authorized to sign Tender for and on
behalf of.....

PART 2 (f) CRIMINAL OFFENCE

I/We, individually or jointly have not been convicted of any criminal offence relating to professional (mis)conduct or the making of false statements or misrepresentations as to my/our qualifications to enter into a procurement contract within a period of five (5) years preceding the commencement of this Prequalification procurement.

Full Names:

.....

.....

(Name of person duly authorized to sign Tender)

Signature.....

Dated this.....day of 202

In the capacity of.....

Duly authorized to sign Tender for and on behalf
of.....

PART 3 Conflict of interest disclosure

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

Full Names:

.....
.....

(Name of person duly authorized to sign Tender)

Signature.....

Dated this.....day of.....202...

In the capacity of.....

Duly authorized to sign Tender for and on behalf
of.....

PART 4 INTEREST IN THE FIRM

Is there any person/persons in ICPAK who has interest in the Firm? Yes /No?

If YES indicate their details:

Name

Title

1.
.....
2.
.....
3.
.....
4.
.....
5.
.....

PART 5 EXPERIENCE

Please list here below 3 major companies/clients you have acted for in the last two (2) years.

PART 6 DECLARATION

I/We the undersigned state that the above information is correct and that I/We give ICPAK authority to seek any other references concerning my/our firm from whatever sources deemed relevant e.g. Office of the Registrar of Companies, Bankers etc.

Full Names:

.....

(Name of person duly authorized to sign Tender)

Signature.....

Dated this.....day of 202

In the capacity of.....

Duly authorized to sign Tender for and on behalf of.....

Stamp or Seal of Tenderer_____

SECTION IX: LITIGATION HISTORY

Applicants should provide information of ten (10) major litigation brief successfully handled in terms of value and subject matter in the last five (5) year including Arbitration/Adjudication/PPP Petition/PPARB Request for Review.

Year	Award FOR or AGAINST Applicant	Name of client, cause of litigation and matter in dispute	Disputed amount (Current value KES.)

CERTIFICATE OF INDEPENDENT TENDER DETERMINATION

I, the undersigned, in submitting the accompanying Letter of Tender to the **INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA** *[Name of Procuring Entity]* for: **ICPAK/SCM/OT/04/2025/2027:** _____ *[Name and number of tender]* in response to the request for tenders made by: _____ *[Name of Tenderer]* 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 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 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, whichever comes first, unless otherwise required by law or as specifically disclosed pursuant to paragraph (5) (b) above.

Name _____

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Title _____

Date _____

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

iii) SELF-DECLARATION FORMS

FORM SD 1

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 provision of legal services 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 herein 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..... 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.....

ICPAK

P.O. Box 59963- 00200

NAIROBI

BANK DETAILS FORM

INSTITUTION/COMPANY NAME:

--

ADDRESS

OFFICIAL STAMP

(1)

(2)

**AUTHORIZED PERSONS
NAME**

POSITION

TELEPHONE NO.

EMAIL ADDRESS

SIGNATURE

DATE

ACCOUNT NO.:

--

BANK NAME:

	BANK CODE
--	------------------

BRANCH NAME:

	BRANCH CODE
--	--------------------

BANKERS CONFIRMATION THAT ACCOUNT DETAILS ARE AS STATED ABOVE

AUTHORISED SIGNATORY:

1)	2)
-----------	-----------

BANKERS STAMP:

TENDERER DATA CONSENT FORM

Tender Number: ____

Tender Description: _____

Institute of Certified Public Accountant of Kenya is committed to processing your personal information in accordance with the Institute's Data Protection Policy, Data Protection Act, 2019 and its Regulations.

The personal data submitted in the tender as detailed will therefore be processed in line with the relevant Data Protection, Policies, Laws and Regulations in the way(s) and purpose(s) detailed in this Data Subject Consent Form.

I/we _____ hereby give explicit consent to processing my personal data by Institute of Certified Public Accountants of Kenya for the purposes of compliance with the Data Protection Act, 2019.

Signed:

Name: (tenderers name): _____

Signature: _____

Date: _____

Stamp: _____

APPENDIX I: FRAUD AND CORRUPTION

1. Purpose

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

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.

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:

- i) 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;
- ii) A person referred to under subsection (1) who contravenes the provisions of that sub-section commits an offence;
- iii) Without limiting the generality of the subsection (1) and (2), the person shall be:
 -
 - (a) disqualified from entering into a contract for procurement or asset disposal proceeding; or
 - (b) if a contract has already been entered into with the person, the contract shall be voidable;
 - iv) The voiding of a contract by the procuring entity under subsection (7) does

- v) 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 tenderer to whom was awarded contract, or a member of the group of tenderers of whom the contract was awarded, but the subcontractor appointed shall meet all the requirements of this Act.
- vi) 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;
- vii) 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 awarding officer etc.

Incompliance 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:
 - 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

- acts intended to materially impede the exercise of the PPRA's or the appointed authority's inspection and audit rights provided for under paragraph 2.3(e) below.

- (b) 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 the procuring entity of the benefits of free and open competition.
- (c) Rejects a proposal for award¹ of a contract if PPR A 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;
- (d) Pursuant to the Kenya's above stated Acts and Regulations, may sanction or debar or recommend to appropriate authority(ies) for sanctioning and debarment of a firm or individual, as applicable under the Acts and Regulations.
- (e) 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 ICPAK or For the avoidance of doubt, a party ineligibility to be awarded a contract shall include, without limitation, (i) applying for pre-qualification, expressing interest in a consultancy, and tendering, either directly or as a service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.

any other appropriate authority appointed by Government of Kenya to inspect 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 ICPAK or any other appropriate authority appointed by Government of Kenya; and

-
- (f) 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.

Inspections in this context usually are investigative (i.e. forensic) in nature. They involve fact- finding activities undertaken by the Investigating Authority or persons appointed by the Procuring Entity to address specific matters related to investigations/audits, such as evaluating the veracity of an allegation of possible accessing and examining a firm's or individual's financial records and information, and making copies thereof as relevant; accessing and examining any other documents, data and information (whether in hard copy or electronic format) deemed relevant for the investigation/audit, and making copies thereof as relevant; interviewing staff and other relevant individuals; performing physical inspections and site visits; and obtaining third party verification of information.

2. TENDERER INFORMATION FORM

[The Tenderer shall fill in this Form in accordance with the instructions indicated below. No alterations to its format shall be permitted and no substitutions shall be accepted.]

Date: [insert date (as day, month and year) of Tender submission]. ITT No..... _

1. Tenderer's Name
2. In the case of JV, the legal name of each member:
3. Tenderer's actual or intended country of registration:
4. Tenderer's year of registration:
5. Tenderer's Address in country of registration:
6. Tenderer's Authorized Representative Information Name: Address: Telephone: Email Address:
7. Attached are copies of original documents of <i>[check the box(es) of the attached original documents]</i> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITT 4.4. In case of JV, Form of intent to form JV or JV agreement, in accordance with ITT 4.1. A current tax clearance certificate or tax exemption certificate in case of Kenyan tenderers issued by the Kenya Revenue Authority in accordance with ITT 4.14. In case of state-owned enterprise or institution, in accordance with ITT 4.6 documents establishing: <ul style="list-style-type: none">• Legal and financial autonomy• Operation under commercial law• Establishing that the Tenderer is not under the supervision of the agency of the Procuring Entity 8. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.