



**WILDLIFE
RESEARCH
& TRAINING
INSTITUTE**

Discover Beyond

**REQUEST FOR EXPRESSION OF INTEREST
FOR
CONSULTANCY SERVICES TO DEVELOP WRTI BUSINESS PLAN**

TENDER NO. WRTI/EOI/02/2023-2024

**DIRECTOR/CEO
WILDLIFE RESEARCH AND TRAINING INSTITUTE
P.O. BOX 842 - 20117 NAIVASHA
TEL: 0700 000 321
WWW.WRTI.GO.KE**

ISSUE DATE: 8th DECEMBER 2023

**CLOSING DATE: 27th December 2023 at 12.30PM at the Tender Box, Main Administration
Block**

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SECTION 1:

NOTICE FOR REQUEST FOR EXPRESSIONS OF INTEREST FOR CONSULTANCY SERVICES TO DEVELOP WRTI BUSINESS PLAN

TENDER NO: WRTI/EOI/ 02/2023-2024:

1. The National Wildlife Policy 2020 and the National Wildlife Strategy 2030 recognizes wildlife research and training as key pillars in wildlife conservation and management, they are enablers in the achievement of Bottom-up Economic Transformation Agenda, Vision 2030.
2. The Wildlife Research and Training Institute (WRTI) was established under section 50 of the Wildlife Conservation and Management Act No 47 of 2013 and operationalized through Gazette Notice No. 4862 on the 17th July 2020. The Institute has been established with the understanding that wildlife research agenda needs to be more focused to provide reliable scientific information on emerging wildlife conservation and management challenges. The institute is expected to provide:
 - a. Knowledge on the status of the country's wildlife and their potential to facilitate optimized benefits from the wildlife resource;
 - b. Capacity development through training to enhance wildlife conservation and management;
 - c. Quality and comprehensive wildlife data and information to inform policy formulation.
3. The Institute now invites eligible consulting firms ("Consultants") to indicate their interest in providing the Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services. The shortlisting criteria on required qualifications and experience of the firm are:
 - i. Experience in the assignment, including technical and managerial capability of the firm.
 - ii. Number of years in business working on the area of the assignment.
 - iii. Reference to at least three assignments of similar nature and size carried out in the last (5) years. Include persons or institutions and contact addresses (phone, email) who can be contacted on the same.
4. The attention of interested Consultants is drawn to the following provisions that will be highlighted in the Request for Proposals to be issued to shortlisted firms.
 - a. The Consultant will be expected to have no conflict of interest with other assignments or its own corporate interests and act without any consideration for future work.
 - b. The consultant has no personal or business relationship with the Procuring Entity's senior management or professional staff.
 - c. A firm or an individual in the firm has not been sanctioned by the Public Procurement Regulatory Institute or is under a suspension or debarment imposed by any other entity of the Government of Kenya, or any international organization.
 - d. Government-owned enterprises or institutions of Kenya Government, officials and civil servants and employees of public institutions may not be eligible.
5. Consultants may associate with other firms to enhance their qualifications, but should indicate clearly whether the association is in the form of a joint venture and/or a sub-consultancy. In the case of a joint venture, all the partners in the joint venture shall be jointly and severally liable for the entire contract, if selected.
6. A Consultant will be selected in accordance with the method set out in the Public Procurement and Asset Disposal Act, 2015 and Regulations 2020
7. Further information can be obtained at the address below during office hours; Monday to Friday between 0800 to 1700 hours.

Name of Procuring Entity: **Wildlife Research and Training Institute**
Attention to: **Director/CEO**
Date of Submission (Deadline): **27th December 2023**
Time of Submission (Deadline): **12.00PM**
P.O. BOX 842 - 20117 NAIVASHA
TEL: 0700 000 321
Email Address: tenders@wrti.go.ke
Physical Address: **Kenyatta Avenue, Naivasha Town, Nakuru County**

8. Submission of Expressions of Interest;

Completed tender documents clearly marked with the tender number and name and deposited in the Tender Box located at the main reception area, administration block and addressed to:

**DIRECTOR/CEO
WILDLIFE RESEARCH AND TRAINING INSTITUTE
KENYATTA AVENUE, NAIVASHA TOWN
P.O. BOX 842-20117
NAIVASHA**

to be received on or before **27th December 2023 at 12.30PM.**

Applications for Expression of Interest will be opened immediately thereafter in the presence of the designated tenderers' representatives.

9. This is not a request for a proposal. WRTI will review the EOI proposals and shortlist vendors who meet the requirements in line with the scope defined below and the detailed Terms of Reference. Successful firms will be invited to submit their Technical and Financial Proposals through a Letter of Invitation including Specific Terms of Reference/Specifications.
10. All documents shall be submitted in the English Language. Addenda/clarifications if any will be posted on WRTI Website (www.wrti.go.ke) and tenders.go.ke and sent to all prospective tenderers that have registered for this EOI.

This EOI does not entail any commitment on the part of WRTI, either financial or otherwise.

For Clarification of EOI purposes only Email: tenders@wrti.go.ke

Requests for clarification should be received by the Wildlife Research and Training Institute not later than Seven (7) days Before the EOI closing/opening date.

Late submissions shall not be accepted.

DIRECTOR/CEO

SECTION 2.

TERMS OF REFERENCE

2.1 INTRODUCTION

The National Wildlife Policy 2020 and the National Wildlife Strategy 2030 recognizes wildlife research and training as key pillars in wildlife conservation and management, they are enablers in the achievement of Bottom-up Economic Transformation Agenda, Vision 2030.

The Wildlife Research and Training Institute (WRTI) was established under section 50 of the Wildlife Conservation and Management Act No 47 of 2013 and operationalized through Gazette Notice No. 4862 on the 17th July 2020. The Institute has been established with the understanding that wildlife research agenda needs to be more focused to provide reliable scientific information on emerging wildlife conservation and management challenges. The institute is expected to provide:

- 1) Knowledge on the status of the country's wildlife and their potential to facilitate optimized benefits from the wildlife resource;
- 2) Capacity development through training to enhance wildlife conservation and management;
- 3) Quality and comprehensive wildlife data and information to inform policy formulation.

WRTI is a State Corporation in the Ministry of Tourism, Wildlife, and Heritage, established under the Wildlife Conservation and Management Act, 2013. The mandate of the Institute is to coordinate and conduct research and offer training in wildlife conservation and management. The Institute sits on a 1550 acres piece of land comprising of Headquarters and Main Campus (500 acres), Game farm sanctuary (1000 acres), Annex Sanctuary (50 acres). These sanctuaries have high potentials, in terms of revenue generation, eco-tourism and training. The Institute received funding support from the Tourism Promotion fund (TPF) to rehabilitate some of her infrastructure so to increase the revenue stream, hence sustainability, as such, WRTI is seeking the services of a consultant to review the current business model/ activities and develop a business plan which is and realigned to Strategic Plan 2022-2027 and the Bottom-up Economic Transformational Agenda (BETA). This Business plan will enable the Institute to evaluate its business performance and improve the revenue streams.

1.2.1 Mandate

The Mandates of the Institute as per the Wildlife Conservation and Management Act of 2013, is to conduct and coordinate Wildlife Research and Training in the Country.

1.2.2 Geographical Coverage

Wildlife Research and Training Institutes headquarter is in Naivasha, Nakuru County, with four (4) field research centers based on ecosystems, namely;

- 1) Savannah, Arid and Semi-Arid ecosystem center in Tsavo, sub-centers based in Maasai Mara, Meru, Nairobi, Nakuru Ruma and Marsabit.
- 2) Coastal and Marine Ecosystems Centre in Malindi
- 3) Montane/Forest Ecosystem Centre in King'ongo(Nyeri), sub-Centre based in Kitale
- 4) Inland Waters and Wetlands Centre in Naivasha sub-centre based in Kisumu.

2.2 The Objective

The overall objective of the Expression of Interest (EOI) is for WRTI to evaluate and shortlist the best competing firms to: Develop a business plan for the Wildlife Research and Training Institute to provide guidance on the structuring, operation and delivery of products and services. The plan will elaborate mechanisms to spark interest, increase incomes and introduce new revenue streams based on highlighted economic sectors.

2.3 Scope of Work

The scope of the work will be but not limited to:

- 1) Conduct detailed consultation programmes, products and services with the Board of Institute, Management, Staff and key partners/stakeholders;
- 2) Conduct a market analysis and risk assessment, and study the critical sustainability factors for similar entities including operational gaps, funding loopholes, competitiveness and viability;
- 3) Map the Institutes current business model to identify strengths such as competitive advantages and weaknesses including operational and funding gaps, while comparing this to the market standards in terms of competitiveness and viability of products.
- 4) Propose modifications to business model that will bring the products into profitability and ultimately lead to improved service delivery to clients. These modifications could be in product terms, processes, financing, marketing strategy, supporting technologies and so forth. Proposed changes should be aligned to the needs of WRTI, based on current best practices, informed by industry trends and must leverage WRTI strengths.
- 5) Conduct a thorough review of the Institutes governance, management and operational structure, systems and policies to inform the development of a sound and efficient business model and plan;
- 6) Conduct a thorough analysis of the current Institutes business model and its performance with continuous consultations with all stakeholders;
- 7) Assess the Institutes operating environment;
- 8) Conduct SWOT, PESTEL Stakeholder and risk analysis using the Balanced Score card and the McKinsey 7S Model;
- 9) Examine and contextualize the policy frameworks relevant to the operations of the Institute and
- 10) Based on the analysis in (a) and (b) above, outline the current and emerging business operational challenges.
- 11) Based on the strategic direction identified, conduct an analysis of different focus pillars/programs, trends and propose optimal business model of each pillar /program including the environment, the people, partnerships and organizations to work with and model of interaction;
- 12) Develop social enterprise business model/plan to maximize investments while leveraging on the parent organization's core competencies and mandate
- 13) Develop and define a detailed staffing structure, staffing levels, processes, organizational capabilities, systems and corporate governance structures critical to the delivery of the plan.
- 14) Conduct validation sessions to discuss and review the draft Business Model and Plan before it is finalized. This should include proposed products and services; governance, operational and financial management structures including any tax implications; branding and communication strategies and cost estimates/budget.

In providing **services for development of a comprehensive business plan to WRTI**, the consultant shall be expected to exude the following skills and experience;

- i. At least a Master's degree in a relevant field in the area of planning, Organization development, Business Management, Development studies.
- ii. Strong experience in planning, business development and Research especially in the Wildlife sector
- iii. Over 10 years' experience in developing and reviewing Business plans, investment plan
- iv. Extensive evaluation experience, with ability to present credible findings derived from evidence and putting conclusions and recommendations supported by findings
- v. Specific knowledge and understanding of wildlife sector and the mandate of the Institute.
- vi. Excellent analytical and report writing skills;

- vii. Proven work experience in use of participatory evaluation methods for identifying measurable target indicators;
- viii. Ability to work in a multicultural team environment and to deliver under pressure/meet deadlines.

2.4 EXPRESSION OF INTEREST REQUIREMENTS

Interested bidders shall be required to meet the following requirements:

- a. Submit the legal status of the organization in the form of a Certificate of Incorporation/Registration
- b. Submit Proof of Current Tax Compliance issued by the Kenya Revenue Authority
- c. Provide evidence of experience in providing services of similar nature, complexity, and magnitude.
- d. Demonstrate ability to meet all requirements as defined in the scope of works provided in the detailed Terms of Reference.

The attention of interested firms is drawn to the following provisions that will be highlighted in the Request for Proposals to be issued to shortlisted firms;

- e. The firm will be expected to have no conflict of interest with other assignments or its own corporate interests and act without any consideration for future work.
- f. The firm has no personal or business relationship with the Procuring Entity's senior management or professional staff.
- g. A firm or an individual in the firm has not been sanctioned by the Public Procurement Regulatory Institute or is under a suspension or a debarment imposed by any other entity of the Government of Kenya, or any international organization.

2.5 BIDDING PROCESS

This Expression of interest will result in short listing of interested firms who will be invited to submit detail technical and financial bids. Eligibility to participate in the bid process will be determined on the basis of submission of the minimum required documents stated in this Expression of Interest. Upon the deadline for submission of responses, evaluation process will be conducted to determine responsive proposals as per the evaluation criteria provided in the Expression of Interest document. The consultants who participate will be notified of the outcome of the evaluation.

2.5 EVALUATION CRITERIA

The Expression of Interest received will be evaluated in accordance with the set criteria provided below:

MANDATORY REQUIREMENTS

No.	Requirement	Requirement submitted Yes/No
1.	Valid Tax Compliance Certificate from Kenya Revenue Authority	
2.	Certificate of Incorporation or Business Registration or partnership deed	
3.	CR12 for Limited companies issued within the last one year and identification documents i.e ID card or passport copies for Directors	
4	Attach a valid Business Permit	
5	Attach evidence of experience in providing services of similar nature, complexity, and magnitude	
6.	Duly filled, signed and stamped Self- Declaration letter that the firm has not been debarred from participating in Public Procurement and Asset Disposal Act,2015- SD 1	
7.	Duly filled, signed and stamped Self- Declaration that the firm/tenderer will not engage in any corrupt or fraudulent practice- SD 2	

8.	Company Profile of the firm indicating the contact details including physical address, telephone number, email and contact person on behalf of the bidder	
9.	Duly filled, signed and stamped Declaration and commitment to the code of ethics	
10	Duly filled, signed and stamped certificate of independent tender determination	
11	Provide statements of audited account for two years (2020/2021 and 2021/2022 FY) or 36 months certified bank statements from 2020/2021	

SUMMARY OF EVALUATION CRITERIA

Expression of Interest will be evaluated on their responsiveness to the above requirements based on the following criteria:

Item	Particulars	Submitted (Yes/No)
4.1	Mandatory Documents	
4.2	Corporate profile	
4.3	Experience in similar nature	
4.5	Evidence of Financial Stability	
	Passed /not passed	

NB: Only bidders who qualify at this stage will be considered for shortlisting to participate in the Request for Proposal.

SECTION 3.

FORMS

1. CONFIDENTIAL BUSINESS QUESTIONNAIRE

Tenderer is instructed to complete the particulars required in this Form, *one form for each entity if Tender is a JV*. Tenderer is further reminded that it is an offence to give false information on this Form.

(a) Tenderer's details

	ITEM	DESCRIPTION
1	Name of the Procuring Entity	
2	Reference Number of the Tender	
3	Date and Time of Tender Opening	
4	Name of the Tenderer	
5	Full Address and Contact Details of the Tenderer.	1. Country 2. City 3. Location 4. Building 5. Floor 6. Postal Address 7. Name and email of contact person.
6	Current Trade License Registration Number and Expiring date	
7	Name, country and full address (<i>postal and physical addresses, email, and telephone number</i>) of Registering Body/Agency	
8	Description of Nature of Business	
9	Maximum value of business which the Tenderer handles.	
10	State if Tenders Company is listed in stock exchange, give name and full address (<i>postal and physical addresses, email, and telephone number</i>) of state which stock exchange	

General and Specific Details

b) Sole Proprietor, provide the following details.

Name in full _____ Age _____
 Nationality __ Country of Origin _____ Citizenship _ _____

c) Partnership, provide the following details.

	Names of Partners	Nationality	Citizenship	% Shares owned
1				
2				
3				

d) Registered Company, provide the following details.

i) Private or public Company

ii) State the nominal and issued capital of the Company

Nominal Kenya Shillings
(Equivalent).....

Issued Kenya Shillings
(Equivalent).....

iii) Give details of Directors as follows.

	Names of Director	Nationality	Citizenship	% Shares owned
1				
2				
3				

e. DISCLOSURE OF INTEREST- Interest of the Firm in the Procuring Entity.

i) Are there any person/persons in.....(*Name of Procuring Entity*) who has/have an interest or relationship in this firm? Yes/No.....

If yes, provide details as follows.

	Names of Person	Designation in the Procuring Entity	Interest or Relationship with Tenderer
1			
2			
3			

ii. Conflict of interest disclosure

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
1	Tenderer is directly or indirectly controls, is controlled by or is under common control with another tenderer.		
2	Tenderer receives or has received any direct or indirect subsidy from another tenderer.		
3	Tenderer has the same legal representative as another tenderer		
4	Tenderer has a relationship with another tenderer, directly or through common third parties, that puts it in a position to influence the tender of another tenderer, or influence the decisions of the Procuring Entity regarding this tendering process.		
	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
5	Any of the Tenderer's affiliates participated as a consultant in the preparation of the design or		

	technical specifications of the works that are the subject of the tender.		
6	Tenderer would be providing goods, works, non- consulting services or consulting services during implementation of the contract specified in this Tender Document.		
7	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who are directly or indirectly involved in the preparation of the Tender document or specifications of the Contract, and/or the Tender evaluation process of such contract.		
8	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who would be involved in the implementation or supervision of the such Contract.		
9	Has the conflict stemming from such relationship stated in item 7 and 8 above been resolved in a manner acceptable to the Procuring Entity throughout the tendering process and execution of the Contract.		

f) Certification

On behalf of the Tenderer, I certify that the information given above is complete, current and accurate as at the date of submission.

Full Name _____
 Title or Designation _____

(Signature)

(Date)

2. CERTIFICATE OF INDEPENDENT TENDER DETERMINATION

I, the undersigned, in submitting the accompanying Letter of Tender to the _____
_____[Name of Procuring Entity] for: _____[Name and number of tender] in
response to the request for tenders made by: _____[Name of Tenderer] do hereby make the
following statements that I certify to be true and complete in every respect:

I certify, on behalf of _____[Name of Tenderer] that:

1. I have read and I understand the contents of this Certificate;
2. I understand that the Tender will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am the authorized representative of the Tenderer with Instituteto sign this Certificate, and to submit the Tender on behalf of the Tenderer;
4. For the purposes of this Certificate and the Tender, I understand that the word “competitor” shall include any individual or organization, other than the Tenderer, whether or not affiliated with the Tenderer, who:
 - a) Has been requested to submit a Tender in response to this request for tenders;
 - b) could potentially submit a tender in response to this request for tenders, based on their qualifications, abilities or experience;
5. The tenderer discloses that [check one of the following, as applicable]:
 - a) The Tenderer has arrived at the Tender independently from, and without consultation, communication, agreement or arrangement with, any competitor;
 - b) The Tenderer has entered into consultations, communications, agreements or arrangements with one or more competitors regarding this request for tenders, and the Tenderer discloses, in the attached document(s), complete details thereof, including the names of the competitors and the nature of, and reasons for, such consultations, communications, agreements or arrangements;
6. In particular, without limiting the generality of paragraphs (5)(a) or(5)(b) above, there has been no consultation, communication, agreement or arrangement with anycompetitor regarding: a) prices;
 - b) methods, factors or formulas used to calculate prices;
 - c) the intention or decision to submit, or not to submit, a tender; or
 - d) the submission of a tender which does not meet the specifications of the request for Tenders; except as specifically disclosed pursuant to paragraph (5)(b) above;
7. In addition, there has been no consultation, communication, agreement or arrangement with any competitor regarding the quality, quantity, specifications or delivery particulars of the works or services to which this request for tenders relates,except as specifically authorized by the procuring Institute or as specifically disclosed pursuant to paragraph(5)(b) above;
8. The terms of the Tender have not been, and will not be, knowingly disclosed by the Tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening, or of the awarding of the Contract, whichever comes first, unless otherwise required by law or as specifically disclosed pursuant to paragraph (5)(b) above.

Name _____
Title _____
Date _____

[Name, title and signature of authorized agent of Tenderer andDate]

3. SELF- DECLARATION FORMS

FORM SD1

SELF DECLARATION THAT THE PERSON/TENDERER IS NOT DEBARRED IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015.

I,, of Post Office Box being a resident of..... in the Republic of do hereby make a statement as follows: -

1. THAT I am the Company Secretary/ Chief Executive/Managing Director/Principal Officer/Director of *(insert name of the Company)* who is a Bidder in respect of **Tender No.** for *(insert tender title/description)* for *(insert name of the Procuring entity)* and duly authorized and competent to make this statement.

2. THAT the aforesaid Bidder, its Directors and subcontractors have not been debarred from participating in procurement proceeding under Part IV of the Act.
3. THAT what is deponed to here in above is true to the best of my knowledge, information and belief.

.....
(Title)

.....
(Signature)

.....
(Date)

Bidder Official Stamp

FORM SD2

SELF DECLARATION THAT THE PERSON/TENDERER WILL NOT ENGAGE IN ANY CORRUPT OR FRAUDULENT PRACTICE.

I,of P.O. Boxbeing a resident of in the Republic ofdo hereby make a statement as follows: -

1. THAT I am the Chief Executive/Managing Director/Principal Officer/Director of
(insert name of the Company) who is a Bidder in respect of **Tender No.**.....
for (insert tender title/description) for (insert name of the Procuring entity) and duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its servants and/or agents/ sub-contractors will not engage in any corrupt or fraudulent practice and has not been requested to pay any inducement to any member of the Board, Management, Staff and/or employees and/or agents of (insert name of the Procuring entity) which is the procuring entity.
3. THAT the aforesaid Bidder, its servants and/or agents /subcontractors have not offered any inducement to any member of the Board, Management, Staff and/or employees and/or agents of (name of the procuring entity).
4. THAT the aforesaid Bidder will not engage /has not engaged in any corrosive practice with other bidders participating in the subject tender
5. THAT what is deponed to here in above is true to the best of my knowledge information and belief.

.....
(Title)

.....
(Signature)

.....
(Date)

Bidder's Official Stamp

4. DECLARATION AND COMMITMENT TO THE CODE OF ETHICS

I (person) on behalf of **(Name of the Business/ Company/Firm)**
..... declare that I have read and fully understood the contents of
the Public Procurement & Asset Disposal Act, 2015, Regulations and the Code of Ethics for persons
participating in Public Procurement and Asset Disposal and my responsibilities under the Code.

I do here by commit to abide by the provisions of the Code of Ethics for persons participating in Public
Procurement and Asset Disposal.

Name of Authorized
signatory.....

Sign.....
.....

Position.....
.....

Office address.....
Telephone.....

E-
mail.....
.....

Name of the
Firm/Company.....

Date.....

(Company Seal/ Rubber Stamp where applicable)

Witness

Name.....
.....

Sign.....
.....

Date.....
.....

vii) APPENDIX 1 - FRAUD AND CORRUPTION

(Appendix 1 shall not be modified)

1. Purpose

1.1 The Government of Kenya's Anti-Corruption and Economic Crime laws and their sanction's policies and procedures, Public Procurement and Asset Disposal Act (*no.33 of 2015*) and its Regulation, and any other Kenya's Acts or Regulations related to Fraud and Corruption, and similar offences, shall apply with respect to Public Procurement Processes and Contracts that are governed by the laws of Kenya.

2. Requirements

2.1 The Government of Kenya requires that all parties including Procuring Entities, Tenderers, (applicants/proposers), Consultants, Contractors and Suppliers; any Sub-contractors, Sub-consultants, Service providers or Suppliers; any Agents (whether declared or not); and any of their Personnel, involved and engaged in procurement under Kenya's Laws and Regulation, observe the highest standard of ethics during the procurement process, selection and contract execution of all contracts, and refrain from Fraud and Corruption and fully comply with Kenya's laws and Regulations as per paragraphs 1.1 above.

2.2 Kenya's public procurement and asset disposal act (*no. 33 of 2015*) under Section 66 describes rules to be followed and actions to be taken in dealing with Corrupt, Coercive, Obstructive, Collusive or Fraudulent practices, and Conflicts of Interest in procurement including consequences for offences committed. A few of the provisions noted below highlight Kenya's policy of no tolerance for such practices and behavior:

- 1) A person to whom this Act applies shall not be involved in any corrupt, coercive, obstructive, collusive or fraudulent practice; or conflicts of interest in any procurement or as set disposal proceeding;
- 2) A person referred to under subsection (1) who contravenes the provisions of that sub-section commits an offence;
- 3) Without limiting the generality of the subsection (1) and (2), the person shall be: -
 - a) disqualified from entering into a contract for a procurement or asset disposal proceeding; or
 - b) if a contract has already been entered into with the person, the contract shall be voidable;
- 4) The voiding of a contract by the procuring entity under subsection (7) does not limit any legal remedy the procuring entity may have;
- 5) An employee or agent of the procuring entity or a member of the Board or committee of the procuring entity who has a conflict of interest with respect to a procurement: -
 - a) Shall not take part in the procurement proceedings;
 - b) shall not, after a procurement contract has been entered in to, take part in any decision relating to the procurement or contract; and
 - c) shall not be a subcontractor or for the tender to whom was awarded contract, or a member of the group of tenderers to whom the contract was awarded, but the subcontractor appointed shall meet all the requirements of this Act.
- 6) An employee, agent or member described in subsection (1) who refrains from doing anything prohibited under that subsection, but for that subsection, would have been within his or her duties shall disclose the conflict of interest to the procuring entity;

- 7) If a person contravenes subsection (1) with respect to a conflict of interest described in subsection (5)(a) and the contract is awarded to the person or his relative or to another person in whom one of them had a direct or indirect pecuniary interest, the contract shall be terminated and all costs incurred by the public entity shall be made good by the awarding officer. Etc.

3. In compliance with Kenya's laws, regulations and policies mentioned above, the Procuring Entity:

- a) Defines broadly, for the purposes of the above provisions, the terms set forth below as follows:
- i) "corrupt practice" is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
 - ii) "fraudulent practice" is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;
 - iii) "collusive practice" is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party; "coercive practice" is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
 - iv) "obstructive practice" is:
 - Deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede investigation by Public Procurement Regulatory Institute (PPRA) or any other appropriate Institute appointed by Government of Kenya into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
 - acts intended to materially impede the exercise of the PPRA's or the appointed authority's inspection and audit rights provided for under paragraph 2.3 e. below.
- b) Defines more specifically, in accordance with the above procurement Act provisions set forth for fraudulent and collusive practices as follows:

"fraudulent practice" includes a misrepresentation of fact in order to influence a procurement or disposal process or the exercise of a contract to the detriment of the procuring entity or the tenderer or the contractor, and includes collusive practices amongst tenderers prior to or after tender submission designed to establish tender prices at artificial non-competitive levels and to deprive the procuring entity of the benefits of free and open competition.

- c) Rejects a proposal for award¹ of a contract if PPRA determines that the firm or individual recommended for award, any of its personnel, or its agents, or its sub-consultants, sub-contractors, service providers, suppliers and/ or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;
- d) Pursuant to the Kenya's above stated Acts and Regulations, may recommend to appropriate Institute(ies) for sanctioning and debarment of a firm or individual, as applicable under the Acts and Regulations;
- e) Requires that a clause be included in Tender documents and Request for Proposal documents requiring (i) Tenderers (applicants/proposers), Consultants, Contractors, and Suppliers, and their Sub-contractors, Sub-consultants, Service providers, Suppliers, Agents personnel, permit the PPRA or any other appropriate Institute appointed by Government of Kenya to inspect² all accounts, records and other documents relating to the procurement process, selection and/or

contract execution, and to have them audited by auditors appointed by the PPRA or any other appropriate Institute appointed by Government of Kenya; and

- f) Pursuant to Section 62 of the above Act, requires Applicants/Tenderers to submit along with their Applications/Tenders/Proposals a “Self-Declaration Form” as included in the procurement document declaring that they and all parties involved in the procurement process and contract execution have not engaged/will not engage in any corrupt or fraudulent practices.

¹For the avoidance of doubt, a party's eligibility to be awarded a contract shall include, without limitation, (i) applying for pre-qualification, expressing interest in a consultancy, and tendering, either directly or as a nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.

² Inspections in this context usually are investigative (i.e., forensic) in nature. They involve fact-finding activities undertaken by the Investigating Institute or persons appointed by the Procuring Entity to address specific matters related to investigations/audits, such as evaluating the veracity of an allegation of possible Fraud and Corruption, through the appropriate mechanisms. Such activity includes but is not limited to: accessing and examining a firm's or individual's financial records and information, and making copies thereof as relevant; accessing and examining any other documents, data and information (whether in hard copy or electronic format) deemed relevant for the investigation/audit, and making copies thereof as relevant; interviewing staff and other relevant individuals; performing physical inspections and site visits; and obtaining third party verification of information.

6. FORM TECH-6B: CURRICULUM VITAE (CV)

Position Title and No.	{e.g., K-1, Team Leader}
Name of Expert:	{Insert full name}
Date of Birth:	{day/month/year}
Country of Citizenship	

Education: {List college/university or other specialized education, giving names of educational institutions, dates attended, degree(s)/diploma(s) obtained}

Employment record relevant to the assignment: {Starting with present position, list in reverse order. Please provide dates, name of employing organization, titles of positions held, types of activities performed and location of the assignment, and contact information of previous Procuring Entity's and employing organization(s) who can be contacted for references. Past employment that is not relevant to the assignment does not need to be included.}

Period	Employing organization and your title/position. Contact information for references	Country	Summary of activities performed relevant to the Assignment
[e.g., May 2011-present]	[e.g., Ministry of, advisor/consultant to... For references: Tel... /e-mail.....; Mr. Bbbbbb, deputy manager]		

Membership in Professional Associations and Publications:

Language Skills (indicate only languages in which you can work):

Adequacy for the Assignment:

Detailed Tasks Assigned on Consultant's Team of Experts:	Reference to Prior Work/Assignments that Best Illustrates Capability to Handle the Assigned Tasks
{List all deliverables/tasks as in TECH- 5 in which the Expert will be involved}	

Expert's contact information: (e-mail.....)

phone.....) Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience, and I am available to undertake the assignment in case of an award. I understand that any misstatement or misrepresentation described herein may lead to my disqualification or dismissal by the Procuring Entity, and/or sanctions by the PPRA.

Name of
Expert

Signature

{day /
month/year}

Name of authorized
Signature.
Representative of the
Consultant (the same who
signs the Proposal

Date
