SPECIAL GROUPS AND CITIZEN CONTRACTOR SENSITIZATION
FINANCIAL YEAR 2019 - 2020
1. INTRODUCTION

Kenya Railways (KR) is a State Corporation established under the Kenya Railways Corporation Act (cap 397) of the Laws of Kenya.

KR being a Public Entity carries out all procurement in accordance with the Public Procurement Law and other Guidelines issued by National Treasury from time to time.

KR is undertaking a number of infrastructure development projects among them:

- Standard Gauge Railway Project
- Nairobi Commuter Rail Services
- Lappset Project
- KENRAIL Project
- Nairobi Railway City.
- Thika - Nayuki Line Railway Project
- Rehabilitation of Nairobi Commuter Railway Line Project
- Nairobi - Konza Project

2. BACKGROUND ON ACCESS TO GOVERNMENT PROCUREMENT OPPORTUNITIES

- H.E The President through the National Treasury Circular No 14/2013 dated 25th September 2013 directed that 30% of all Government Procurement be allocated to the Youth, Women and Persons with Disabilities
- Following the directive, the Public Procurement & Disposal (Preference and Reservations) Regulations were amended vide legal Notice No. 114 of 2013.
- These regulations are in line with article 227 (2) of the Constitution of Kenya 2010 and are further incorporated in The Public Procurement and Asset Disposal Act, 2015 Sections 155 and 157.

Disadvantage Group – Public Procurement and Assets Disposal Act, 2015 has defined disadvantage group as:- persons denied by mainstream society access to resources and tools that are useful for their survival in a way that disadvantages them or individuals who have been subjected to prejudice or cultural bias because of their identities as members of groups or categories of persons without regard to their individual qualities and includes enterprises in which majority of the members or shareholders are youth, women, persons with disabilities or categories as shall be prescribed.

Classes Under P&R Scheme
Groups and Procurements under the Preference and Reservation Scheme (P&R) are as outlined below;

a) Candidates such as disadvantaged groups;
b) Micro, small and medium enterprises;
c) Works, services and goods, or other combination thereof;
d) Identified regions; and
e) Such other categories as may be prescribed by the Law and Government Directive
3. NATIONAL TREASURY

The National Treasury is responsible for Public Procurement and Assets Disposal policy formulation;

The National Treasury amongst other Bodies is responsible for facilitation of affirmative action to disadvantaged groups in accordance with the Constitution and to advance their participation in the procurement process.

The National Treasury has established a Preference and Reservation Secretariat responsible for the implementation of the P&R under the Act and is responsible for,

a) Registration, prequalification and certification of the persons, as provided for under the Law
b) Training and Capacity Building of the groups
c) Provide technical and advisory assistance to the procurement entities in the implementation of the P&R under the Law;
d) Monitoring and Evaluating the implementation of the P&R under the law

4. PUBLIC PROCUREMENT REGULATORY AUTHORITY (PPRA) - AUTHORITY

Functions of PPRA include

1. Monitoring the implementation of the preference and reservation scheme by procuring entities
2. Monitoring and evaluation the preference and reservation provided under the Act and provide quarterly public reports
3. Ensuring procurement entities implement the preference and reservations and that they provide the data the Authority disaggregated to indicate the number of disadvantaged groups that have benefited;

Preference and Reservation in Public Procurement Asset and Disposal Act, 2015

- Part X11 – Sections 156 – 158 Provided for preference and Reservation in Public Procurement in Kenya.
- Sections 156 – Eligibility for Candidates to one or more preference schemes
- Section 157 – Participation of Candidates (Procedures) – Roles of the Procurement Entities Accounting Officers, Role of the Authority, National Treasury, Cabinet Secretary, Reporting, Payment and Integration of P&R in the Procurement Plans
5. REGISTRATION / PREQUALIFICATION

The following are the requirement for Registration by National Treasury under the Preference and Reservation policy.

i. Certificate of Incorporation/Business Registration Certificate
ii. Valid Tax Compliance/Tax Exemption Certificates
iii. Identification Documents (Passport/National ID)
iv. CR 12 for Limited Companies or partnership deed for partnership business (where applicable)
vi. National Construction Authority Certificate for Construction Category (NCA) (where Applicable)
vii. Certification from relevant regulatory /professional bodies.

NOTE: - An enterprise registered by the National Treasury in a target group benefitting from the preference and reservation scheme shall be entitled to such benefits for a period of two years, which may be renewed to a maximum period of ten years

6. JOINT VENTURE

A firm shall be qualified as-

- a local contractor if it is registered in Kenya and has above fifty-one per cent Kenyan shareholding; or
- a citizen contractor if wholly owned and controlled by persons who are Kenyan citizens.

A citizen contractor registered outside the Republic of Kenya shall only be eligible to benefit from the preferences and reservations scheme, when bidding in international tendering and competition.

Section 157 (2) of the Act, a foreign contractor may benefit from a preference and reservation scheme, where it enters into a joint venture or subcontracting arrangements, as evidenced by written agreement, with a firm that is registered in Kenya and where Kenyan citizens have majority shares.

Where a citizen contractor(s) have entered into contractual arrangements with foreign contractor(s) pursuant to, a ten percent margin of preference in the evaluated price of the tender shall be applied.

7. TENDER SECURITY

Section 61(5) - Tender Security shall not be required in procurements reserved for small and micro-enterprises or enterprises owned by Women, Youth, Persons with disabilities and other disadvantaged groups participating in a procurement proceeding and the target group shall be required to fill and sign the Tender Securing Declaration Form as prescribed

Any bidder from the target group who fails to adhere to the terms of the Tender Securing Declaration Form shall be liable to debarment pursuant to section 41 of the Act.
8. **PERFORMANCE SECURITY**

Section 142 – Requirement for performance security of (10%) Ten percent of the Contract amount does not apply for Works and supplies reserved for women, youth, persons with disabilities and other disadvantaged groups, for these categories the performance securities may be waived or fixed at no more than (1%) one percent of the contract price.

The performance security may not generate interest and it shall be determined in accordance with the form provided for in the tendering document and may be paid in form of a bank guarantee, issued by an authorized financial institution or an irrevocable letter of credit.

9. **FINANCING**

The National Treasury has entered into agreement with a number of financial institutions to provide LPO Financing to Special Groups awarded Government Contracts. Procurement Entities are required under the law to facilitate the groups by authenticating their notifications of tender award and Local Purchase/Service orders and subsequently entering into agreement with the relevant financing institutions with conditions that shall include paying the contracted enterprise through their account opened with the financier.

10. **PAYMENT PROCEDURE**

To ensure sustained growth for enterprises owned by special groups procurement entities are required to make prompt payment for all performed contracts not later than 60 days. (Kenya Railways payment – 30 Days)

Where delay of payments for goods, works and services performed are likely to happen, a procuring entity may facilitate invoice discounting arrangements with a financial institution for the purpose of advancing credit to the affected enterprises.

The following requirement are to be met before payments are made;

i. Signed and Stamped Delivery Note

ii. Signed and Certified Invoice

iii. Inspection Report

11. **CHALLENGES IN PREPARATION OF BID DOCUMENTS**

Some of the common problems in bids submitted by the groups are as follows;

i. Incomplete Documentations

ii. Required Documents not provided/Attached

iii. Documents that are invalid / expired

iv. Submission of bids where the firm is less qualified

v. Late Bids

vi. Tender Security Declaration forms not filled

vii. Pagination of Bid documents not properly done as per tender instructions.

viii. Non Delivery of performance in some cases.

ix. Arithmetic errors during computation of total prices.
12. PREPARATION OF BID DOCUMENTS – QUALITY OF DOCUMENTATION

A Standard Tender Document Comprise of the following;

i. Invitation to Tender
ii. Instruction to Bidders
iii. Appendixes to Instruction to Bidders
iv. General Conditions of Contract
v. Special Conditions of Contract
vi. Schedule of Requirement
vii. Standard Forms

13. PREPARATION OF BID DOCUMENTS – EVALUATION REQUIREMENT

The evaluation process follows procedures and requirements laid down in the tender documents and is carried out in three stages;

i. Mandatory/Preliminary Evaluation
ii. Technical Evaluation
iii. Financial Evaluation

14. RESERVED PROCUREMENT

The following procurements are reserved for youth, women and persons with disabilities;

i. Supply and Delivery of flowers
ii. Provision of Cleaning Services
iii. Provision of Garbage collection services
iv. Supply and Delivery of newspapers, journals and magazines
v. Supply and delivery of mobile phone airtime
vi. Provision of Printing Services
vii. Supply and Delivery of office common user items
viii. Provision of Labour contracts
ix. Provision of Motor Vehicle Repairs
x. Provision of repairs services for office equipment and machines
xi. Event Organizing
xii. Design and Branding of promotional materials such as T/Shirts, Caps, Banners and posters
xiii. Photocopy and videography

15. PREFERENCE LIST

The following are procurements under preference

i. Car Leasing
ii. Cab Taxi Services
iii. Courier Services
iv. Provision of Security Services
v. Contracts for small works
vi. Provision of painting works

16. INTRODUCTION TO LOCAL CONTENT

Definition of Local Content

As defined by the World Bank, Local Content is “the share of employment—or of sales to the sector—locally supplied at each stage of this chain”

I.e. This is the concept that a certain percentage of a project’s inputs (whether materials or labor) must come from the “home” country.

This is very relevant for large construction projects with high capital expenditures (USD10B plus range) and strict local content requirements are usually drafted.

17. REQUIREMENT OF THE LAW – PPADA 2015

A. Public Procurement and Asset Disposal Act No. 33 Of 2015

i. Guiding principle

Promotion of local industry, sustainable development and protection of the environment.

ii. Locally produced product or service"

Goods and services that are manufactured in Kenya by firms that are registered and undertaking their business in Kenya.

iii. Procuring agents or asset disposal agents

A state organ or public entity shall give preferential treatment to the local agents before seeking the services of an international procurement agent. For the preference for local agents, all the work shall be handled by agents of same region in question, and where an international agent has been procured, all functions that will be sublet and can be performed by citizens shall be sublet to persons who are citizens.

iv. Participation of candidates in preference and reservations

For the purpose of ensuring sustainable promotion of local industry, a procuring entity shall have in its tender documents a mandatory requirement as preliminary evaluation criteria for all foreign tenderers participating in international tenders to source at least forty percent (40%) of their supplies from citizen contractors prior to submitting a tender.
B. Brief of Local Content for the Nairobi-Naivasha SGR Project

Project Overview

The Nairobi – Naivasha SGR project is part of the proposed Mombasa-Nairobi-Malaba SGR project, dubbed SGR Phase 2A. China Communications Construction Company (CCCC) is the EPC contractor, commercial contract of USD1.482 Billion signed 19th September 2015 with KR for a duration of 54 months.

CRDC-APEC-EDON Consortium is the project’s engineering consultant, contract signed 14th October 2016.

The scope of Works for the project mainly comprises of:

a) Construction of a SGR from Nairobi-Naivasha (Civil Works), such as site clearance and Top Soil Stripping, Earthworks, Protection works for the railway structures, culverts and drainage, Temporary Works, Bridge Works, Tunnel Works, Track Laying Works and Station Buildings.

b) Supply and Installation of the facilities for the Nairobi-Naivasha SGR project

1. Brief Introduction to Local Content
2. Local content’s impact on industry players
3. Requirements
4. Brief of Local Content for the Nairobi – Naivasha SGR Project

Local content’s impact on industry players

In most countries an increasing number of clients are requiring more local content in their projects by mandating use of in-country talent and procurement of in-country goods and services.

In any country, local content contributes to a project's Social License-to-Operate (SLO). Achieving SLO means that communities around a project site are more likely to support the project. Not having a strong SLO can increase project risk or indeed cause it to fail entirely.

Local content mainstreaming areas:

i. Capacity development to ensure a balanced foreign - local labour ratio.
ii. Engagement of local construction material manufacturers to supply locally sourced materials that meets project standards.
iii. Discussions with private sector associations on the pending opportunities that are ongoing.
iv. Engagement of government agencies and ministries to iron out issues of tax exemptions, immigration, licensing among others to ensure a fair playing field for local

Possible areas of Participation:

Including but not limited to the following 26 areas:

Major Construction Materials; Sub-contracting (Labour outsourcing for civil and building works); Equipment leasing and hiring; Consultancy services; Labour
resources (Skilled and Unskilled); Security services; Financial services; Insurance and brokerage services (IRA); Communication services and data systems; Legal Services; Vehicle hire services; Tools, small equipment, Instruments and spare parts; Travel and tour services; Personnel Management (Agencies); Hospitality, (Hotel/catering services, Accommodation, food supplies); Cleaning services; Vehicle service/repair; Clearing and forwarding services; Health/Medical Services; Events/PR/Entertainment; Training Services; Waste recycling and Management; Environmental issues; Translation Services; Logistics and warehousing; and Social issues Services – HIV, people with less ability, Gender, cultural, Reproductive Health, sexual harassment, Child labour.

KENYA RAILWAYS CONTACTS

For further information, please contact Supply Chain Management Department on;

E-mail: procure@krc.co.ke

Postal Address: The Managing Director
Kenya Railways
P.O Box 30121-001000
Nairobi.

Telephone: +254-20-2215211/2215796, 0728603581, 0728603582, 077044612/4

Tenders: www.krc.co.ke, www.supplier.treasury.go.ke

Visit: Kenya Railways Headquarters, Haile Selassie Avenue, Block C, Procurement Office on the first floor

Annex 1:

1. Suppliers Registration Requirements for Kenya Railways
# REGISTRATION OF SUPPLIERS AND SERVICE PROVIDERS

Kenya Railways List of Services, Supplies and Works Categories;

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>PARTICULARS</th>
<th>ELIGIBILITY</th>
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<tbody>
<tr>
<td>KRC/PLM/REG/001/2018-2020</td>
<td>Supply and Delivery of Computers, Printers, Scanners, Servers, Shredders, UPS and other ICT Related Equipment</td>
<td>Open to all</td>
</tr>
<tr>
<td>KRC/PLM/REG/003/2018-2020</td>
<td>Supply and Delivery of Uniforms, Protective Clothing’s and Corporate Wears</td>
<td>Reserved - Special Group</td>
</tr>
<tr>
<td>KRC/PLM/REG/005/2018-2020</td>
<td>Supply and Delivery of General Hardware, Electrical and Plumbing Materials &amp; Tools</td>
<td>Open to all</td>
</tr>
<tr>
<td>KRC/PLM/REG/006/2018-2020</td>
<td>Supply and Delivery of General Building Materials</td>
<td>Open to all</td>
</tr>
<tr>
<td>KRC/PLM/REG/007/2018-2020</td>
<td>Supply and of Motor Vehicle Spare Parts, Tyres, Tubes and Batteries</td>
<td>Open to all</td>
</tr>
<tr>
<td>KRC/PLM/REG/008/2018-2020</td>
<td>Supply and delivery of Textbooks to Railway Training Institute</td>
<td>Open to all</td>
</tr>
<tr>
<td>KRC/PLM/REG/009/2018-2020</td>
<td>Supply and Delivery of Cutlery Crockery and Kitchen Equipment to Railway Training Institute</td>
<td>Open to all</td>
</tr>
<tr>
<td>KRC/PLM/REG/010/2018-2020</td>
<td>Supply and Delivery of Bottled Water, Water Dispensers and Disposable Cups</td>
<td>Reserved – Special Group</td>
</tr>
<tr>
<td>KRC/PLM/REG/014/2018-2020</td>
<td>Supply and Delivery and Maintenance of Fire Fighting Equipments, Fire Protection and Training Services</td>
<td>Open to all</td>
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<td>Reference Number</td>
<td>Description</td>
<td>Remarks</td>
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<tr>
<td>KRC/PLM/REG/015/2018-2020</td>
<td>Supply of Fresh Cut-Flowers, potted flowers and maintenance of indoor plants</td>
<td>Reserved – Special Group</td>
</tr>
<tr>
<td>KRC/PLM/REG/017/2018-2020</td>
<td>Supply and Delivery of Safety Equipments - Boots, Gloves, Overall, Goggles etc.</td>
<td>Reserved – Special Group</td>
</tr>
<tr>
<td>KRC/PLM/REG/018/2018-2020</td>
<td>Provision and Maintenance of IP based on Public Address System (Radio Communication), Equipment and Spare parts</td>
<td>Open to all</td>
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<tr>
<td>KRC/PLM/REG/019/2018-2020</td>
<td>Provision of Website Development and Management Services</td>
<td>Reserved – Special Group</td>
</tr>
<tr>
<td>KRC/PLM/REG/020/2018-2020</td>
<td>Provision of Indoor and Outdoor signage, Displays, Billboards and Exterior Branding Services</td>
<td>Open to all</td>
</tr>
<tr>
<td>KRC/PLM/REG/021/2018-2020</td>
<td>Provision of Building and Construction Services – <strong>NCA Registered Firms Only</strong></td>
<td>Open to all</td>
</tr>
<tr>
<td>KRC/PLM/REG/022/2018-2020</td>
<td>Provision of Electrical/ Mechanical Repairs and Maintenance Works – <strong>NCA Registered Firms Only</strong></td>
<td>Open to all</td>
</tr>
<tr>
<td>KRC/PLM/REG/023/2018-2020</td>
<td>Provision of Environmental Site Assessment Services – <strong>NEMA Registered Firms Only</strong></td>
<td>Open to all</td>
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<tr>
<td>KRC/PLM/REG/024/2018-2020</td>
<td>Provision of Auctioneering Services – <strong>Licensed Auctioneers Only</strong></td>
<td>Open to all</td>
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<tr>
<td>KRC/PLM/REG/025/2018-2020</td>
<td>Provision of Consultancy Services – Training Services – <strong>Must be NITA Registered Firms</strong></td>
<td>Open to all</td>
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<tr>
<td>KRC/PLM/REG/027/2018-2020</td>
<td>Provision of Health and Safety Consultancy Services and Training</td>
<td>Open to all</td>
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<tr>
<td>KRC/PLM/REG/028/2018-2020</td>
<td>Provision of Internet Connectivity Services, Short Code SMS Services</td>
<td>Open to all</td>
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<tr>
<td>KRC/PLM/REG/031/2018-2020</td>
<td>Provision of Conference Facilities, Catering and Accommodation Services in Mombasa, Nairobi, Kisumu and Naivasha</td>
<td>Open to all</td>
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<tr>
<td>KRC/PLM/REG/033/2018-2020</td>
<td>Hire of Cranes, forklifts, Jacks and Earth Moving Equipments</td>
<td>Open to all</td>
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**NOTE:**

1. Applications must be made in the Documents provided by KR, no other application will be considered.

2. The requirement for each category must be met as per copy of the checklist for requirements.

3. Applicants must fill submit separate forms and documents per category of service/supplies as per schedule above.

4. Company profiles will not be admitted as basis for registration.

5. Registration process is continuous and runs for a maximum of 2 years or as shall be advertised.
Bidder to ensure the following requirements are met and documents submitted together with application for Registration

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Status Provided / Not Provided</th>
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<tbody>
<tr>
<td>1.</td>
<td>Certified Copies of Registration/Incorporation Certificate Attached</td>
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<td>2.</td>
<td>Current KRA Tax Compliance Certificate in the Firms Name attached</td>
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<td>3.</td>
<td>Attach a Valid I-Tax PIN Certificate in the Name of the registered Business Attached</td>
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<td>4.</td>
<td>Provide a Valid Special Group Registration Certificate Attached – (For Firms Applying Under Special Group Requirements)</td>
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<td>5.</td>
<td>Certified Copy of CR 12 Certificate issued within the last three Months</td>
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<td>6.</td>
<td>Filled, Signed and Stamped Confidential Business Questionnaires clearly stating the names of the Directors, Shareholders and Beneficial Owners (In case of a Company)</td>
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<td>7.</td>
<td>Attach Copies of National Identification document / Passport for all the listed Owners/</td>
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<td></td>
<td>Shareholders/ Partners Listed in 5 and 6 above</td>
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<td>8.</td>
<td>Filled, Signed and Stamped Integrity Declaration Form Provided</td>
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<td>9.</td>
<td>Provide a Certified copy of current Business Permit / License</td>
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<td>10.</td>
<td>Provide County of Operation (office Location, Certified Copy of Lease agreement as proof of</td>
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<td>ownership of office / business premises)</td>
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<td>11.</td>
<td>Provide Building and Construction Works only – Current NCA Registration Certificate</td>
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<td>Accompanied by a Current Practicing License.</td>
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<td>12.</td>
<td>Provide a written undertaking to notify Kenya Railways on any change to the particulars</td>
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<td>and status as and when they occur</td>
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SUPPLIER REGISTRATION APPLICATION FORM

PROVIDE ALL THE REQUIRED INFORMATION

Category of Procurement for Registration: _____________________

Name of Registered Business: _______________________________

Date of Registration:  ______________________________________

Incorporation / ID Number: _________________________________

Business Permit/License Number: ____________________________

PIN NUMBER:_____________________________________________

Business Contact Information

Registered Postal Address: _________________________________

Email Address:  ___________________________________________

Telephone Numbers: _______________________________________

Registered Office Address

County of Registration: ____________________________________

Street/Road: ______________________________________________

Building:_________________________________________________

Office No: _______________________________________________
# LIST OF DIRECTORS / SHAREHOLDERS

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<tr>
<th>S/NO</th>
<th>Name of Director/Shareholder</th>
<th>ID Number</th>
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## Details for Contact Person

Name: ____________________________________________________________

Designation: ____________________________________________________

Telephone Contacts: _____________________________________________

Official Email: ________________________________________________

Office No: _____________________________________________________
CONFIDENTIAL BUSINESS QUESTIONNAIRE

You are requested to give the particular indicated in Part 1 and either Part 2(a), 2(b), or 2(c) Which ever applies to your type of business

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

Part ______ General:

Business Name ........................................................................................................

Location of Business Premises .................................................................................

Plot No. ................. Street/Road .........................................................

Postal Address ....................... Tel./No.........................................................

Fax ...................................... Email .........................................................

Nature of business ......................................................................................................

Registration Certificate No. ......................................................................................

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

Nationality ......................... Country of origin ......................................

Citizenship details......................................................................................................
Party 2(b) – Partnership

Give details of partners as follows

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<tr>
<th>No</th>
<th>Name</th>
<th>Nationality</th>
<th>Citizenship Details</th>
<th>Shares</th>
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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

<table>
<thead>
<tr>
<th>No</th>
<th>Name</th>
<th>Nationality</th>
<th>Citizenship Details</th>
<th>Shares</th>
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Date................................................................. Signature of Tenderer ..............................

If a citizen, indicate under “Citizenship Details” whether by Birth, Naturalization or Registration
INTEGRITY DECLARATION FORM

UNDERTAKING BY TENDERER ON ANTI – BRIBERY POLICY / CODE OF CONDUCT AND COMPLIANCE PROGRAMME

1. Each Tenderer must submit a statement, as part of the Tender documents, in either of the two given formats which must be signed personally by the Chief Executive Officer or other appropriate senior corporate officer of the Tendering company and, where relevant, of its subsidiary in the Kenya. If a Tender is submitted by a subsidiary, a statement to this effect will also be required of the parent company, signed by its Chief Executive Officer or other appropriate senior corporate officer.

2. Tenderers will also be required to submit similar No-bribery commitments from their subcontractors and consortium partners; the Tenderer may cover the subcontractors and consortium partners in its own statement, provided the Tenderer assumes full responsibility.

3. a) Payment to agents and other third parties shall be limited to appropriate compensation for legitimate services.

   a) Each Tenderer will make full disclosure in the Tender documentation of the beneficiaries and amounts of all payments made, or intended to be made, to agents or other third parties (including political parties or electoral candidates) relating to the Tender and, if successful, the implementation of the contract.

   b) The successful Tenderer will also make full disclosure [quarterly or semi-annually] of all payments to agents and other third parties during the execution of the contract. Within six months of the completion of the performance of the contract, the successful Tenderer will formally certify that no bribes or other illicit commissions have been paid. The final accounting shall include brief details of the goods and services provided that they are sufficient to establish the legitimacy of the payments made.

   c) Statements required according to subparagraphs (b) and (d) of this paragraph will have to be certified by the company’s Chief Executive Officer, or other appropriate senior corporate officer.

4. Tenders which do not conform to these requirements shall not be considered.

5. If the successful Tenderer fails to comply with its No-bribery commitment, significant sanctions will apply. The sanctions may include all or any of the following:

   a) Cancellation of the contract;
b) Liability for damages to the public authority and/or the unsuccessful competitors in the Tendering possibly in the form of a lump sum representing a pre-set percentage of the contract value (liquidated).

6. Tenderers shall make available, as part of their Tender, copies of their anti-Bribery Policy/Code of Conduct, if any, and of their-general or project - specific - Compliance Program.

7. The Government of Kenya has made special arrangements for adequate oversight of the procurement process and the execution of the contract, and has invited civil society and other competent Government Departments to participate in the oversight. Those charged with the oversight responsibility will have full access to all documentation submitted by Tenderers for this contract, and to which in turn all Tenderers and other parties involved or affected by the project shall have full access (provided, however, that no proprietary information concerning a Tenderer may be disclosed to another Tenderer or to the public).
ANTI-CORRUPTION DECLARATION COMITMENT/ PLEDGE

(Sections 62 of Public Procurement and Assets Disposal, Act 2015)

I/We/Messrs………………………………………………………………………………

of Street, Building, P O Box………………………………………………………………

……………………………………………………………………………………………

Contact/Phone/E mail……………………………………………………………………

declare that Public Procurement is based on a free and fair 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/Tender No …………………………………………………………………………

for or in the subsequent performance of the contract if I/We am/are successful.

Authorized Signature……………………………………………………………………

Name and Title of Signatory………………………………………………………………

Stamp…………………………………………………………………………………………
Signed by Applicant

Name…………………………………………………………………………………

Designation………………………………………………………………………

Date………………………………………………………………………………...

Signature…………………………………………………………………………

Official Stamp …………………………………………………………………

FOR OFFICIAL USE ONLY

Received on ………………………………………………………………………

Reviewed by

Name………………………………………………………………………………

Designation………………………………………………………………………

Date………………………………………………………………………………..

Sign…………………………………………………………………………………

Approved for Registration

Name………………………………………………………………………………

Designation………………………………………………………………………

Date………………………………………………………………………………..

Sign…………………………………………………………………………………

Category Approved for Registration……………………………………….

Date Registered………………………………Sign……………………………