



NATIONAL TENDER NOTICE

SALE OF BOARDED TONERS BY PUBLIC TENDER

TENDER NO. TSC/DISP/04/2019-2020

**CLOSING DATE: WEDNESDAY 10TH JUNE, 2020 AT
9.00 AM.**

Teachers Service Commission
Upper Hill, Kilimanjaro Road,
Private Bag, 00100
Nairobi

Email: info@tsc.co.ke
Website: <http://www.tsc.go.ke>

Head of Procurement
Email: ddprocurement@tsc.go.ke

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Abbreviations and Acronyms

| | |
|------------------|---|
| CDS | Contract Data Sheet |
| EACC | Ethics and Anti Corruption Commission |
| GCC | General Conditions of Contract |
| ITF | Invitation for Tender |
| ITT | Instructions to Tenderers |
| OIT | Open International Tender |
| ONT | Open National Tender |
| PE | Procuring Entity |
| PIN | Personal Identification Number |
| PPARB | Public Procurement Administrative Review Board |
| PPDA 2015 | Public Procurement and Disposal Act, 2015 |
| PPDR 2006 | Public Procurement and Disposal Regulations, 2006 |
| PPOA | Public Procurement Oversight Authority |
| PPOAB | Public Procurement Oversight Advisory Board |
| RFQ | Request for Quotation |
| SOR | Statement of Requirements |
| SP | Service Provider |
| STD | Standard Tender Documents |
| TDS | Tender Data Sheet |
| VAT | Value Added Tax |

SECTION I: NEWSPAPER ADVERTISEMENT/ INVITATION TO TENDER

TSC/DISP/04/2019-2020: SALE BY PUBLIC TENDER OF OBSOLETE TONERS

TEACHERS SERVICE COMMISSION



NATIONAL TENDER NOTICE FOR THE DISPOSAL OF ASSETS

The Teachers Service Commission invites sealed bids from interested candidates for the sale of Obsolescent Toners whose specifications are detailed in the Tender Document. These boarded Obsolescent Toners can be viewed on 4th to 5th June, 2020 from 9.00 A.M. to 12.00 noon at TSC Headquarters, Upper Hill, Kilimanjaro Road. *These are Brand New TONERS but the Commission is Disposing them off because it's currently using Leased Printers and Copiers.*

Interested eligible candidates may obtain further information and inspect the tender document from Supply Chain Management Services Division, at the TSC House, 2nd Floor Podium Wing, Kilimanjaro Road, during normal working hours.

Thereafter bidders can obtain a hard copy of the document upon payment of non-refundable fee of Kshs. 1,000 (One thousand shillings) to:-

Teachers Service Commission

National Bank of Kenya

Account number 01001000905000

Harambee Avenue Branch

Or Bankers Cheque payable to Cash Office or Down Load the tender document free of charge at TSC website www.tsc.go.ke

Completed Tender Documents must be enclosed in plain sealed envelopes and marked with Tender Name and Tender Reference Number and deposited in the Tender Box on or before **WEDNESDAY 10TH JUNE, 2020 AT 9.00 AM.**

addressed to:- **The Secretary, Teachers Service Commission, Upper Hill, Kilimanjaro Road, Private Bag, 00100, NAIROBI,** so as to reach her on or **WEDNESDAY 10TH JUNE, 2020 AT 9.00 AM.**

Bidders are advised to take NOTE that the guidelines issued by the Ministry of Health on the measures to stop the spread of COVID 19 and the subsequent additional guidelines on Circular No. 02/2020, REF: PPRA/6/5 Vol. 1 (1) of 27th March 2020 issued by the PPRA in respect to handling of procurement proceedings shall be applied for any tender processed by the Commission henceforth until advised otherwise.

The tender will be opened in accordance with the provisions of the above guidelines in the Podium Wing open area 3rd Floor in the presence of ONLY three (3) bidders who will be allowed to witness the tender opening. However, the opening minutes will be circulated to all tenderers who applied. Kindly ensure you provide an updated email address. Other information on this tender may be obtained from the Tender Document

All Tenders must be submitted in accordance with the Instructions to Tenderers. Prices quoted must be net, must be in Kenya Shillings and should remain valid for 120 days after date of tender opening/ closing of the tender. The sale will be subjected to reserve price.

DR. NANCY NJERI MACHARIA
SECRETARY/CHIEF EXECUTIVE

SECTION II-INSTRUCTIONS TO TENDERERS

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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 **Tender Data Sheet**.
- 2.1.2 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 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 procuring entity, shall in no case be responsible or liable for those costs, regardless of the conduct or outcome of the disposal process.
- 2.2.2 The price to be charged for the tender document shall not exceed Kshs.1, 000.00.
- 2.2.3 The procuring entity shall allow the tenderer to view the tender document free of charge before purchase.

2.3 The Tender Document

- 2.3.1 The tender document which should be read in conjunction with any addenda issued in accordance with Invitation for Tender comprises the documents listed below and any addenda issued in accordance with clause 2.5 of **Tender Data Sheet**.
 - a) Invitation to tender
 - b) Instructions to tenderers
 - c) Schedule of items
 - d) Conditions of Tender
 - e) Tender Forms:
 - (i) Form of tender
 - (ii) Confidential Business questionnaire Form
 - (iii) Tender deposit form
 - (iv) Letter of notification of award to successful bidder
 - (v) Letter of notification of award to the unsuccessful bidders
 - (vi) Integrity declaration form
 - (vii) Non-debarment statement
 - (viii) Request for Review Form- RBI

- 2.3.2 The tenderer is expected to examine all instructions, forms and terms 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 **Tender Data Sheet**. The Procuring entity will respond in writing to any request for clarification of the

tender documents, which it receives not later than SEVEN (7) days prior to the deadline for the submission of tenders, prescribed by the procuring entity.

2.4.2 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 purchased the tender document.

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 issuing an addendum.

2.5.2 All prospective candidates that have received the tender documents will be issued with the addendum 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 addendum 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 the currency specified in the **Tender Data Sheet**

2.7 Tender deposit

2.7.1 The tenderer shall provide a deposit for every item tendered for. The amount and form of the deposit is as specified in the **Tender Data Sheet**.

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

2.7.3 Unsuccessful Tenderer's tender Cash 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 cash 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 Clause 2.8 of the Instructions to tenderers(ITT).
- b. in the case of a successful tenderer, if the tenderer fails to pay the balance of the bid price within the specified period.

2.8 Validity of Tenders

2.8.1 Tenders shall remain valid for 120 days or as specified in the **Tender Data Sheet** 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 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.

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 until **WEDNESDAY 10TH JUNE, 2020 AT 9.00 AM.**

2.11 Deadline for Submission of Tenders

2.11.1. Tenders must be received by the Procuring entity at the address specified in the TDS not later than **WEDNESDAY 10TH JUNE, 2020 AT 9.00 AM.** . 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

2.12.1.4 Withdrawals and tenders

2.10.1.1 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

2.11 Opening of Tenders

2.13.1 The Procuring entity will open all tenders in the presence of tenderers' representatives who choose to attend at 2.11.1. Tenders must be received by the Procuring entity at the address specified in the TDS not later than **WEDNESDAY 10TH JUNE, 2020 AT 9.00 AM.** . 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 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.

2.13.3 The Procuring entity 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 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.

2.14.2 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. Other evaluation parameters are as specified in the Tender Data Sheet (TDS).

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.

2.17.4 In the event the successful bidder fails to pay for the item(s) awarded to it, the Procuring Entity shall notify, under Clause 2.17.2, the person who had submitted the second highest.

2.17.5 A Tenderer who claims to have suffered or risks suffering loss or damage or injury as a result of breach of a duty imposed on a Procuring Entity by the PPDA, 2015 or PPDR, 2006 may lodge a Request for Review at the Public Procurement Administrative Review Board.

2.17.6 The Tenderer shall submit an application for review in the number of copies and pay fees as prescribed by regulations within fourteen (14) days of the Tenderer/Tenderer becoming or should have become aware of the circumstances giving rise to the complaint or dispute.

2.17.7 Any application for administrative review shall be submitted in writing to the Secretary, Public Procurement Administrative Review Board on Form RB 1 (which forms part of this bid document, and which may be downloaded from the PPOA website) at the following address:-

The Secretary,
Public Procurement Administrative Review Board,
10th Floor, National Bank House
P.O. Box 58535-00200,
NAIROBI, Kenya.
Tel: +254 (0) 20 324 4000
Email: info@ppoa.go.ke
Website: www.ppoa.go.ke

2.17.8 The format for the application for administrative review shall include:

- i. Reasons for the complaint, including any alleged breach of the PPDA and /or its attendant Regulations;
- ii. An explanation of how the provisions of the aforementioned Act and Regulations in a) or provision has been breached or omitted, including the dates and name of the responsible public officer, where known;
- iii. Statements or other evidence supporting the complaint where available as the applicant (tenderer) considers necessary in support of its request;

- iv. Remedies sought; and
- v. Any other information relevant to the complaint.

2.19 Contacting the Procuring entity

2.19.1 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. 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.

2.19.2 A Tenderer who claims to have suffered or risks suffering loss or damage or injury as a result of breach of a duty imposed on a Procuring Entity by the PPDA, 2015 or PPDR, 2006 may lodge a complaint at the Public Procurement Oversight Authority at any time within a tendering or contractual period at the following address:-

The Director General,
Public Procurement Oversight Authority
11th Floor National Bank Building,
Harambee Avenue
P.O. Box 58535-00200
NAIROBI, Kenya.
Tel: +254 (0) 20 324 4000
Fax: +254 (0) 20 2213105, 3244377, 3244277
email: info@ppoa.go.ke, complaints@ppoa.go.ke
Website: www.ppoa.go.ke

Tender Data Sheet (TDS) to Instructions to Tenderers

The following information for sale of boarded assets, 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 TDS, the provisions of the TDS herein shall prevail over those of the instructions to tenderers.

| TDS Clause Number | ITT Clause Number | Amendments of, and Supplements to, Clauses in the Instruction to Tenderers |
|-------------------|-------------------|--|
| 1 | 2.1.1 | This Invitation for Tenders is open to all tenderers be they individuals, sole proprietors, partnerships, companies or any other form. |
| | 2.2.2 | The price to be charged for the tender document shall be Kshs.1,000.00. or free of charge if downloaded from our website or Supplier Portal at the National Treasury as contained in the Invitation to Tender. |
| | 2.3.1 | The tender document shall be read in conjunction with any addenda. |
| | 2.4.1 | A prospective tenderer requiring any clarification of the tender document may notify the Commission in writing or by post at the entity's address: The Commission Secretary Teachers Service Commission Private Bag -00100 NAIROBI Email: ddprocurement@tsc.go.ke Website: www.tsc.go.ke |
| | 2.6.3 | The Price quoted shall be in Kenya Shillings and shall remain valid for 120 days |
| | 2.8 | Tenders shall remain valid for 150 days. |
| | 2.11 | Tenders must be received by TSC at the following address: Be deposited in the Tender Box located at 3 RD Floor, TSC HOUSE, KILIMANJARO ROAD during normal working hours or addressed to: The Commission Secretary, Teachers Service Commission, Private Bag -00100, NAIROBI so as to be received on or WEDNESDAY 10TH JUNE, 2020 AT 9.00 AM. |
| | | Bidders should have their documents paginated to ensure compliance with Section 74 (1) (i) Public Procurement and Assets Disposal Act, 2015 (in format 1,2,3,4.....to the last page). All pages regardless of whether there is information or not must be paginated and signed on both sides. Tender with Repeated pages, missing page numbers and other inconsistencies will be rejected |
| | | Dicripancies arising from the arithmetic error from the Form of tender and Price Schedule will lead to disqualification |

| 2 | 2.15.1 | <p>Evaluation and Comparison of Tenders</p> <p>Evaluation Criteria</p> <p>The following requirements must be met by the tenderer notwithstanding other requirements in the tender documents:-</p> <p>a) Mandatory Requirements (MR)</p> <table border="1" data-bbox="565 562 1562 1018"> <thead> <tr> <th data-bbox="565 562 672 625">No.</th> <th data-bbox="672 562 1349 625">Requirements</th> <th data-bbox="1349 562 1562 625">Responsive or Not Responsive</th> </tr> </thead> <tbody> <tr> <td data-bbox="565 625 672 722">MR1</td> <td data-bbox="672 625 1349 722">Must Submit a copy of certificate of Registration/Incorporation for firms OR ID Copy for Individuals OR Copy of Passport</td> <td data-bbox="1349 625 1562 722"></td> </tr> <tr> <td data-bbox="565 722 672 785">MR2</td> <td data-bbox="672 722 1349 785">Must provide details of Physical and Postal address of the firm or individual residential area.</td> <td data-bbox="1349 722 1562 785"></td> </tr> <tr> <td data-bbox="565 785 672 848">MR3</td> <td data-bbox="672 785 1349 848">Must Fill and sign the Price Schedule in the format provided</td> <td data-bbox="1349 785 1562 848"></td> </tr> <tr> <td data-bbox="565 848 672 911">MR4</td> <td data-bbox="672 848 1349 911">Must Fill and sign the Form of Tender in the Format provided</td> <td data-bbox="1349 848 1562 911"></td> </tr> <tr> <td data-bbox="565 911 672 1018">MR 5</td> <td data-bbox="672 911 1349 1018">Firms must submit filled up, signed and stamped form CR 12 while individuals to submit a copy of Identification Card</td> <td data-bbox="1349 911 1562 1018"></td> </tr> </tbody> </table> <p>At this stage, the tenderer's submission will either be responsive or non-responsive. The non responsive submissions will be eliminated from the entire evaluation process and will not be considered further.</p> <p>BIDDERS WHO PASS THIS STAGE WILL BE SUBJECTED TO FINANCIAL EVALUATION</p> <p>FINANCIAL EVALUATION</p> <p><i>THE TENDER WILL BE AWARDED TO THE PERSON/ FIRM WITH THE HIGHEST FINANCIAL BID PRICE AS INDICATED IN THE PRICE SCHEDULE AND THE FORM OF TENDER.</i></p> | No. | Requirements | Responsive or Not Responsive | MR1 | Must Submit a copy of certificate of Registration/Incorporation for firms OR ID Copy for Individuals OR Copy of Passport | | MR2 | Must provide details of Physical and Postal address of the firm or individual residential area. | | MR3 | Must Fill and sign the Price Schedule in the format provided | | MR4 | Must Fill and sign the Form of Tender in the Format provided | | MR 5 | Firms must submit filled up, signed and stamped form CR 12 while individuals to submit a copy of Identification Card | |
|------|--|---|-----|--------------|------------------------------|-----|--|--|-----|--|--|-----|---|--|-----|---|--|------|--|--|
| No. | Requirements | Responsive or Not Responsive | | | | | | | | | | | | | | | | | | |
| MR1 | Must Submit a copy of certificate of Registration/Incorporation for firms OR ID Copy for Individuals OR Copy of Passport | | | | | | | | | | | | | | | | | | | |
| MR2 | Must provide details of Physical and Postal address of the firm or individual residential area. | | | | | | | | | | | | | | | | | | | |
| MR3 | Must Fill and sign the Price Schedule in the format provided | | | | | | | | | | | | | | | | | | | |
| MR4 | Must Fill and sign the Form of Tender in the Format provided | | | | | | | | | | | | | | | | | | | |
| MR 5 | Firms must submit filled up, signed and stamped form CR 12 while individuals to submit a copy of Identification Card | | | | | | | | | | | | | | | | | | | |
| | Others: | <p>The Tenders shall only be handed over to the winning Tenderer on completion of payment at the awarded amount.</p> <p>Authorized Representatives and Address. For the Client: Authorized Representative: Mr. Lawrence Oimo Oganga Deputy Director, Supply Chain Management Services Teachers Service Commission Private Bag -00100 <u>NAIROBI</u> For the Tenderer: Authorized Representative:</p> | | | | | | | | | | | | | | | | | | |

SECTION III-SCHEDULE OF ITEMS AND PRICES IN KSHS.

PRICE SCHEDULE

| TONERS: TSC/DISP/04/2019-2020 | | | | | | |
|-------------------------------|-------------------------------------|------|------------------|---------------|------------|-------------|
| Item lot no. | Obsolete Asset Description | Unit | Qty/ Amount each | Reserve price | UNIT PRICE | TOTAL PRICE |
| 1. | Toner Laser Jet(4092A) | No. | 1 @ 3000 | 3,000 | | |
| 2. | Toner C8543(900 Series) | No. | 8 @ 3000 | 24,000 | | |
| 3. | Toner Q1339A | No. | 1 @ 7,500 | 7,500 | | |
| 4. | Toner C9720A | No. | 3 @ 5000 | 15,000 | | |
| 5. | Toner C9721A | No. | 2 @ 5000 | 10,000 | | |
| 6. | Toner C9723A | No. | 1 @ 5000 | 5,000 | | |
| 7. | Toner C9722A | No. | 1 @ 5000 | 5,000 | | |
| 8. | Toner Q6473A | No. | 3 @ 5000 | 15,000 | | |
| 9. | Toner Q6000A | No. | 3 @ 3500 | 10,500 | | |
| 10. | Toner 6002A | No. | 2 @ 3500 | 7,000 | | |
| 11. | Toner 6003A | No. | 2 @ 3500 | 7,000 | | |
| 12. | Toner CLT-C6595/SEE Samsung C8640DN | No. | 1 @ 4,500 | 4,500 | | |
| 13. | Toner CLT-M6595/SEE Samsung C8640DN | No. | 1 @ 4,500 | 4,500 | | |
| 14. | Toner CLT-Y6595/SEE Samsung C8640DN | No. | 1 @ 4,500 | 4,500 | | |
| 15. | HP 126 A Laser Toner (2pack) | No. | 1 @ 2,750 | 2,750 | | |
| 16. | HP CE 311 A Cyan | No. | 2 @ 2750 | 5,500 | | |
| 17. | HP CE 312 A Yellow | No. | 2 @ 2750 | 5,500 | | |
| 18. | HP CE 313 A Magenta | No. | 2 @ 2750 | 5,500 | | |
| 19. | Q 6473A HP LaserJet 3500-3550 | No. | 1 @ 5,000 | 5,000 | | |

Bidder

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 awarded 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 within thirty (30) days after notification of the contract awards but not earlier than fourteen (14) days.
- 4.5 Tenderers will be required to collect the items they have paid for within fourteen (14) days after making full payment failure to which storage charges will be charged as indicated in the CDS to Conditions of tender.
- 4.6 Items tendered for below the reserve price will be retained by the procuring entity.

Contract Data Sheet 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 CDS, the provisions of the CDS herein shall prevail over those of the conditions of tender.

| Clause of the Conditions of tender | Clause of CDS | <i>Particulars of the appendix to Conditions of tender</i> |
|------------------------------------|---|---|
| 4.3 | Tenderers who will be awarded contracts will be required to pay full price for the items awarded within 30 days but not earlier than fourteen (14) days after notification of award 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. | <p><i>No storage charges will be charged under this Clause</i></p> <p>Deposit Required: NIL</p> <p><i>The awarded Tenderer shall be required to pay the full amount at which it is awarded within 30 days of award and signing of the contract, before taking possession of the Toner. The amount will be paid to Teachers Service Commission.</i></p> |
| 4.4 | Tenderers who will not be awarded contracts will be refunded the deposits within thirteen (30) days but not earlier than fourteen days after notification of the Unsuccessful Notification. NOT APPLICABLE | |
| 4.5 | Tenderers will be required to collect the disposable items they have fully paid for within seven (7) days after making full payment (balance) failure to which storage charges will be charged at a rate of Kshs. 1,000.00 per day | |
| 4.6 | The Reserve price is not confidential. TSC will make a decision on whether to award or not based on the financial bid/ quote as indicated in the Form of Tender. | |

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 applied to your type of business

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

| <p><i>Part 1 – General:</i></p> <p>Business Name </p> <p>Location of business premises. </p> <p>Plot No..... Street/Road </p> <p>Postal Address Tel No. Fax E mail</p> <p>Nature of Business </p> <p>Registration Certificate No. </p> <p>Maximum value of business which you can handle at any one time – KES. </p> <p>Name of your bankers Branch </p> | | | | | | | | | | | | | | |
|---|---|-------------|----------------------|------|-------------|----------------------|----|-------|-------|-------|----|-------|-------|-------|
| <p>Part 2 (a) – Sole Proprietor</p> | | | | | | | | | | | | | | |
| | <p>Your name in full Age </p> <p>Nationality Country of origin </p> <p>*Citizenship details</p> | | | | | | | | | | | | | |
| <p>Part 2 (b) - Partnership</p> | | | | | | | | | | | | | | |
| <p>Given details of partners as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 40%;">Name</th> <th style="width: 30%;">Nationality</th> <th style="width: 20%;">*Citizenship Details</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2.</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table> | | | | Name | Nationality | *Citizenship Details | 1. | | | | 2. | | | |
| | Name | Nationality | *Citizenship Details | | | | | | | | | | | |
| 1. | | | | | | | | | | | | | | |
| 2. | | | | | | | | | | | | | | |

3.

 4.

Part 2 (c) – Registered Company

Private or Public

State the nominal and issued capital of company-

Nominal KES.

Issued KES.

 ...

Given details of all directors as follows

| Shares | Name | Nationality | *Citizenship Details |
|--------|-------|-------------|----------------------|
| 1 | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5 | | | |

Part 2 (d) – Co-operative Society

Given details of Central Management Committee Members as follows:

| | Name | Nationality | *Citizenship Details |
|----|-------|-------------|----------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |

| | |
|----|----------------|
| 4. | |
| 5. | |
| 6. | |

We, the undersigned declare that

(a) The information contained in and attached to this form is true and accurate as of the date of Tender submission

Or [delete statement which does not apply]

(b) The originally submitted pre-qualification information remains essentially correct as of date of submission

Authorized Signature: _____

Name and Title of Signatory: _____

Name of Tenderer: _____

Address: _____

Date Signature of Candidate
.....

*If a Kenya Citizen, indicate under “Citizenship Details” whether by Birth, naturalization or registration.

5.3 TENDER DEPOSIT COMMITMENT DECLARATION FORM

*Tender No. (as per tender documents)

*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/ Bankers Cheque as follows:-

| ITEM No. or Lot No. | Item Description | Deposit Kshs. | Bankers Cheque No, Tenderer's A/c No. and Bank / Receipt No. and Date |
|---------------------------|------------------|------------------|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |

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. LETTER OF NOTIFICATION TO UNSUCCESSFUL BIDDERS

[to be printed on the Letterhead of the Procuring Entity]

[date]

To: *[name and address of the Supplier]*

Re: Letter of notification to Unsuccessful Bidders

This is to inform you in that your offer in relation to *[tender name and number]* has been determined to be unsuccessful upon evaluation. We intend to make a contract with *[name of successful tenderer]* for *[amount]*. Your tender security / tender securing declaration will be discharged.

Thank you for your participation in the tendering process.

Yours

(Name of Accounting Officer)
Accounting Officer/Head of Procuring Entity

5.6. INTEGRITY DECLARATION

(Sections 38, 40,41,42 & 43 of the PPD Act, 2005)

I/We/Messrs..... of Street/avenue, Building,
P. O. BoxCode, of (town), (Nationality), 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 name:

Tender No.

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

Dated this day of 20.....

Authorized Signature..... Official Stamp

Name and Title of Signatory.....

5.7. NON-DEBARMENT STATEMENT

(Sections 35 PPD Act, 2005)

I/We/Messrs..... of Street/avenue, Building,
P. O. BoxCode, of (town), (Nationality), Phone E-mail
..... declare that I/We /Messrs are not debarred
from participating in public procurement by the Public Procurement Oversight Authority
pursuant to section 115 of the Public Procurement and Disposal Act, 2005.

Dated this day of 20.....

Authorized Signature..... Official Stamp

Name and Title of Signatory.....

5.8. 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*) ofdated the...day of20.....in the matter of Tender No.....of20...

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