

TEACHERS SERVICE COMMISSION



TENDER DOCUMENT FOR DISPOSAL OF LPG CYLINDERS WITH GAS (TSC EMPLOYEES ONLY).

TENDER NUMBER: TSC/DISP/02/2015-2016

CLOSING DATE: FRIDAY, 1ST APRIL 2016.

Teachers Service Commission

Upper Hill, Kilimanjaro Road,

Private Bag, 00100

Nairobi

Email: info@tsc.co.ke

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INTRODUCTION

- 1.1 This Standard Tender document for Sale of boarded vehicles and stores has been prepared for use by public entities in Kenya in the disposal stores and equipment as provided by part X of the Public and Disposal Act, 2005.
- 1.2 The following general directions should be observed when using the documents.
 - a). Specific details should be furnished in the tender notice. The final documents to be provided to the tenderers should not have blank spaces or give options.
 - b). The instructions to the tenderers should remain unchanged. Any necessary amendments to these parts should be made through the Appendix to instructions to tenders.
- 1.3 Information contained in the invitation to tender shall conform to the data and information in the tender documents to enable tenderers to decide whether or not to participate in the tender and shall indicate any important tender requirements.

INTERNAL ADVERTISEMENT
DISPOSAL OF 2 (50KGS) LPG CYLINDERSWITH GAS.

The Commission hereby invites sealed bids from interested candidates for **Tender No. TSC/DISP/02/2015-2016: Sale of 2 (50KGS) LPG Gas cylinders**

Interested eligible candidates may obtain further information from and inspect the tender documents at Supply Chain Management Services Division situated at the Teachers Service Commission House, Kilimanjaro Road Upper Hill, 2nd Floor Podium Wing during normal office working hours.

Prospective bidders are advised to view the cylinders, in liaison with the procuring Division before they bid. Bids are based on 'AS IS, WHERE IS basis'. Interested candidates must pay a deposit of KShs 2000.00 for each cylinder and attach a receipt of the same to the bid document.

THE RESERVE PRICE PER GAS CYLINDER IS KSHS 4,000.00

Completed tender documents are to be enclosed in plain sealed envelopes marked with the tender reference number and the tender name and deposited in the Tender Box at **TSC House, Podium wing, Main Reception Ground floor** or addressed to **The Secretary, Teachers Service Commission, P.O. Box Private Bag-00100, Nairobi** so as to be received on or before **Friday 1st april, 2016 at 10.00AM**. Opening of tenders will take place immediately thereafter and in the presence of tenderers who choose to attend.

Prices quoted should be net, must be in Kenya Shillings and shall remain valid for **90 days** from the closing date of the tender.

NANCY NJERI MACHARIA, OGW
COMMISSION SECRETARY

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SECTION II - INSTRUCTIONS 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 TSC 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 131 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 disposing 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 price to be charged for the tender document shall not exceed Kshs.5,000/=
- 2.2.3 TSC shall allow the tenderer to review the tender document free of charge before purchase.

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 TSC in writing or by post at the entity's address indicated in the Invitation for tenders.

TSC will respond in writing to any request for clarification of the tender documents, which it receives not later than thirty (30) days 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 TSC not later than 7 days prior to the deadline for submission of tenders.

2.4.3 The TSC 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 TSC, for any reasons whether at its own initiative or in response to a clarification request 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 or by post 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 TSC, 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 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 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 TSC, 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, TSC may solicit the Tenderer's consent to an extension of the period of validity. The request and the response 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 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, cylinders in liaison with the procuring entity before they bid for each lot. 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 (i.e. the sale of all items is on '**as is, where basis**' and without any expressed warranties).

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 **Tuesday, 8th March 2016**

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 **Tuesday, 8th March 2016** at 10.00 a.m.
- 2.11.1 TSC 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. Modification 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 TSC 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 submission of tenders.

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

2.12.2 Withdrawals and 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

2.13.1 TSC will open all tenders in the presence of tenderer's representatives who choose to attend on **Friday 1st April 2016 at 10.00a.m** and in the location specified in the invitation to tender. The tenderers or representatives who are present shall sign a register evidencing their attendance.

2.13.2 The tenderer's names, tender modifications or withdrawals, tender prices, and the presence or absence of requisite tender deposit and such other details as TSC, at its discretion, may consider appropriate, will be announced at the opening.

2.13.3 TSC will prepare minutes of the tender opening.

2.14 Clarification of tenders

2.14.1 To assist in the examination, evaluation and comparison of tenders TSC 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.

2.14.2 Any effort by the tenderer to influence TSC in the 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 TSC 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 TSC 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 period from the date of opening the tender.

2.16 Award Criteria

2.16.1 The TSC 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

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

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

2.18 Contacting the TSC

2.18.1 No tenderer shall contact the TSC 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 TSC 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

Notes on the appendix to the Instructions to Tenderers

1. The Appendix to instructions to tenderers is intended to assist the procuring entity in providing specific information in relation to the corresponding clauses in the instructions to tenderers included in Section II and the appendix has to be prepared for each specific tender.
2. The procuring entity should specify in the appendix, information and requirements specific to the circumstances of the procuring entity, the procuring of the tender, the nature of items being sold and the evaluation criteria that will apply to the tender.
3. In preparing the appendix, the following aspects should be taken into consideration.
 - (a) The information that specifies and complements provisions of Section II to be incorporated.
 - (b) Amendments and or supplements if any, to provisions of Section II as necessitated by the circumstances of specific items to be also incorporated.
4. Section II should remain unchanged and can only be amended through the appendix.

Appendix to Instructions to Tenderers

The following information for sale of boarded vehicles and stores 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.

Instructions to Tenderers Reference	Particulars of appendix to Instructions to tenderers
2.1.1 : Eligible Tenderers	All interested parties.
2.8.1 : Validity of Tenderers	60 days
2.9.1	Sale will be price per cylinder

EVALUATION CRITERIA

PRELIMINARY REQUIREMENTS (MANDATORY)

S/No.	Documents to be submitted	Yes/No
1.	Dully filled form of tender	
2	T.S.C Number, Name, department, division and section	
3.	Dully filled Tender deposit commitment Declaration Form	
4.	Receipt of Deposit for the Item tendered for	
5.	National ID/Passport copy in case of individuals OR Copy of Certificate of Registration in case of Companies	
Overall Results (Pass/Fail)		

SECTION III - SCHEDULE OF ITEMS AND PRICES

Lot No.	Item Description	Unit of Issue	Quantity Available	Location of item(s)	Deposit Required per item (Kshs)Paid in bankers cheque)	Bid Price per Unit (Kshs).	Total Bid Price (Kshs).
LOT 06	50 KGS LPG Gas cylinders	No	02	HQS	2,000.00		

Authorized Official _____
Name Signature

Date

SECTION IV - CONDITIONS OF TENDER

- 4.1 A tenderer may tender for each item or each cylinder and may tender for both cylinders if he/she wishes.
- 4.2 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.
- 4.3 Tenderers who will not be awarded contracts will be refunded the deposits fourteen (14) days after notification of the communication of the contract awards.
- 4.4 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 Tenders.
- 4.5 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 considerations.
 - (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>
4.1	Sale will be per cylinder only.
4.3	Tenderers who will be awarded contracts will be required to pay for the items within 7 days and not later than 14 days
4.5	<ul style="list-style-type: none">▪ Tenderers who will be awarded contracts will be required to pay for the items within Seven (7) days after Award.▪ A daily storage charge of Kshs.100.00 will be levied on item(s) not collected within the stipulated time.

SECTION V- STANDARD FORMS

Notes on Standard Forms

- 5.1 The form of tender and the Confidential Business Questionnaire form must be completed by the tenderers and returned with the tender. **Failure to complete any of these will lead to disqualification of the tenderer.**

5.2 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 the 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 personal information

You are requested to give the following particulars:

Name.....

T.S.C No.....

Department.....

Division.....

Section.....

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

Authorized 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..... OF20.....

BETWEEN

..... APPLICANT

AND

.....RESPONDENT (*Procuring Entity*)

Request for review of the decision of the (*Name of the procuring Entity*)
ofdated theday of20in the mater of Tender No.....of
.....20.....

REQUEST FOR REVIEW

1/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 order/orders that: -

1.

2.

Etc

SIGNED (Applicant)

Dated on day of/.....20.....

FOR OFFICIAL USE ONLY

Lodged with the secretary Public Administrative Review Board on Day of
.....20.....

SIGNED

Board Secretary