

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF MIGORI

TENDER NO. CGM/FEP/01/2024-2025

FOR

SALE OF DISPOSABLE TIPPER

**MITSUBISHI/BAV657L TIPPER
GKA 017L**

7TH AUGUST, 2024

TABLE OF CONTENTS

Contents

TABLE OF CONTENTS	i
INTRODUCTION.....	1
SECTION I : INVITATION TO TENDER.....	1
SECTION II: INSTRUCTIONS TO TENDERERS	2
SECTION II: INSTRUCTION TO TENDERERS	3
APPENDIX TO INSTRUCTIONS TO TENDERERS.....	9
SECTION III: SCHEDULE OF ITEMS AND PRICES	12
SCHEDULE OF TERMS AND PRICES.....	13
SECTION IV: CONDITIONS OF TENDER.....	14
SECTION V : STANDARD FORMS	17
5.1 FORM OF TENDER	18
5.2 CONFIDENTIAL BUSINESS QUESTIONNAIRE FORM.....	19
5.3 TENDER DEPOSIT COMMITMENT DECLARATION FORM	20
5.4 LETTER OF NOTIFICATION OF AWARD	21
5.5 REQUESTS FOR REVIEW FORM	22

INTRODUCTION

SECTION I : INVITATION TO TENDER

Date: _____

Tender No: _____

Tender Name: _____

- 1.1 The County Government of Migori invites sealed tenders from eligible candidates to purchase boarded plant, motor vehicle, motor cycles and other equipment.
- 1.2 Interested eligible candidates may obtain further information from and inspect the tender documents from the County website: www.migori.go.ke.
- 1.3 A complete set of tender documents may be obtained by interested candidates Free of charge and all other expenses are on the bidder.
- 1.4 Tenderers will be required to pay in advance a refundable deposit as indicated in the Appendix to Instructions to tenderers.
- 1.5 Completed tender documents are to be enclosed in plain sealed envelopes marked with the tender reference number, registration number/chassis number and the tender name and deposited in the Tender Box located at the entrance of Supply Chain Management office during normal working hours so as to be received on or before 7th August, 2024.
- 1.6 Prices quoted should be net, must be in Kenya Shillings and shall remain valid for 90 days from the closing date of the tender.
- 1.7 Tenders will be opened immediately thereafter in the presence of the tenderers or their representatives who choose to attend at the Supply Chain Management Board Room.

SIGNED: _____

SECTION II: INSTRUCTIONS TO TENDERERS

Table of Clauses

	Page
2.1 Eligible tenderers.....	3
2.2 Cost of tendering.....	3
2.3 Tender documents.....	3
2.4 Clarification of documents.....	4
2.5 Amendments of documents.....	4
2.6 Tender prices and currencies.....	4
2.7 Tender deposit.....	5
2.8 Validity of tenders.....	5
2.9 Viewing of the tender items.....	6
2.10 Sealing and marking of tenders.....	6
2.11 Deadline for submission of tenders.....	6
2.12 Modification and withdrawal of tenders.....	6
2.13 Opening of tenders.....	7
2.14 Clarification of tenders.....	7
2.15 Evaluation and comparison of tenders.....	7
2.16 Award of tender criteria.....	8
2.17 Notification of award.....	8
2.18 Contacting the procuring entity.....	8

SECTION II: INSTRUCTION TO TENDERERS

2.1 Eligible Tenderers

- 2.1.1 This Invitation for Tenders is open to all tenderers eligible as described in the Appendix to instructions to tenderers.
- 2.1.2 Tenderers shall not be under a declaration of ineligibility for corrupt or fraudulent practices
- 2.1.3 The procuring entity's employees, committee members, board members and their relatives (spouse and children) are not eligible to participate in the tender unless where specifically allowed under section 166 of the Act.

2.2 Cost of Tendering

- 2.2.1 The tenderer shall bear all costs associated with the preparation and submission of its tender, and the procuring entity, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process.
- 2.2.2 The tender document shall be obtained free of charge from the County website (www.migori.go.ke)
- 2.2.3 The procuring entity shall allow the tenderer to preview the tender document free of charge before downloading.

2.3 The Tender Document

- 2.3.1 The tender document comprises the documents listed below and any addenda issued in accordance with clause 2.5 of these instructions to tenderers.
 - (i) Invitation to Tender
 - (ii) Instructions to Tenderers
 - (iii) Schedule of Items And Price
 - (iv) Conditions of Tender
 - (v) Form of Tender
 - (vi) Confidential Business Questionnaire Form
 - (vii) Tender Commitment Declaration Form
- 2.3.2 The tenderer is expected to examine all instructions, forms, terms and specifications in the tender documents. Failure to meet all the requirements

of the tender will be at the tenderer's risk and may result in the rejection of its tender.

2.4. Clarification of Documents

2.4.1 A prospective tenderer requiring any clarification of the tender document may notify the Procuring entity in writing or by post at the entity's address indicated in the Invitation for tenders. The Procuring entity will respond in writing to any request for clarification of the tender documents, which it receives not later than thirty (30) days prior to the deadline for the submission of tenders, prescribed by the procuring entity. Written copies of the Procuring entities response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective tenderers that have received the tender document.

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

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

2.5 Amendment of Documents

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

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

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

2.6 Tender Prices and Currencies

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

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

2.6.3 The Price quoted shall be in Kenya Shillings.

2.7 Tender deposit

2.7.1 The tenderer shall put a deposit for every item tendered for in the amount indicated in the schedule of items and prices.

2.7.2 Failure to put the required deposit for any item tendered for will lead to disqualification of the bid for the item.

2.7.3 Unsuccessful Tenderer's tender deposit will be discharged or returned as promptly as possible but not later than Seven (7) days after the expiration of the period of tender validity prescribed by the procuring entity.

2.7.4 The successful Tenderer's tender deposit will be credited to his bid price so that it forms part of the amount of the bid and the tender will be required to pay the bid price less the deposit security.

2.7.5 The tender deposit may be forfeited:

- (a) If a tenderer withdraws its tender during the period of tender validity specified by the procuring entity.
- (b) In the case of a successful tenderer, if the tenderer fails to pay the balance of the bid price.

2.8 Validity of Tenders

2.8.1 Tenders shall remain valid for 60 days or as specified in the appendix to instruction to tenderers after date of tender opening prescribed by the Procuring entity, pursuant to paragraph 2.10 Tender valid for a shorter period shall be rejected by the Procuring entity as non responsive.

2.8.2 In exceptional circumstances, the Procuring entity may solicit the Tenderer's consent to an extension of the period of validity. The request and the responses thereto shall be made in writing. The tender deposit provided under paragraph 2.7 shall also be suitably extended. A tenderer may refuse the request without forfeiting its tender deposit. A tenderer granting the request will not be required nor permitted to modify its tender.

2.9. Viewing of Tender Items

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

2.10 Sealing and Marking of Tenders

2.10.1 The tenderer shall seal the tender and mark it with the number and name of the tender and “DO NOT OPEN BEFORE (7TH AUGUST, 2024).

2.11 Deadline for Submission of Tenders

2.11.1. Tenders must be received by the Procuring entity at the address specified not later than (7TH AUGUST, 2024).

2.11.2 The procuring entity may, at its discretion, extend this deadline for the submission of tenders by amending the tender documents in accordance with paragraph 2.5. In which case all rights and obligations of the procuring entity and tenderers previously subject to the deadline will thereafter be subject to the deadline as extended.

2.12 Modifications and Withdrawals of Tenders

2.12.1 Modification of tenders

2.12.1.1 The tenderer may modify or withdraw its tender after the tender’s submission, provided that written notice of the modification, including substitution or withdrawal of the tenders, is received by the Procuring entity prior to the deadline prescribed for submission of tenders.

2.12.1.2 The Tenderer’s modification or withdrawal notice shall be prepared, sealed, marked, and dispatched in accordance with the provisions of paragraph 2.9.1. A withdrawal notice may also be sent by fax but followed by a signed confirmation copy, postmarked not later than the deadline for submission of tenders.

2.12.1.3 No tender may be modified after the deadline for submission of tenders

2.12.2 Withdrawals of tenders

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

2.13 Opening of Tenders

2.13.2 The Procuring entity will open all tenders in the presence of tenderers' representatives who choose to attend at (7TH AUGUST 2024).and in the location specified in the invitation to tender.

The tenderers or representatives who are present shall sign a register evidencing their attendance.

2.13.3 The tenderers' names, tender modifications or withdrawals, tender prices, and the presence or absence of requisite tender deposit and such other details as the Procuring entity, at its discretion, may consider appropriate, will be announced at the opening.

2.13.4 The Procuring entity will prepare minutes of the tender opening.

2.14 Clarification of tenders

2.14.2 To assist in the examination, evaluation and comparison of tenders the Procuring entity may, at its discretion, ask the tenderer for a clarification of its tender. The request for clarification and the response shall be in writing, and no change in the prices or substance of the tender shall be sought, offered, or permitted.

2.14.3 Any effort by the tenderer to influence the Procuring entity in the Procuring entity's tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderers' tender.

2.15 Evaluation and Comparison of Tenders

2.15.1 The Procuring entity will examine the tenders to determine whether they are complete, whether any computation errors have been made, whether required deposits have been furnished, whether documents have been properly signed and whether the tenders are generally in order. After examination a tender that will be determined to be substantially non responsive, will be rejected by the procuring entity.

2.15.2 The Procuring entity will evaluate and compare the tenders, which have been determined to be substantially responsive.

2.15.3 The tender evaluation committee shall evaluate the tender within 30 days of the validity period from the date of opening the tender.

2.16 Award Criteria

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

2.17 Notification of Award

2.17.2 Prior to the expiration of the period of tender validity, the Procuring entity will notify the successful tenderer in writing that its tender has been accepted.

2.17.3 Simultaneously the other tenderers shall be notified that their tenders have been unsuccessful.

2.18 Contacting the Procuring entity

2.18.1 No tenderer shall contact the Procuring entity on any matter relating to its tender, from the time of the tender opening to the time the contract is awarded.

2.18.2 Any effort by a tenderer to influence the Procuring entity in its decisions on tender evaluation, tender comparison, or contract award may result in the rejection of the tenderer's tender.

APPENDIX TO INSTRUCTIONS TO TENDERERS

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

1. The items should be collected within fourteen (14) days. After the time has elapsed, the storage charges of Kshs. 1,000 shall be paid per day.
2. Nature of item being sold

PLANT/VEHICLE INSPECTION AND VALUATION REPORT

Location County (Where found):	MIGORI	Sub County: SUNA EAST
Location (Actual Place):	PUBLIC WORKS YARD HQs	
Home (Owner) Department:	ROADS AND TRANSPORT	

Reg. No: GKA 017L	Make: MITSUBISHI	Model: BAV657L	
Type: TIPPER	Chassis No: BAV657LSA001683		
Engine No: Not Seen	Rating (HP/cc): 4350cc	Fuel: DIESEL	
Year of Man: U/K	Date of reg.: 2006	Logbook: N/A	Colour: YELLOW
Odometer read: UNSERVICEABLE	Estimated Mileage: Over 300,000 KM		
Original Cost: UNKNOWN	General equipment condition: VERY POOR		

- a) Engine: Non-runner engine stalled require engine overhaul and major parts replacement
- b) Autotronics: Incomplete, Unserviceable and in poor working condition
- c) Cooling system: Incomplete, unserviceable

- d) Fuel system: Complete, Serviceable
- e) Brakes: Non-runner require parts replacement
- f) Clutch: In poor working condition
- g) Steering: Cartridge system missing
- h) Suspension: Incomplete, Unserviceable
- i) Transmission/Gearbox: Incomplete, Unserviceable, rear axles missing
- j) Hydraulic System: N/A
- k) Electrical System: Require major electrical works
- l) Chassis: Intact Frame No.JALFSR33H47000499
- m) Body/Cab: In very poor working condition
- n) Wheels: 100% worn out all round. Require replacement
- o) Undercarriage/Axles: In poor working condition
- p) Attachments/Accessories: Tipping system missing

Remarks: The motor vehicle is out of use and in poor mechanical condition it is uneconomical to repair for daily operation hence recommended for disposal.

Estimated Value Ksh: 390,000/= In Words (Three hundred and ninety thousand shillings only)

3. Evaluation criteria

Criteria	Individual	Registered entity
Preliminary	Certified copy of Identity Card (Certified by Magistrate/Commissioner of Oaths)	Registration Certificate/ Incorporation
	Valid Tax Compliance Certificate	Valid CR 12/CR 2 (obtained as from the date of advertisement)
	Deposit slip (25% of Forced sale value)	Valid Tax Compliance Certificate
		Deposit slip (25% of Forced sale value)
	Bank statement (three months preceding the date of advert)	Bank statement (three months preceding the date of advert)
Financial	The highest evaluated bidder	

Appendix to Instructions to tenderers

Instructions to Tenderers Reference	<i>Particulars of appendix to Instructions to tenderers</i>
2.1.1	<i>Open to all (Youths, Women and PWDs are encouraged to apply)</i>
2.8.1	<i>Shall remain 60 Days</i>

(Complete as necessary)

SECTION III: SCHEDULE OF ITEMS AND PRICES

Notes on schedule of Items and Prices

S/No	M/V/C REG No	Type	Make/Model	Location
1	GKA 017L	TIPPER	MITSUBISHI/BAV657L	PUBLIC WORKS YARD HQs

SCHEDULE OF TERMS AND PRICES

Item No.	Item Description	Unit of Issue	Total Quantity	Forced sale value Kshs.	Total Tender Price Kshs.	Required Deposit Kshs.
1	TIPPER, MITSUBISHI/BAV657L, GKA 017L	No	1	390,000.00		97,500.00

Authorized official:

Name

Signature

Date

SECTION IV: CONDITIONS OF TENDER

- 4.1 A tenderer may tender for each item or each lot and may tender for as many items or lots as he/she wishes.
- 4.2 A tenderer will pay a deposit in advance before the closing date of the tender for each item or lot tendered for as indicated in the schedule of items and prices.
- 4.3 Tenderers who will be awarded contracts will be required to pay for the items after 14 days and not later than 21 days failure to which the contract award will be cancelled and the deposit forfeited. If there is an administrative review, the review procedures shall be followed.
- 4.4 Tenderers who will not be awarded contracts will be refunded the deposits fourteen (14) days after notification of the communication of the contract awards.
- 4.5 Tenderers will be required to collect the items they have paid for within fourteen (14) days after making the payment failure to which storage charges will be charged as indicated in the appendix to Conditions of tender.
- 4.6 The procuring entity will retain confidential reserve prices for all the items. Items tendered for below the reserve price will be retained by the procuring entity.

APPENDIX TO CONDITIONS OF TENDER

Notes on appendix to Conditions of tender

1. The clauses in the appendix to conditions of tender are intended to assist the procuring entity in procuring specific information in relation to corresponding clauses in the conditions of tender.
2. The Provisions of the appendix complement the conditions of tender included in Section IV. In preparing the appendix, the following aspects should be taken into consideration;
 - a) Information that complement provisions of Section IV to be incorporated
 - b) Amendments and or supplements to provisions of Section IV, as necessitated by the circumstances of the specific items of sale must also be incorporated.
 - c) Section IV should remain unchanged and can only be amended through the appendix.

Appendix to Conditions of Tender

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

Conditions of tender reference	<i>Particulars of the appendix to Conditions of tender</i>
4.5	<i>Indicate storage charge</i>

(Complete as necessary)

SECTION V : STANDARD FORMS

Notes on Standard Forms

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

5.1 FORM OF TENDER

Date: _____

Tender No. _____

To: _____

[Name and address of procuring entity]

Gentlemen and/or Ladies:

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

Dated this _____ day of _____ 20 _____

[Signature]

[In the capacity of]

Duly authorized to sign tender for and on behalf of _____

5.2 CONFIDENTIAL BUSINESS QUESTIONNAIRE FORM

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

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

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

	<p align="center">Part 2 (a) – Sole Proprietor</p> <p>Your Name in full _____ Age _____</p> <p>Nationality _____ Country of origin _____</p> <p>* Citizenship details _____</p>																				
	<p align="center">Part 2 (b) Partnership</p> <p>Given details of partners as follows:</p> <table border="1"> <thead> <tr> <th></th> <th>Name</th> <th>Nationality</th> <th>Citizenship Details</th> <th>Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>2.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>3.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>		Name	Nationality	Citizenship Details	Shares	1.	_____	_____	_____	_____	2.	_____	_____	_____	_____	3.	_____	_____	_____	_____
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2.	_____	_____	_____	_____																	
3.	_____	_____	_____	_____																	
	<p align="center">Part 2 (c) – Registered Company</p> <p>Private or Public _____</p> <p>State the nominal and issued capital of company –</p> <p>Nominal Ksh. _____</p> <p>Issued Ksh. _____</p> <p>Given details of all directors as follows</p> <table border="1"> <thead> <tr> <th></th> <th>Name</th> <th>Nationality</th> <th>Citizenship Details</th> <th>Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>2.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>3.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>		Name	Nationality	Citizenship Details	Shares	1.	_____	_____	_____	_____	2.	_____	_____	_____	_____	3.	_____	_____	_____	_____
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2.	_____	_____	_____	_____																	
3.	_____	_____	_____	_____																	
<p>Date _____ Seal and Signature of Candidate _____</p>																					

5.3 TENDER DEPOSIT COMMITMENT DECLARATION FORM

*Tender No. _____

*As indicated in the schedule of items and prices, we do confirm that we have put deposits for the items tendered for as supported by the attached copies of receipts as follows:-

ITEM No. or Lot No.	Item Description	Deposit Kshs.	Receipt No. and Date

Authorizing Official _____
(Name)

(Signature)

(Date)

5.4 LETTER OF NOTIFICATION OF AWARD

Address of Procuring Entity

To: _____

RE: Tender No. _____
Tender Name _____

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

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

(FULL PARTICULARS) _____

SIGNED FOR ACCOUNTING OFFICER

5.5 REQUESTS FOR REVIEW FORM

FORM RB 1

REPUBLIC OF KENYA
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

APPLICATION NO _____ OF _____ 20 _____

BETWEEN

_____ APPLICANT

AND

_____ RESPONDENT (*Procuring Entity*)

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

REQUEST FOR REVIEW

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

- 1.
 - 2.
- etc.

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

- 1.
 - 2.
- etc

SIGNED _____ (Applicant)

Dated on _____ day of _____ / _____ 20 _____

FOR OFFICIAL USE ONLY

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

SIGNED Board Secretary