



KENYATTA NATIONAL HOSPITAL

PRE- QUALIFICATION FOR PROVISION OF LEGAL SERVICES

KNH/PQ/002/2018-2020

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KENYATTA NATIONAL HOSPITAL

Kenyatta National Hospital invites sealed applications from eligible candidates for purposes of prequalifying service providers for Legal Services for the period 2018 to 2020.

NO.	CATEGORY REFERENCE	CATEGORY DESCRIPTION	CLOSING DATE
1	KNH/PQ/002/2018-2020	Provision of Legal Services	24/07/2018

Interested eligible firms may obtain further information and inspect pre-qualification documents at the office of the **Deputy Director Supply Chain Department Kenyatta National Hospital door No. 6.**

A complete set of the pre-qualification documents may be obtained by interested candidates.

Pre-Qualification documents must be submitted in plain sealed envelopes clearly marked "**Prequalification for Provision of Legal Services: KNH/PQ/002/2018-2020**" with the category reference number accompanied with the original payment receipt and deposited in the Tender Box located on the Kenyatta National Hospital, Administration Block-Supply Chain Department Entrance.

Applications for Pre-Qualification will be opened immediately thereafter in the Hospital on the 24/07/2018 **at 10.00 am** in the presence of candidates' representatives, who choose to attend.

Completed Prequalification documents for each category should be submitted in plain sealed envelopes and clearly marked "**Pre-qualification of Provision of Legal Services -KNH/PQ/002/2018-2020**" and addressed to:

**The Chief Executive Officer
Kenyatta National Hospital
P.O. Box 20723-00202
Nairobi, Kenya**

Any canvassing or giving of false information will lead to automatic disqualification.

INFORMATION TO CANDIDATES

1. INTRODUCTION

Kenyatta National Hospital (KNH) will pre-qualify and enlist prospective bidders for provision of Legal Services from among those who will have submitted their prequalification documents, in accordance with the pre-qualification requirements to undertake the assignments described herein for period of two (2) years.

The Pre-qualification Tender document and the Tenderers response thereof shall be the basis for pre-qualification. Tenderers must familiarize themselves with the requirements described in this document including all attachments and take them into account while preparing the response.

KNH does not bind itself for provision of any service but shall endeavor to ensure Tenderers for the provision of various services and consultancies will be treated equitably.

Applicants will be informed in writing of the results of the application, without assigning any reason for KNH's decision thereof.

Tenderers will meet all costs associated with preparation and submission of their applications.

It is KNH's policy to require that Tenderers observe the highest standard of ethics during selection and execution of such contracts. In pursuance of this policy, KNH:

- (a) defines, for the purpose of this provision, the terms set forth below as follows:
 - (i) "Corrupt practice" means the offering, giving, receiving or soliciting of anything of value to influence the action of an officer of the Purchaser/Employer in the pre-qualification process; and
 - (ii) "Fraudulent practice" means a misrepresentation of facts in order to influence the pre-qualification process to the detriment of the Purchaser/Employer, and includes collusive practices among Tenderers (prior to or after submission of Tenders) designed to establish prices at artificial, non-competitive levels and to deprive the Purchaser of the benefits of free and open competition.

- (b) Will reject a Tender for pre-qualification if it determines that a Tenderer has engaged in corrupt or fraudulent activities in competing for the contract in question;
- (c) Will declare a Tender ineligible, for pre-qualification if at any time it determines that Tenderer has engaged in corrupt or fraudulent practices in competing for, or in executing, a similar contract; and
- (d) Will have the right to examine financial records relating to the performance of such services to determine capability.
- (e) Will have the right to inspect the business premises of the Tenderer.

Tenderers shall furnish information as described in the pre-qualification tender document.

Tenderers shall be aware of the provisions on fraud and corruption stated in the standard contract under the clauses indicated in the Data Sheet.

Professional Qualifications

Law firms must be registered with the Law Society of Kenya and all their Advocates must be current members of who hold current practicing certificates from the Law Society of Kenya. Tenderers shall as a matter of due diligence provide a letter of good standing from the Law Society of Kenya to this effect.

Professional Insurance Indemnity

They must have taken out a Professional Insurance Indemnity, which must be not less than **KShs.10, 000,000.00**.

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 performing the majority of the legal services will also be evaluated. This includes associates, pupils and even paralegals. All partners should have at least 6 years of legal experience.

Scope of legal services

The legal services being procured include but not limited to: Commercial law, Civil litigation, Tax law, Labour law, Procurement and Disposal Law, Arbitration and Alternative Dispute Law and Practice, Constitutional law, drawing and

interpretation of statutes and international instruments. The law firms should attach their firm profiles stating their specialties, type of matters/cases handled and their success rate in litigation. The firms should also provide a list of clients handled including those lost in the recent past and reasons thereof.

Any experience in governance, tax, IP and other areas including related consultancies and advisory should be stated.

Firm's History

The following information should be included:

- Period for which the law firm has been in operation.
- Number of partners and their standing in the bar.
- Number of Associates and their standing in the bar.
- Number of pupils.
- Number of paralegal staff.
- Number of support staff.

Payment of Fees/Costs

The selection will consider law firm's that offer the right balance of value for money as measured by the quality of legal service offered. Estimated budgets of the costs from the law firms will be encouraged. Law firms will be required to identify ways in which legal cost for any significant or complex cases can be mitigated.

The payment of fees will be based on:

- The Advocates Remuneration Order; or
- Negotiated fees

Litigation against KNH

The Firms should disclose if they are engaged with past or pending litigation against KNH and the nature of the litigation in order to avoid conflict of interest.

Ability to work closely with KNH's Office of the Corporation Secretary

Monitoring and Evaluation

The law firms must agree to be monitored and evaluated through regular client satisfaction surveys in order to ensure that they maintain high standards of service and give regular reports the cases to the Corporation Secretary.

2. DOCUMENTS COMPRISING THE REQUEST FOR PRE-QUALIFICATION

Tenderers may request a clarification on the Tender Pre-qualification document up to seven (7) days before the Tender submission date. Any request for clarification must be sent in writing by mail, facsimile or electronic mail to the Hospital's address. The Hospital will respond in writing by normal postal mail, facsimile or electronic mail to such requests and will send copies of the response to all Tenderers who intend to submit tenders.

3. PREPARATION OF TENDER DOCUMENTS

Tenderers are requested to submit a Tender written in English language.

Tenderers are expected to examine the documents comprising this Request for prequalification in detail. Material deficiencies in providing the information requested may result in rejection of a Tender.

The pre-qualification documents shall not include any financial proposal information other than audited accounts for the last 2 years.

Period of Validity

The request for pre-qualification must remain valid for not less than 150 days from the date of submission. KNH will make best effort to complete the evaluation and communicate within this period.

4. SUBMISSION, RECEIPT, AND OPENING OF PRE-QUALIFICATIONS

The original copy of Pre-qualification Document shall be prepared in indelible ink. The document 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 persons who sign(s) the Pre-qualification Document.

All pre-qualification documents must be **paginated/folio-marked**. No loose document will be accepted

An authorized representative of the Applicants should initial all pages of the tender document.

The Pre-qualification document should be prepared and submitted in **2 (two) copies** in a plain sealed envelope marked:

“PRE-QUALIFICATION OF PROVISION OF LEGAL SERVICES”

And delivered to,

**The Chief Executive Officer
Kenyatta National Hospital
P.O. Box 20723-00202
NAIROBI**

Deadline for Submission

The closing time for the submission of the Pre-Qualification Document shall be the 24/07/2018 at 10.00 am and shall be sent to the above address. Pre-Qualification Document shall be marked on top **“DO NOT OPEN BEFORE 24/07/2018 at 10.00 am”**

Late Submission

Any Pre-Qualification Document received after the deadline pursuant to clause 4.4 shall be rejected as a late tender and shall not be considered.

Tender Opening And Evaluation

A committee of officials shall open the Applications immediately after the closing time for submission of the Pre-Qualification Document.

Kenyatta National Hospital will prepare a record of the Pre-Qualification Document opening.

5. PRE-QUALIFICATION EVALUATION

Mandatory Requirements for Pre-Qualification

- (i) Pre-qualification Submission Form.
- (ii) Duly Completed Confidential Pre-qualification Business Questionnaire.
- (iii) A copy of Certificate of Registration of Practice.
- (iv) Valid Tax compliance certificate.
- (v) Two (2) years audited accounts.
- (vi) Letter of good standing of the firm detailing all the Advocates in the firm from the Law Society of Kenya.
- (vii) Current Practicing Certificates for all Advocates in the Law firm.
- (viii) Sworn Anti-Corruption Affidavit.
- (ix) Submit details of five (5) major clients and contact persons, address and telephone numbers, summary of briefs and value of the matters.

- (x) Current Professional Insurance Indemnity of a minimum of **KShs.10,000,000.00**.
- (xi) A signed statement that the bidder is not debarred from participating in public procurement from Public Procurement & Oversight Authority.
- (xii) Firm profile, specialty and resumes (CVs) of the partners and associates.

NOTE :No loose document will be accepted. 100% complete will be required to proceed to the next evaluation

NB: Attach all the above documents

General Requirements

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

Applicants shall not contact KNH on the matter relating to their Pre-Qualification Document from the time of opening to the time the evaluation is finalized and official communication is sent to them. Any effort by the Applicant to influence KNH in the Pre-Qualification Document evaluation shall result in the rejection of their application.

Pre-qualification will be based on meeting the following minimum criteria regarding the Applicant's legal status, compliance with statutory requirements, general and particular experience, capacity, personnel and financial position as demonstrated by the responses in the attached forms.

The applicants must have registered offices, appropriate space and facilities within those offices, have leveraged on KNH 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 goods/services.

Applicants who qualify according to the selection criteria will be invited to submit their quotations for the provision of various services as and when required for 2 years.

KNH reserves the right to accept or reject any or all Pre-Qualification Documents without the obligation to assign any reason (s) for its decision thereof.

Litigation

Applicants must disclose any current litigation against the firm and briefly describe the nature of the litigation. Applicants must also disclose if they are

handling any matters against the Hospital and briefly describe the nature and scope of the matters.

Evaluation Criteria

The points given to evaluation criteria are as per the following evaluation criteria matrix. The qualification is 70 points and above.

	Evaluation Attribute	Evaluation Parameters	Maximum Score%
1	Mandatory Requirements:	Full Submission	
A	Pre-qualification Submission Form	Mandatory	5
B	Duly Completed Confidential Pre-qualification Business Questionnaire.	Mandatory	10
C	A copy of Certificate of Registration of the Law firm.	Mandatory	5
D	Tax compliance certificate.	Mandatory	10
E	Two (2) years audited accounts.	Mandatory	10
F	Current Practicing Certificates for all Advocates in the Law firm.	Mandatory	10
G	Sworn Anti-Corruption Affidavit.	Mandatory	5
H	Submit details of five (5) major clients and contact person, address and telephone numbers.	Mandatory	10
I	Professional Indemnity of a minimum KShs.10,000,000/= (attach copy)	Mandatory	10
J	A signed statement that the bidder is not debarred from participating in public procurement or disbarred from practice	Mandatory	5
K	Letter of good standing of the firm detailing the names of all its advocates	Mandatory	10
L	Firm profile, specialty and resumes (CVs) of the partners and associates	Mandatory	10
TOTAL SCORE			100

6. CONFIDENTIALITY

Information relating to evaluation of Pre-Qualification Documents and recommendations concerning pre-qualification shall not be disclosed to the Applicants until the prequalified firms have been advised accordingly.

PRE-QUALIFICATION SUBMISSION FORM

Date: _____

Pre-qualification No.: _____

To:
The Chief Executive Officer
Kenyatta National Hospital
P.O Box 20723-00202
NAIROBI, KENYA

Dear Sir,

1. Having examined the Pre-qualification documents including Addenda Nos..... the receipt of which is hereby duly acknowledged, We, the undersigned, offer to supply the required services in accordance with your Request for Quotations and we hereby submit our Prequalification Document.
2. Our Pre-qualification is binding to us and if found acceptable we shall be pleased to be included in the list of pre-qualified firms.
3. We understand that you are not bound to accept any tender you may receive.

Dated this _____ day of _____ 2018

[Signature]

[In the capacity of]

Duly authorized to sign tender for and on behalf of _____

CONFIDENTIAL PRE-QUALIFICATION BUSINESS QUESTIONNAIRE FORM

10.2 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 applied to your type of business) and part 3(a) & 3(b) that is mandatory. You are advised that it is a serious offence to give false information on this form

Mandatory

Part 1 – General:

Business Name

Location of business premises.

Plot No..... Street/Road

.....

Postal Address Tel No.company Mobile.....E mail
address.....Contact PersonMobile.....

Nature of Business,.....

Registration Certificate No.

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

Name of your bankers Branch.

Complete part 2(a), 2(b) or 2(c)

Part 2 (a) – Sole Proprietor

Your name in full Age

Nationality Country of origin

- Citizenship details

.....

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 Kshs.

Issued Kshs.

Given details of all directors as follows

Name	Nationality	Citizenship Details	Shares
------	-------------	---------------------	--------

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

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

Mandatory

Part 3 (a) – Pursuant to section 59(1)(a) ,(2) and (3) of the public procurement Assets and Disposal Act 2015 and section 26 of the Regulations 2006. This must be signed by all Directors Partner (s) /Sole Proprietor of the Company (or any other applicable legislation in the Country of registration)

I /we the Director(s) of Company/Firmhereby declare that I /we are not a board member , employee or even a relative to any employee of Kenyatta National Hospital.

Given details of partners /Directors /Sole proprietor as follows:

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

Mandatory

Part 3(b) Public Procurement & Assets Disposal Act 2015 and section 26 of the Regulations 2006 (or any other applicable legislation in the Country of registration).

Pursuant to section 41 of the Public Procurement and Assets Disposal Act 2015, I/ we the Directors/Partners/Sole Proprietor of this Company/Firmconfirm that we have not been debarred in Kenya not to Participate in any Tender/Bidding in Kenya.

Name	Nationality	Citizenship Details	Signature
1.....			
2.....			
3.....			
4.....			

5

SignDateStamp.....

**REPUBLIC OF KENYA
IN THE MATTER OF OATHS AND STATUTORY DECLARATION ACT
CHAPTER 15 OF THE LAWS OF KENYA
AND
IN THE MATTER OF THE PUBLIC PROCUREMENT AND DISPOSAL
ACT, NO. 3 OF 2005.**

ANTI-CORRUPTION AFFIDAVIT FORM

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

1. THAT I am
the..... (Managing
Partner/Principal Officer /Senior Partner) of
.....(Name of the Law Firm) which is a
Candidate in respect of Tender Number..... to render legal services to

Kenyatta National Hospital and duly authorized and competent to make this Affidavit.

- 2. THAT the aforesaid Candidate has not been requested to pay any inducement to any member of the Board, Management, Staff and/or employees and/or agents of Kenyatta National Hospital, which is the procuring entity.
- 3. THAT the aforesaid Candidate, its servant(s) and/or agent(s) have not been offered and will not offer any inducement to any member of the Board, Management, Staff and/or employee(s) and/or agent(s) of Kenyatta National Hospital.
- 4. THAT the aforesaid Candidate, its servant(s) and/or agent(s) have not been debarred from any procurement process.
- 5. THAT what is deponed to hereinabove is true to the best of my knowledge information and belief.

SWORN at.....by the said)

)
.....)

on this day of 2018) _____
DEPONENT

)
Before me)
)
)
)
)
Commissioner for Oaths)

DISCLOSURE

RANGE OF SERVICES YOU SPECIALISE IN.

.....
.....
.....
.....
.....

HAVE YOU PREVIOUSLY BEEN RENDERING LEGAL SERVICES TO KENYATTA NATIONAL HOSPITAL?

IF YES, WHICH CASES

.....
.....
.....
.....
.....
.....
.....

DO YOU HAVE ANY INSTRUCTIONS WITH US? IF SO GIVE DETAILS

.....
.....
.....

CRIMINAL OFFENCE DISCLOSURE

I/WE NAME OF PARTNER/PARTNERS: -

- A).....
 - (B)
- (Please list all partners)

have not been convicted of any criminal offence relating to professional conduct or the making of false statements or misrepresentations as to its qualifications to enter into a procurement contract within a period of three (3) years preceding the commencement of this procurement proceeding.

Signed

For and on behalf of M/s
.....

In the capacity of

Dated this day of..... 2018

Law	Firm's	rubber	Stamp
.....			