



nzoia sugar company ltd

P.O. Box 285, Bungoma

Tel. 0727 477 777/0727483483

Email: md@nzoiasugar.com

Headquarters Physical location:

Nandolia Market – 5km off Bukembe Market

Off Webuye-Bungoma Highway

SUPPLIER REGISTRATION DOCUMENT

THIS REGISTRATION QUESTIONNAIRE IS

TO BE COMPLETED BY PROSPECTIVE SERVICE PROVIDERS WHO WISH TO PROVIDE LEGAL SERVICES FOR NZOIA SUGAR COMPANY LTD

THE INFORMATION IS STRICTLY CONFIDENTIAL AND SOLELY FOR THE USE OF NZOIA SUGAR COMPANY LTD

TABLE OF CONTENTS

INTRODUCTION
SECTION I	Invitation to apply for registration
SECTION II	Instructions to Candidates
SECTION III	Letter of Application
SECTION IV	Additional Information (Specific Specialization)
SECTION V	Evaluation Criteria

SECTION I - INVITATION FOR REGISTRATION (IFQ)

Ref. No: NSC/REG/T_36/2022-24

1. **NAME: REGISTRATION PROVISION OF LEGAL SERVICES FOR TWO (2) YEARS.**
 2. Nzoia Sugar Company Ltd. hereinafter referred to as “Procuring entity” intends to register candidates for **provision of legal services.**
 3. Registration is open to registered, **duly well established firms.**
 4. Eligible candidates may download registration documents from Nzoia Sugar Company Website (www.nzoiasugar.co.ke) and on PPIP portal or obtain the registration document on soft copy from:
The Purchasing Office
Nzoia Sugar Company Limited
P.O. Box 285-50200
Bungoma.
Located at Nandolia Market
5km from Bukembe Market, off Webuye-Bungoma Road
- during normal working hours (Mon. – Fri. between 9.00a.m. and 4.00p.m.)
5. A minimum requirement for qualification is to have successfully **provided all the required information in accordance with the standard registration document and evaluation criteria in section V.**
 6. Applications for registration must be submitted enclosed in plain sealed envelopes marked with the tender name and reference number and deposited in the tender box at

Managing Director's reception area, Nzoia Sugar Company Limited, Bungoma or be addressed to

The Managing Director
Nzoia Sugar Company Limited
P.O. Box 285

BUNGOMA

Off-Webuye-Bungoma Road

so as to be received on or before ***Tuesday 29th November 2022 at 11.00a.m.***

7. All candidates whose applications will have been received before the closing date and time will be advised in due course, of the results of their applications.

Procurement Manager

For: Nzoia Sugar Co. Ltd.

SECTION II - INSTRUCTIONS TO CANDIDATES

2.1 Scope of Tender

1. Nzoia Sugar Company hereinafter referred to as the procuring entity intends to register contractors as **legal service providers**.

It is expected that prequalification applications will be submitted to be received by the procuring entity not later than **Tuesday 29th November 2022 at 11.00a.m.**

- 2.1.1 Registration is open to eligible firms and voluntarily formed joint ventures as indicated in appendix to instructions to candidates.

2.2 Submission of Application

Applications for registration shall be submitted in sealed envelopes marked with the tender name and reference number and deposited in the tender box at

Managing Director's reception area, Nzoia Sugar Company Limited, Bungoma or be addressed to:

The Managing Director
Nzoia Sugar Company Limited
P.O. Box 285
BUNGOMA
Off-Webuye-Bungoma Road

so as to be received on or before **Tuesday 29th November 2022 at 11.00a.m.**

The procuring entity reserves the right to accept or reject late applications.

- 2.2.1 The name and mailing address of the applicant may be marked on the envelope.

2.2.2 All the information requested for registration shall be provided in the English language. Where information is provided in any other language, it shall be accompanied by a translation of its pertinent parts into English language. The translation will govern and will be used for interpreting the information.

2.2.3 Failure to provide information that is essential for effective evaluation of the applicant's qualifications or to provide timely clarification or substantiation of the information supplied may result in the applicant's disqualification.

2.3 Eligible Candidates

2.3.1 This invitation for registration is open to all candidates who are eligible as defined in Kenya's Public Procurement Law and regulations and as indicated in the appendix to instructions to candidates.

2.3.2 The procuring entity's employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the tender unless where specially allowed under section 131 of the Act.

2.3.3 All terms found capable of performing the contract satisfactorily in accordance to the set registration criteria shall be registered.

2.4 Qualification Criteria

2.4.1 Registration will be based on meeting the minimum requirements to pass in the criteria set as shown below. The declaration will be either pass or fail regarding the applicant's general and particular experience, personnel and equipment capabilities and financial position as demonstrated by the applicant's response in the forms provided and submitted with the letter of application. The procuring entity reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the contract.

2.4.2 Litigation history the applicant should provide accurate information on any litigation or arbitration resulting from contracts completed or under its execution over the last five years. A consistent history of awards

against the applicant or any partner of a joint venture may result in failure of the application.

2.5 Joint Venture

2.5.1 Joint ventures must comply with the following:-

(a) The formation of a joint venture after registration and any change in a registered joint venture will be subject to the written approval of the procuring entity prior to the deadline for submission of bids. Such approval may be denied if (i) partners withdraw from a joint venture and the remaining partners do not meet the qualifying requirements (ii) the new partners to a joint venture are not qualified, individually or as another joint venture; or (iii) in the opinion of the procuring entity a substantial reduction in competition may result.

(b) Any future bid shall be signed so as to legally bind all partners, jointly and severally, and any bid shall be submitted with a copy of the joint venture agreement providing the joint and several liability with respect to the contract.

2.5.2 The registration of a joint venture does not necessarily pre qualify any of its members individually as a member in any other joint venture or association. In case of dissolution of a joint venture, each one of the constituent firms may prequalify if it meets all the prequalification requirements, subject to a written approval of the procuring entity

2.6 Public Sector companies

2.6.1 Any public owned enterprise may be eligible to qualify if, in addition to meeting all the above requirements, it is also legally and financially autonomous, it operates under commercial law, and it is not a dependent agency of another public entity.

2.7. Conflict of Interest

2.7.1 The applicant (including all members of a joint venture) shall not be associated, nor have been associated in the past, with the consultant or

any other entity that has prepared the design, specifications, and other prequalification and bidding documents for the project, or with an entity that was proposed as engineer for the contract. Any such association must be disclosed and may result in the dis-qualification of the applicant.

2.8. Updating Registration Information

2.8.1 Registered candidates shall be required to update the financial information used for registration at the time of submitting their bids and to confirm their continued compliance with the qualification criteria. A bid shall be rejected if the applicant's qualification thresholds are no longer met at the time of bidding.

APPENDIX TO INSTRUCTIONS TO CANDIDATES

Notes on the appendix to instructions to Candidates

1. The appendix to candidates to tenderers is intended to assist the procuring entity in providing specific information which may not be adequately covered by the clauses in the instructions to candidates.
2. The appendix may amend any information in the instructions to candidates.
3. The procuring entity should use the appendix to ensure that all relevant information to the candidates relating to a particular registration is included.

SECTION III - LETTER OF APPLICATION

Date

To

.....

(name and address of the procuring entity)

Ladies and/or Gentlemen

1. 1. Being duly authorized to represent and act on behalf of _____ *(name of firm)* (hereinafter referred to as “the Applicant”), and having reviewed and fully understood all of the pre qualification information provided, the undersigned hereby apply to be registered by yourselves as a bidder for the **Tender No. NSC/REG/T_36/2022-24 for provision of legal services.**
2. Attached to this letter are copies of original documents defining
 - (a) the Applicant’s legal status
 - (b) the principal place of business and
 - (c) the place of incorporation *(for applicants who are corporations)*, or the place of registration and the nationality of the owners *(for applicants who are partnerships or individually-owned firms)*.
3. Your Agency and its authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this application, and to seek clarification from our bankers and clients regarding any financial and technical aspects. This letter of Application will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and as

requested by yourselves to verify statements and information provided in this application, such as the resources, experience, and competence of the Applicant.

4. Your Agency and its authorized representatives may contact the following persons for further information.

General and managerial inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Personnel inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Technical inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Financial inquiries	
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Contract 1	Telephone 1
Contract 2	Telephone 2

5. This application is made with the full understanding that:

- (a) bids by registered applicants will be subject to verification of all information submitted for prequalification at the time of bidding.
 - (b) Your Agency reserves the right to:
 - amend the scope and value of any contracts bid under this project; in such event, bids will only be called from prequalified bidders who meet the revised requirements; and
 - reject or accept any application, cancel the prequalification process, and reject all applications
 - (c) your Agency shall not be liable for any such actions and shall be under no obligation to inform the Applicant of the grounds for them
1. Appended to this application, we give details of the participation of each party, including capital contribution and profit/loss agreements, in the joint venture or association. We also specify the financial commitment in terms of the percentage of the value of the <each> contract, and the responsibilities for execution of the <each> contract.
 2. We confirm that if we bid, that bid, as well as any resulting contract, will be:
 - (a) signed so as to legally bind all partners, jointly and severally; and
 - (b) Submitted with a joint venture agreement providing the joint and several liabilities of all partners in the event the contract is awarded to us.
 3. The undersigned declare that the statement made and the information provided in the duly completed application are complete, true, and correct in every detail.

Signed	Signed
Name	Name
For and on behalf of (name of Applicant or lead partner of a joint venture)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

SECTION IV - STANDARD FORMS

Table of Contents

Form No.	Name
1.	General information
2.	General experience record
2 A	Joint Venture summary
3.	Particular experience record
3A	Details of contracts of similar nature and complexity
4.	Summary sheet current contract commitments/works in progress
5.	Personnel capabilities
5A	Candidate summary
6.	Equipment capability
7.	Financial capability
8.	Litigation History

SECTION IV - STANDARD FORMS

Notes on completion of Standard Forms

Application Form 1 - **General information**

This form is to be completed by all applicants. Where the applicant proposes to use sub-contractors the information should be supplied in this format. Where there is a joint venture, each partner shall complete the form

Application Form 2 - **General Experience Record**

This form is to be completed by all applicants. Separate sheets should be used for each partner of a joint venture. Applicants are not required to enclose testimonials, certificates or publicity materials with their applications.

Application Form 2A - **Joint Venture Summary**

This form is to be completed by joint venture applicants only.

Application Form 3 - **Particular Experience Record**

This form is to be completed by all applicants meeting the requirement set out in the instructions to candidates. Separate sheets shall be used for each member of or joint venture. Complimentary information will be given on application Form 3A.

Application Form 3A - Details of Contracts of similar nature and complexity

This form shall be completed by all applicants and will contain similar works completed by the applicant or a member of a joint venture

Application Form 4 - **Summary Sheet.** Contract commitments/work in progress

This form is to be completed by all applicants including each member of a joint venture. It shall contain the current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.

Application Form 5 - **Personnel Capabilities**

This form is to be completed by all applicants. It shall include specific positions essential to contract implementation. The applicants shall provide the names of at least two candidates qualified to meet the specified requirements stated for each position. The data on their experience shall be supplied on Form 5A

Application Form 5A - **Candidate Summary**

This form is to be completed by all applicants. The information provided will complement information on Form 5. A separate form shall be used for each personnel

Application Form 6

- **Equipment Capability**

This form is to be completed by all applicants. It should provide adequate information to demonstrate clearly that the applicant has the capability to meet the requirements for each and all items of equipment listed in the instructions to candidates. A separate form shall be prepared for each item of equipment or for alternative equipment proposed by the applicant.

Application Form 7

- **Financial Capability**

This form shall be completed by every applicant and each member of a joint venture. It should contained financial information to demonstrate that they meet the requirements stated in the instructions to candidates. If necessary separate sheets should be used to provide complete banker information. A copy of the audited balance sheet if available should be attached. The information should include the summary of actual assets and liabilities for the last five years.

Application Form 8

- **Litigation History**

This form is to be completed by all applicants including each member of a joint venture. It should provide information on any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution. A separate sheet should be used for each member of a joint venture

APPLICATION FORM (1)

GENERAL INFORMATION

1.	Name of firm	
2.	Head office address	
3.	Telephone	Contact
4.	Fax	E-mail
5.	Place of incorporation/registration	Year of incorporation/registration

Nationality of owners		
	Name	Nationality
1.		
2.		
3.		
4.		
5.		

APPLICATION FORM (2)

GENERAL EXPERIENCE RECORD

Name of Applicant or partner of a joint venture

Annual turnover data (Construction only)		
Year	Turnover	Kshs.
1.		
2.		
3.		
4.		
5.		

APPLICATION FORM (2A)

JOINT VENTURE SUMMARY

1. Lead partner
2. Partner
3. Partner
4. Partner
5. Partner
6. Partner

1. Total value of annual **provision of legal services** turnover, in terms of work billed to clients, in Kshs.

2. Annual turnover data (**provision of legal services** only: Kshs.

Partner	Form 2 Page no.	Year 1	Year 2	Year 3
1. Lead Partner				
2. Partner				
3. Partner				
4. Partner				
5. Partner				
6. Partner				
	Totals			

APPLICATION FORM (3)

PARTICULAR EXPERIENCE RECORD

Name of Applicant or partner of a joint venture

APPLICATION FORM (3A)

DETAILS OF CONTRACTS OF SIMILAR NATURE AND COMPLEXITY

Name of Applicant or partner of a joint venture

Use a separate sheet for each contract.

1.	Number of contract	
	Name of Contract	
	Country	
2.	Name of employer	
3.	Employer address	
4.	Nature of works and special features relevant to the contract for which the Applicant wishes to prequalify	
5.	Contract role (check one) * Sole contract * Management contract * Subcontract * Partner in a joint venture	

Name of Applicant or partner of a joint venture

Name of contract	Value of outstanding work Kshs.	Estimated completion date
1.		
2.		
3.		
4.		
5.		
6.		

APPLICATION FORM (5)

PERSONNEL CAPABILITIES

Name of Applicant

1.	Title of position Name of prime candidate Name of alternate candidate
2.	Title of position Name of prime candidate Name of alternate candidate
3.	Title of position Name of prime candidate Name of alternate candidate

4.	Title of position Name of prime candidate Name of alternate candidate
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APPLICATION FORM (5A)

CANDIDATE SUMMARY

Name of Applicant

Position	Candidate * Prime * Alternate	
Candidate information	1. Name of candidate	2. Date of birth
	3. Professional qualifications	
Present employment	4. Name of employer 5. Address of employer	
	Telephone	Contact (manager/personnel officer)
	Fax	E mail
	Job title of candidate	Years with present employer

Summarize professional experience over the last 20 years, in reverse chronological order. Indicate particular technical and managerial experience relevant to the Project.

From	To	Company/Project/Position/Relevant technical and management experience

APPLICATION FORM (6)

EQUIPMENT CAPABILITIES

Name of Applicant

Item of equipment		
Equipment information	1. Name of manufacturer	2. Model and power rating
	3. Capacity	4. Year of manufacturer
Current status	5. Current location	
	6. Details of current commitments	
	
Source	7. Indicate source of the equipment	
	* Owned * Rented * Leased * Specially manufactured	

Omit the following information for equipment owned by the Applicant or partner

Owner	<p>8. Name</p> <hr/> <p>9. Address of owner</p> <p>.....</p> <hr/> <p>Telephone Contact name and title</p> <hr/> <p>Fax Email</p>
Agreements	<p>Details or rental/lease/manufacture agreements specific to the project</p> <p>.....</p> <p>.....</p> <hr/>

APPLICATION FORM (7)

FINANCIAL CAPABILITY

Name of Applicant or partner of a joint venture

Banker	Name of banker
	Address of banker

	Telephone Contact name and title
Fax E mail	

Financial information in Kshs.	Actual : previous five years		Projected: next two years	
	1.	2.	3.	4.
1. Total assets				
2. Current assets				
3. Total liabilities				
4. Current liabilities				
5. Profits before taxes				
6. Profits after taxes				

Source of finance	Amount Kshs.
1.	
2.	
3.	
4.	

APPLICATION FORM (8)

LITIGATION HISTORY

Name of Applicant or partner of a joint venture

Applicants, including each of the partners of a joint venture, should provide information of any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution (Instructions to Applicants, para. 4.8). A separate sheet should be used for each partner of a joint venture.

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

SECTION V - EVALUATION CRITERIA

APPLICANTS REGISTRATION QUESTIONNAIRE

Please provide the following information about your company which will be used for technical evaluation:

1. a. Certificate of registration No.....attach copy

- b. For how long does your Lead partner hold Practicing certificates
 (attach copies)

- c. Does your Firm hold a current professional indemnity cover?
 Yes/No. State the amount of cover.....(attach copy)

- d. List names of partners (if any)

- e. PIN certificate No.attach copy

2. Attach staff competency profiles for partners, Associates and other two key employees.

3. List office branches operated by your firm and

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D. Number of Pending cases.....what is the current position?

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8. Has any complaint against you/your firm ever been lodged with the Advocates Complaints Commission? Yes/No.

a. Nature of complaints.....

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b. Number finalized.....What were the outcome?

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c. Number still pending..... What is the current position and your advise on the way forward on each case?

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9. You specialise in which nature of cases and why? State your strength in this category.

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10. Provide important cases the lead partner has handled since he/she began practice, nature of cases and the outcome.

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11. Are you a Commissioner for Oaths? Yes/No. For how long

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12. Are you a Notary Public? Yes/No. For how long.....

13. My firm has been in existence for.....years.

14. Indicate names, addresses and telephone numbers of your referees

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15. Explain your key strengths, weaknesses opportunities and threats?

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16. Explain what makes you feel you should be included on the Nzoia Company panel of external lawyers.

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17. Provide list of Government Institutions currently you/your lead partner is dealing with and summary of Services being rendered.

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18. a. Explain how you charge your fees and handle fees negotiation.

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b. Have you ever had a dispute with any of your key corporate clients on legal fees? Briefly explain how you handled the same.

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NB:

Successful firms will be included in the list of NSC’s registered suppliers who will be receiving enquiries when need arises during the period upto 30th June 2024.