

**EGERTON**

P.O Box 536-20115  
Egerton-Kenya



**UNIVERSITY**

Tel:051 2217989,2113248  
[www.egerton.ac.ke](http://www.egerton.ac.ke)

**ADDENDUM NOTICE 1 9<sup>TH</sup> JAN,2023**

Egerton University invited bidders via tender notice published on the Public Procurement Information Portal website [www.tenders.go.ke](http://www.tenders.go.ke) and on the University website [www.egerton.ac.ke](http://www.egerton.ac.ke) dated 31<sup>st</sup> December,2023 for the tender stated below:

<b>Tender Number</b>	<b>Description</b>
EU/FC/12/2023-2024	Provision of Life Insurance Services (Group Life and Medical Insurance Cover for Council Members) for Egerton University.

Kindly Take note of the following Clarification/amendments

1. That the tender name has been changed to read “Provision of Life Insurance Services (Group Life ) for Egerton University’.
2. That provision of Medical Insurance Cover for Council Members has been removed from the tender document .
3. That the Evaluation criteria has been amended as per the attached.*(Annexed below)*.
4. That the form of tender and the Price Schedule has been amended by removing the medical Insurance Cover
5. That the Form of tender and the Price Schedule has been amended .*(Annexed below)*.
6. That the tender opening date and time for the tenders have been changed from Wednesday 10<sup>th</sup> January, 2024 to **Monday 15<sup>th</sup> January,2023 at 11:00 a.m 2024.**
7. That the contract will be for a period of 3 years renewable annually upon satisfactory performance .
8. That the bidders who had prepared the Bid bonds need not prepare new ones as the validity of their bid bond will be calculated from the earlier date of tender opening i.e 10<sup>th</sup> January, 2024.

Interested bidders are advised to strictly adhere to the addendum notice.

All other terms and conditions remain the same.

Thank you.

**Grishon N. Gidhiomi**  
**Ag. Head of Procurement Department**  
**FOR: VICE-CHANCELLOR**

## Preliminary Evaluation Criteria

### STAGE 1: MANDATORY EVALUATION FOR UNDERWRITERS ONLY

	MANDATORY REQUIREMENTS
1.	Attach Power of Attorney that the signatory of the tender is authorized to sign the Tender on behalf of the tenderer
2.	Original Tender security/ Bid bond of <b>Kshs. 200,000.00</b> valid for 210 days from the date of tender opening, in form of a bank guarantee from a reputable bank recognized by the Central Bank of Kenya, payable to Procuring Entity
3.	Copy of certificate of Incorporation/registration
4.	Must have done annual Life insurance gross premium in the previous year (2022) of not less than <b>Kes.500 M</b> Proof must be attached.
5.	Valid Tax Compliance Certificate from KRA
6.	Certificate of registration from Insurance Regulatory Authority
7.	Evidence of Paid up capital of at least 600M (to be confirmed from he attached CR12)
8.	A copy of certified CR 12 from registrar of companies within the last 1 month together with IDs for Directors in the CR1 Certificate.
9.	A valid and current Business License from the County where the Business is Located .Either 2023 or Receipt for 2024 if 2024 is not ready
10.	Properly filled, signed and stamped Tender Eligibility - Confidential Business Questionnaire In Format Provided
11.	Valid Evidence of membership from Association of Kenya Insurer's (AKI)
12.	Properly filled, signed and stamped form of tender in the prescribed format and instructions in the tender document
13.	Duly filled, signed and stamped Certificate of Independent Tender Determination form in the format provided & SD1 and SD 2 declaration forms
14.	Must submit duly filled Declaration and Commitment to code of ethics form
15.	Attach a valid copy Data protection Certificate from the the Office Of Data Protection .
16.	Evidence of Valid NHIF compliance.
17.	Evidence of Valid NSSF compliance.
18.	Must submit duly filled price schedule in the format provided
19.	Duly executed reinsurance confirmation letter from the Lead re-insurers <b>on the terms provided for all classes of insurances quoted</b> addressed to the Vice Chancellor Egerton University indicating the Rates Used.
20.	Original Quote duly signed
21.	Two copies of the Tender (Copy and Original) all pages sequentially serialized including cover page in the format 1 of n,2 of n,3 of n,..... where n is the last page number. <b>NB. Original document should be original and the copy should a copy of the original document.</b>

*Underwriters who fail to meet any of each of the above MANDATORY REQUIREMENT will not proceed to Part B. Stage Two: Technical Evaluation*

**NB: Please note that the authenticity of the above documents provided MAY be verified with the relevant authority and any forgery or false presentation in any one of the above shall lead to automatic disqualification and render the tenderers bid non-responsive**

## EVALUATION CRITERIA FOR BROKERS ONLY

Interested brokers will be evaluated at the mandatory stage in two stages namely broker mandatory evaluation and part B. proposed underwriter mandatory evaluation stage.

### PART 1 A. BROKER MANDATORY EVALUATION CRITERIA

#### Stage 1: A. Mandatory Evaluation

1.	Attach authorization letter from the selected Underwriter. (The tender is one broker one underwriter) broker with 2 or more under witters will be considered non responsive.
2.	Certified Copy of Certificate Registration/Incorporation. MUST have been in existence for at least Five(5) Years.
3.	Current valid IRA License and certified by the issuing body.
4.	Current valid AIBK Membership Certificate and certified by the issuing body
5.	Valid tax compliance and CR12 with all Directors IDs/Passport copies .
6.	Original Tender security/ Bid bond of <b>Kshs. 200,000.00</b> valid for 210 days from the date of tender opening, in form of a bank guarantee from a reputable bank recognized by the Central Bank of Kenya, payable to Procuring Entity.
7.	Valid Business Permit from the County where the Business is Located .Either 2023 or Receipt for 2024 if 2024 is not ready.
8.	Properly filled, signed and stamped form of tender in the prescribed format and instructions in the tender document
9.	Duly filled, signed and stamped Certificate of Independent Tender Determination form in the format provided & SD1 and SD 2 declaration forms
10.	Must submit duly filled Declaration and Commitment to code of ethics form
11.	Must submit a duly filled up confidential business questionnaire in format provided, duly signed and stamped and provide valid and current CR12 issuing in the last one month.
12.	Must provide certified audited accounts for at least Two (2) Financial years prior to Tendering. (2022,2021)
13.	Evidence of valid professional indemnity policy of at least Ksh.50 million with a reputable underwriter(certified cover note to be attached)
14.	Broker should have handled Life insurance premiums of Kes 50 Million for the last two years.(2022,2021)
15.	Broker must have paid up capital of Kes 5 million certified by IRA.
16.	Broker must be registered with the data protection commission.
17.	Evidence of Valid NHIF compliance.
18.	Evidence of Valid NSSF compliance.
19.	Two copies of the Tender (Copy and Original) all pages sequentially serialized including cover page in the format <i>1 of n,2 of n,3 of n,.....where n is the last page number. NB. Original document should be original and the copy should a copy of the original document.</i>

***N/B Bidders who fail to meet any of each of the above MANDATORY REQUIREMENT will not proceed to Part B.Underwriter mandatory evaluation***

**STAGE 1: B. MANDATORY EVALUATION FOR PROPOSED UNDERWRITER BY BROKER**

**All interested brokers must submit the following documents and furnish together with their bid copies the following document and shall form part of the mandatory documents from the PROPOSED/RECOMMENDED UNDERWRITER.**

**N/B Choose only one (1) underwriter for all the policies being tendered for herein.**

<b>MANDATORY REQUIREMENTS</b>	
1.	Attach Power of Attorney that the signatory of the tender is authorized to sign the Tender on behalf of the tenderer
2.	Copy of certificate of Incorporation/registration
3.	Must have done annual Life insurance gross premium in the previous year (2022) of not less than <b>Kes.500 M</b> Proof must be attached.
4.	Valid Tax Compliance Certificate from KRA
5.	Certificate of registration from Insurance Regulatory Authority
6.	Evidence of Paid up capital of at least 600M (to be confirmed from he attached CR12)
7.	A copy of certified CR 12 from registrar of companies within the last 1 month together with IDs for Directors in the CR1 Certificate.
8.	A valid and current Business License from the County where the Business is Located .Either 2023 or Receipt for 2024 if 2024 is not ready
9.	Properly filled, signed and stamped Tender Eligibility - Confidential Business Questionnaire In Format Provided
10.	Valid Evidence of membership from Association of Kenya Insurer's (AKI)
11.	Properly filled, signed and stamped form of tender in the prescribed format and instructions in the tender document
12.	Duly filled, signed and stamped Certificate of Independent Tender Determination form in the format provided & SD1 and SD 2 declaration forms
13.	Must submit duly filled Declaration and Commitment to code of ethics form
14.	Attach a valid copy Data protection Certificate from the the Office Of Data Protection .
15.	Evidence of Valid NHIF compliance.
16.	Evidence of Valid NSSF compliance.
17.	Must submit duly filled price schedule in the format provided
18.	Duly executed reinsurance confirmation letter from the Lead re-insurers <b>on the terms provided for all classes of insurances quoted</b> addressed to the Vice Chancellor Egerton University
19.	Original Quote duly signed

**NOTES:**

- **UNDERWRITER MUST select/nominate only one broker only.underwriter with multiple brokers will be considered as non - responsive.**
- **Please note that the authenticity of the above documents provided MAY be verified with the relevant authority and any forgery or false presentation in any one of the above shall lead to automatic disqualification and render the tenderers bid non- responsive.**

## Stage Two: Technical Evaluation (Total Points 100)

Conditions to be met by the Underwriter / Underwriter Proposed by the Broker in the technical evaluation.

### STAGE 2. TECHNICAL EVALUATION

No.	Category	Criteria	Marks	Total
1	Firm's Experience	Current Five (5) Group Life cover Clients with Premiums Of At Least 10Million for GL and 2 Million for medical cover . Attach Certified Contracts Documents	5 Marks Per Complete Evidence	25
2	Methodology and workplan	Provide a methodology & work plan - <b>(5 marks)</b> Process flow of insurance cover placement <b>(5 marks)</b> Claims Management -Illustrating a clear working plan and Turnaround time. <b>(5 marks)</b>	15 marks	15
3	Financial Strength Provide	Capital adequacy ratio (C.A.R) of 1:1 i.e. 100% as per IRA guidelines each year for the last three years (2022, 2021 and 2020)	5 Marks per year	15
4.	Human Capital	Principle Officer (As Per IRA) <ul style="list-style-type: none"> <li>• Appointment Letter From IRA-<b>(2.5 marks)</b></li> <li>• Relevant Master Degree<b>(2.5 marks)</b></li> <li>• B.com (Insurance/Finance/Marketing)/Actuarial Science <b>(2.5 marks)</b></li> <li>• ACII/CII/AIIK/IIK Professional Qualification-<b>(2.5 marks)</b></li> <li>• Over 10 Years Insurance Experience<b>(2.5 marks)</b></li> <li>• Valid IIK/Association of Actuarial Membership<b>(2.5 marks)</b></li> </ul> Five Technical Staff <ul style="list-style-type: none"> <li>• Relevant Degree <b>(0.5 marks)</b></li> <li>• ACII/AIIK/CII Professional Qualification<b>(0.5 marks)</b></li> <li>• Valid AIIK Membership <b>(0.5 marks)</b></li> <li>• Over 5 Years Insurance Experience<b>(0.5 marks)</b></li> </ul>	15 Marks for Complete Evidence  2 Marks Per Staff for Complete Evidence	15  10
5	Claims Settlement	Evidence of Group Life claim payment done in the year 2022 or 2021 paid above <b>5 million</b> paid within 14 days turn around time.	1 Marks Per Claim payment	10
6	Credit Worthiness	Current and Valid Reference Letter from The Firm's Bankers Addressed to The Vice Chancellor Egerton University and Issued Within Tendering Period.	5 Marks	5
7	Accreditation	Any Relevant Positive Credit Ratings from A Recognized Body In Kenya (i.e CRB, GCR...)	5 Marks	5
		<b>TOTAL</b>		100

*Bidder who shall score above 80% shall proceed to financial evaluation*

**STAGE 3: FINANCIAL EVALUATION**

**D. INSTRUCTIONS ON SUBMISSION OF FINANCIAL QUOTATIONS PART A:  
DOCUMENT VERIFICATION**

The following conditions **MUST** be observed.

1. Submit Tender form duly completed, signed and stamped.
2. Confirmation of reinsurance policy as submitted in the preliminary criterion
3. In the interest of the University, the insurer shall be required to submit competitive financial quotations (premiums) proposals for the class of risks/cover.
4. Use Reinsurance rates.
5. Bidders must submit the premiums summary sheet along with the detailed quotations.
6. Premiums **MUST** be guaranteed for twelve (12) months.
7. Excesses/deductibles/exclusions/warranties **MUST** be indicated.
8. Limits of Liabilities **MUST** be indicated.
9. Free Cover limits **MUST** be indicated (where applicable) PART B: AWARD CRITERIA

The University will award the contract to the successful tenderer whose tender has been determined to be substantially responsive and has been determined to be the lowest evaluated tender within prevailing market rates for the cumulative premium, provided further that the tenderer is determined to be qualified to perform the contract satisfactorily

*Note:*

- *Broker to Attach Authorization letter from the proposed Underwriter (One Underwriter one broker)*
- The broker shall only submit the mandatory requirements*
- For underwriters who work with brokers the broker shall present all documents (broker document bound together with the underwriters documents)*
- The Insurance Broker must meet all the mandatory requirements.*
- *The underwriter nominated by the broker shall submit the technical requirements for evaluation including the financial proposal.*

**NOTE:**

- i. **Abnormally Low/ High Tenders will be rejected.**
- ii. **In compliance with section 82 of the PPAD Act 2015, The tender sum as submitted and read out during the tender opening shall be absolute and final and shall not be the subject of correction, adjustment or amendment in any way by any person or entity.**

## SECTION IV- TENDERING FORMS

### 1. **Form of Tender**

#### INSTRUCTIONS TO TENDERERS

- i) *The Tenderer must prepare this Form of Tender on stationery with its letterhead clearly showing the Tenderer's complete name and business address.*
- ii) *All italicized text is to help Tenderer in preparing this form.*
- iii) *Tenderer must complete and sign CERTIFICATE OF INDEPENDENT TENDER DETERMINATION and the SELF DECLARATION OF THE TENDERER and TENDERER'S ELIGIBILITY - CONFIDENTIAL BUSINESS QUESTIONNAIRE all attached to this Form of Tender.*
- iv) *The Form of Tender shall include the following Forms duly completed and signed by the Tenderer.*
  - a) *Tenderer's Eligibility-Confidential Business Questionnaire*
  - b) *Certificate of Independent Tender Determination*
  - c) *Self-Declaration of the Tenderer*

**Date of this Tender submission:** \_\_\_\_\_ [insert date (as day, month and year) of

Tender submission] **ITT No.:** \_\_\_\_\_ [insert number of ITT process]

To: \_\_\_\_\_ [insert complete name of Procuring Entity]

- a) **No reservations:** We have examined and have no reservations to the tendering document, including Addenda issued in accordance with ITT 9;
- b) **Eligibility:** We meet the eligibility requirements and have no conflict of interest in accordance with ITT 4;
- c) **Tender-Securing Declaration:** We have not been suspended nor declared ineligible by Egerton University based on execution of a Tender-Securing Declaration or Proposal-Securing Declaration in Kenya in accordance with ITT 21;
- d) **Conformity:** We offer to provide the Insurance Services in conformity with the tendering document of the following: [insert the list of items tendered for and a brief description of the Insurance Services];

#### SCHEDULE OF TENDERED ITEMS AND PRICES

1	2	3	4	5	6
No of item to be insured	Brief description of item to be insured	Sum assured Kshs/Monthly basic salary	Insurance period (Months)	Insurance Premium per annum	Total Tender Price for Insurance Service for 3 years (Tender Price)
1.	Group Life (GL)-Grade I-IV (257 )	8,426,143.00	3yrs		
2.	Group Life (GL)-Grade 5-18 (1115)	114,717,405.50	3yrs		
	<b>Total Cumulative premium (Tender price)</b>		3 yrs		

**N/B: In case the bidder is a broker, they are required to only choose only one (1) underwriter for all the classes/policies outlined above. Failure to comply shall render the tender non-responsive.**

- e) **Discounts:** The discounts offered and the methodology for their application are:
  - i) The discounts offered are: [*Specify in detail each discount offered.*]
  - ii) The exact method of calculations to determine the net price after application of discounts is shown below: [*Specify in detail the method that shall be used to apply the discounts*];
- f) **Tender Validity Period:** Our Tender shall be valid for the period specified in TDS 19.1(as amended if applicable) from the date fixed for the Tender submission deadline (specified in TDS 23.1(as amended if applicable), and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
- g) **Performance Security:** If our Tender is accepted, we commit to obtain a Performance Security in accordance with the tendering document;
- h) **One Tender Per Tenderer:** We are not submitting any other Tender (s) as an individual Tenderer, and we are not participating in any other Tender (s) as a Joint Venture member or as a subcontractor, and meet the requirements of ITT 4.3, other than alternative Tenders submitted in accordance with ITT 14;
- i) **Suspension and Debarment:** We, along with any of our subcontractors, suppliers, consultants, manufacturers, or insurance Providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the PPRA. Further, we are not in eligible under Kenya's official regulations or pursuant to a decision of the United Nations Security Council;
- j) **State-owned enterprise or institution:** [*select the appropriate option and delete the other*] [*We are not a state- owned enterprise or institution*]/ [*We are a state-owned enterprise or institution but meet the requirements of ITT 4.6*];
- k) **Commissions, gratuities and fees:** We have paid, or will pay the following commissions, gratuities, or fees with respect to the Tendering process or execution of the Contract: [*insert complete name of each Recipient, including Insurance Brokers, its full address, the reason for which each commission or gratuity was paid and the amount and currency of each such commission or gratuity.*]

Name of Recipient	Address	Reason	Amount

(If none has been paid or is to be paid, indicate “none.”)  
 [Delete if not appropriate, or amend to suit] We confirm that we understand the provisions relating to Standstill Period as described in this tendering document and the Procurement Regulations.

- (m) **Binding Contract:** We understand that this Tender, together with your written acceptance thereof included in your Form of Acceptance, shall constitute a binding contract between us, until a formal contract is prepared and executed;
- (n) **Not Bound to Accept:** We understand that you are not bound to accept the lowest evaluated cost Tender, the Best Evaluated Tender or any other Tender that you may receive;

- (o) **Fraud and Corruption:** We here by certify that we have taken steps to ensure that no person acting for us or on our behalf engages in any type of Fraud and Corruption.
- (p) **Collusive practices:** We here by certify and confirm that the tender is genuine, non-collusive and made with the intention of accepting the contract if awarded. To this effect we have signed the “Certificate of Independent tender Determination” attached below; and
- (q) **Code of Ethical Conduct:** We under take to adhere by the Code of Ethics for Persons Participating in Public Procurement and Asset Disposal, copy available from (specify website) during the procurement process and the execution of any resulting contract.
- (r) We, the Tenderer, have completed fully and signed the following Forms as part of our Tender:
  - (i) Tenderer's Eligibility; Confidential Business Questionnaire – to establish we are not in any conflict to interest.
  - (ii) Certificate of Independent Tender Determination – to declare that we completed the tender without colluding with other tenderers.
  - (iii) Self-Declaration of the Tenderer—to declare that we will, if awarded a contract, not engage in any form of fraud and corruption.
  - (iv) Declaration and commitment to the Code of Ethics for Persons Participating in Public Procurement and Asset Disposal.

Further, we confirm that we have read and understood the full content and scope of fraud and corruption as informed in “Appendix 1-Fraud and Corruption” attached to the Form of Tender.

Name of the Tenderer: \*[insert complete name of person signing the Tender]

Name of the person duly authorized to sign the Tender on behalf of the Tenderer: \*\*:..... [insert complete name of person duly authorized to sign the Tender]

Title of the person signing the Tender:..... [insert complete title of the person signing the Tender ] Signature of the person named above :..... [insert signature of person whose name and capacity are shown above]

Date signed:..... [insert date of signing] day of [insert month], [insert year].

## A. TENDERER'S ELIGIBILITY-CONFIDENTIAL BUSINESS QUESTIONNAIRE

### Instruction to Tenderer

Tender 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 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	If a Kenyan tenderer, he/she has provided a current tax clearance certificate or tax exemption certificate issued by the the Kenya Revenue Authority.	
11	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 \_\_\_\_\_

c) **Partnership**, provide the following details.

	<b>Names of Partners</b>	<b>Nationality</b>	<b>Citizenship</b>	<b>% Shares owned</b>
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.

	<b>Names of Director</b>	<b>Nationality</b>	<b>Citizenship</b>	<b>% Shares owned</b>
1				
2				
3				

e) **DISCLOSURE OF INTEREST-Interest of the Firm in Egerton University .**

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.

	<b>Names of Person</b>	<b>Designation in Egerton</b>	<b>Interest or Relationship with Tenderer</b>
1			
2			
3			

ii) **Conflict of interest disclosure**

	<b>Type of Conflict</b>	<b>Disclosure YES OR NO</b>	<b>If YES provide details of the relationship with Tenderer</b>
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	Tender 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.		
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		

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
	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 Egerton University 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 Egerton University who would be involved in the implementation or supervision of the Contract.		
9	Has the conflict stemming from such relationship stated in item 7 and 8 above been resolved in a manner acceptable to Egerton University 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)

## B. 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 authority to 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 any competitor 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 authority 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 \_\_\_\_\_ / Na \_\_\_\_\_

# 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 Egerton University* ) 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 herein above is true to the best of my knowledge, information and belief.

..... (Signature) ..... (Date) ..... (Title)

Bidder Official Stamp

**FORM SD2**

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

I, ..... of P. O. Box .....  
being a resident of .....  
..... in the Republic of ..... do 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 Egerton University ) and duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its servants and/or agents /subcontractors 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 Egerton University ) which is Egerton University .
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 Egerton University ).
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 herein above is true to the best of my knowledge, information and belief.

.....  
(Title) (Signature) (Date)

Bidder Official Stamp

## 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 hereby 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 .....

## **D. APPENDIX 1-FRAUD AND CORRUPTION**

*(Appendix 1 shall not be modified)*

### **1. Purpose**

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**

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.

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:

- i) 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 asset disposal proceeding;
- ii) A person referred to under subsection (1) who contravenes the provisions of that subsection commits an offence;
- iii) 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;
- iv) The voiding of a contract by Egerton University under subsection (7) does not limit any legal remedy Egerton University may have;
- v) An employee or agent of Egerton University or a member of the Board or committee of Egerton University 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 into, take part in any decision relating to the procurement or contract; and
  - c) shall not be a subcontractor for the tenderer to whom was awarded contract, or a member of the group of tenderers of whom the contract was awarded, but the subcontractor appointed shall meet all the requirements of this Act.
- vi) 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 Egerton University ;
- vii) 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.

Incompliance with Kenya's laws, regulations and policies mentioned above, Egerton University :

- 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;
  - iv) "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;
  - v) "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 Authority (PPRA) or any other appropriate authority 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 2.3e. 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 Egerton University 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 Egerton University of the benefits of free and open competition.
- c) Rejects a proposal for award<sup>1</sup> of a contract if PPR A 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 sanction or debar or recommend to appropriate authority (I e s) 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 authority appointed by Government of Kenya to inspect<sup>2</sup> 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 authority 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.

*For the avoidance of doubt, a party's ineligibility 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. Inspections in this context usually are investigative (i.e., forensic) in nature. They involve fact-finding activities undertaken by the Investigating Authority or persons appointed by the Egerton University 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.*

**SCHEDULE OF PRICES FORM**

*[Egerton University shall fill in these Forms to indicate the List of Insurance Services required by Egerton University [Columns1-4and the Tenderer shall complete columns 5-7as his /her Tender].*

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<i>No of items to be insured</i>	<i>Description of item to be insured</i>	<i>Value to be insured</i>	<i>Major contingencies requiring insurance</i>	<i>Insurance period</i>	<i>Insurance premium per specified period(tender price)</i>	<i>Price discount (If any)</i>	<i>Total tender price for insurance service (col.6-7)</i>
1.	Group Life (GL)-Grade I-IV (257 )	8,426,143.00		3yrs			
2.	Group Life (GL)-Grade 5-18 (1115)	114,717,405.50		3yrs			
3.	<b>Total Cumulative premium (Tender price)</b>			3yrs			

**N/B: In case the bidder is a broker, they are required to only choose only one (1) underwriter for all the classes/policies outlined above. Failure to comply shall render the tender non-responsive.**

Name of Tenderer .....*[insert complete name of Tenderer]*

Signature of Tenderer..... *[signature of person signing the Tender]*

Date..... *[insert date]*

