



NUMERICAL MACHINING COMPLEX LTD

Workshop Road, Off Bunyala Road

P.O. Box 70660-00400, Nairobi

Tel: 0716431114, 0202241701

Email: info@nmc.go.ke

Website: www.nmc.go.ke

TENDER NO. NMC/PREQ/001/2024-2026

**PRE-QUALIFICATION/REGISTRATION OF LEGAL PRACTITIONERS
FOR PROVISION OF LEGAL SERVICES FOR 2024-2025 & 2025-
2026 FINANCIAL YEARS**

NAME OF THE TENDERER:

NOTICE DATE: 5th June, 2024

CLOSING DATE: 19th June,2024 at 11:00 A.M

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INVITATION TO PRE-QUALIFICATION/REGISTRATION

PROCURING ENTITY: NUMERICAL MACHINING COMPLEX LTD

TENDER REF. NO. NMC/PREQ/001/2024-2026: INVITATION TO PRE-QUALIFICATION/REGISTRATION OF LEGAL PRACTITIONERS FOR PROVISION OF LEGAL SERVICES FOR 2024-2026 FINANCIAL YEARS

1. The **Numerical Machining Complex Ltd** intends to Prequalify/register Legal Practitioners for provision of Legal Services for a period of two (2) years.
2. Qualified and interested applicants may obtain further information during office hours *09:00am to 4:00pm* at the address: **Procurement office** located at NMC headquarters, **Workshop Road Nairobi**. **Email: supplies@nmc.go.ke**.
3. A complete set of the prequalification/registration documents shall be obtained electronically and downloaded for **free** from the PPIP website: **www.tenders.go.ke** or Numerical Machining Complex Ltd website: **www.nmc.go.ke** . Applicants who download the registration document are advised to forward their particulars (*Full name of the organization, email address, telephone numbers and postal address*) immediately using the **Email: supplies@nmc.go.ke** to facilitate any further clarification or addendum.
4. Completed application documents are to be enclosed in plain sealed envelopes marked with registration reference number and category and be deposited in the **tender box** located at the main entrance, ground floor of **Numerical Machining Complex Ltd** so as to be received on or before **19th June, 2024 at 11.00 A.M.**
5. Submitted applications will be opened immediately after the deadline date and time specified above or any deadline date and time specified later. Applications will be publicly opened in the presence of the applicants or applicant's designated representatives who choose to attend opening at the address below.
6. Electronic applications shall not be permitted.
7. Late applications will be rejected.
8. The addresses referred to above are:

a. Address for obtaining further information

Procurement Office,
Numerical Machining Complex Ltd
Workshop Road
P.O. Box 70660-00400, Nairobi.
Email: supplies@nmc.go.ke; Tel. [0716431114/0202241701](tel:0716431114/0202241701)

b. Address for Submission of Tenders

Managing Director,
Numerical Machining Complex Ltd
Workshop Road
P.O. Box 70660-00400, Nairobi.
Tender Box located at the Main entrance, Administration Block

c. Address for Opening of Tenders

Numerical Machining Complex Ltd,
Workshop Road
P.O. Box 70660-00400, Nairobi.
Staff Canteen

Managing Director

Numerical Machining Complex Ltd

Wednesday 5th June, 2024

GENERAL INSTRUCTIONS

1. Tenderers are requested to provide particulars as indicated in all parts of this document as accurately as possible and where space provided is not sufficient, please use a separate sheet of paper and attach to this form.
2. The Procuring Entity attaches great importance to correct information given. If the information given is found to be incorrect in any respect, the applicant shall be rendered ineligible for registration.
3. The Procuring Entity reserves the right to visit and inspect business premises of all the applicants to verify information provided.
4. All the information provided would be treated as confidential.
5. Tenderers Prequalification/Registration documents should legibly be filled or typed and submitted, **properly bound, fully filled signed and stamped where applicable** and **page numbered chronologically; i.e. 1,2,3,.....up to the last page of the submitted bid document.**

1. REGISTRATION INSTRUCTIONS

1.1 Introduction

Numerical Machining Complex Ltd (NMC Ltd) would like to invite interested candidates who must qualify by meeting the set criteria as provided to perform the contract for provision of legal services to NMC Ltd for a period of two (2) years.

1.2 Registration Objective

The main objective is to provide legal services to NMC Ltd on **as and when** required during the stated period.

1.3 Invitation of Registration

Interested tenderers should submit their prequalification/registration documents under the respective Laws of Kenya to Managing Director, so that they may be registered for submission of tenders when need arises. The prospective service providers are required to submit all mandatory information for Registration.

1.4 Experience

Prospective tenderers are expected to have previously provided delivery of similar services to Government/Corporation/ institutions of similar size. Potential tenderers must demonstrate the willingness and commitment to meet the Prequalification/Registration criteria.

1.5 Registration Document

This document includes questionnaire forms and documents required of prospective service providers.

1.6 In order to be considered for Prequalification/Registration, prospective tenderers must submit all the information herein requested.

2. BRIEF CONTRACT GUIDELINES

2.1 Taxes

The prospective tenderers must be compliant to all taxes as required by the law. The firms should be Electronic Tax Invoice compliant.

2.2 Contract Price

Prices quoted should be inclusive of all applicable charges.

2.3 Payments

All the services shall be on credit terms of thirty (30) days or as may be stipulated in the Contract Agreement.

3. REGISTRATION DATA INSTRUCTIONS

3.1 Registration data forms

The attached questionnaire forms described as part I, II, III, IV, V, VI, VII, are to be completed by prospective tenderers who wish to be registered for submission of tender for provision of legal services on need basis.

3.1.1 The registered application forms which are not filled out completely and submitted in the prescribed manner will not be considered. All the documents that form part of the proposal must be written in English and legible indelible ink.

3.2 Qualification

3.2.1 It is understood and agreed that the Pre-qualification/Registration data on prospective bidders is to be used by NMC Ltd in determining, according to its sole judgment and discretion, the qualifications of prospective bidders to perform in respect to each tender item/category as described by the client.

3.2.2 Prospective bidders will not be considered qualified unless in the judgment of NMC Ltd they possess capability, capacity, experience, qualified personnel available and suitability of equipment and net current assets or working capital sufficient to satisfactorily execute the contract for provision of legal services.

3.3 Essential Criteria for Prequalification/Registration

- 3.3.1** (a) Experience: Prospective tenderer shall have experience in the provision of legal services. They shall be required to have professional indemnity cover with reputable insurance Company.
- (b) Prospective tenderer requires special experience and capacity to provide legal services at short notice.
- (c) The Procuring Entity reserves to request for additional qualification information as the tender/quotation stage to suit particular procurement.

3.3.2 Personnel

The tenderer shall provide pertinent information to demonstrate that they have qualified staff to carry out the legal services briefs and CVs' o f t h e key personnel.

3.3.5 Past Performance

Past performance will be given due consideration in registering bidders. Letter of reference from past clients should be included in part VI of the registration document.

3.4 Statement

Application must include a sworn statement on part VIII by the Tenderer ensuring the accuracy of the information given.

3.5 Withdrawal of Registration.

Should a condition arise between the time the firm is registered to bid and the bid opening date which could substantially change the performance and qualification of the bidder or the ability to perform such services that may include but not limited to debarment by PPRA, bankruptcy etc, The Fund reserves the right to reject the tender from such a bidder even though they have been initially registered.

- 3.6** The firm must have a fixed Business Premise and must be registered in Kenya, with certificate of Registration or Incorporation, copies of which must be attached.

3.6.1 The firm must show proof that it has paid all its statutory obligations and have Valid Tax Compliance Certificate from the Kenya Revenue Authority (KRA).

3.6 Invitation to Tender.

Successful bidders that will be Prequalified/registered with the Procuring Entity will be issued with tender/RFP/Quotation documents as appropriate and all bidders invited are expected to quote. Those wishing not to participate are required to indicate reasons for non-participation on the tender/quotation/RFP failure to which the firm will not be considered for invitation to tender in future procurement opportunities for which they have been pre-qualified for.

4. PRE-QUALIFICATION/REGISTRATION EVALUATION CRITERIA

a) PRELIMINARY EVALUATION (MANDATORY REQUIREMENTS)

No.	Requirements	Status
1.	Copy of Certificate of Registration/Incorporation	Mandatory
2.	Copy of Valid Tax Compliance Certificate from Kenya Revenue Authority – to be verified at the KRA itax portal	Mandatory
3.	A Copy of CR 12 for Limited Companies or official searches for other entities (not more than 6 months old) and certified IDs/passports for Partnerships/ Sole Proprietorships and statement of particulars.	Mandatory
4.	Where applicable, certificate of registration for Access to Government Procurement Opportunities (AGPO)	Where applicable
5.	Letters of recommendation from three (3) Corporate Clients, preferably Government Entities	Mandatory
6.	Certificate of Admission and Current Practicing Certificates from Law Society of Kenya (LSK) and Judiciary	Mandatory

The prospective tenderers must qualify at preliminary evaluation stage to progress to the detailed evaluation stage.

b) DETAILED EVALUATION CRITERIA

Tenderers must submit all the required documents in order to be prequalified/registered for the provision of legal services

No.	Requirements	Part No.	Responsive/Non-responsive
1.	Registration Documentation	I	
2.	Tenderer Registration Data	II	
3.	Company Details (Confidential Business Questionnaire)	III	
4.	Financial Position	IV	
5.	Manpower/Key personnel	V	
6.	Past Performance & Experience	VI	
7.	Business Probity and Litigation History	VII	
8.	Sworn Statement	VIII	
	Responsive/Non-responsive		

PART I: REGISTRATION DOCUMENTATION

Tenderers must provide (attach) copies of the following as applicable: -

1. Copies of Certificate of Incorporation/Partnership deed/Business registration
2. Official search documents from the respective registries (CR 12)
3. Valid Tax Compliance Certificate from Kenya Revenue Authority
4. Copies of Identity Cards/Valid Passports for all Directors/owners/partners
5. Current letters of recommendation from three (3) organizations previously worked with in the past five (5) years
6. Copies of current practicing Certificates for all professionals where applicable from relevant/applicable bodies (LSK, Judiciary)
7. CVs for Key Personnel for the firm
8. Evidence of physical registered office – Attach utility bill e.g. Electricity/water bill e.t.c or lease/tenancy agreements
9. Valid business permit issued by the County Government where the firm is domiciled

10. Where applicable, certificate of registration for Access to Government Procurement Opportunities (AGPO).

PART II: TENDERER REGISTRATION DATA

A. Business Name.....

KRA Pin No.....

(Attach copy of registration/Incorporation certificate)

B. Address

P.O. Box.....Postal Code.....

City/Town.....

Telephone Nos

Mobile Nos.....

Email Address:.....

Website address (If any).....

C. Physical Address (Principal Office / HQ)

Business

Location.....

Name of building

Plot No.

Road/Street Name

Floor No.Room No.

D. Branches – Indicate the No. of Branches and Locations (if any)

.....

PART III: COMPANY DETAILS (CONFIDENTIAL BUSINESS QUESTIONNAIRE)

A. Sole Proprietor

Your name in full.....

Age.....

Nationality.....

Country of origin.....

*Citizenship details.....

B. Partnership

Given details of partners as follows:

Name	Nationality	Citizenship Details
------	-------------	---------------------

.....
.....
.....
.....

C. Registered Company:

Private or Public.....

State the nominal and issued capital of company-

Nominal Kshs.....

Issued Kshs.....

Given details of all directors as follows:-

Name	Nationality	Citizenship Details
------	-------------	---------------------

- 1.....
- 2.....
- 3.....
- 4.....

*If Kenya Citizen, indicate under “Citizenship Details” whether by Birth, Naturalization or Registration

2. NATURE OF BUSINESS

A. Please list the legal services you provide that are relevant to the services applied for:

- 1.....
- 2.....

PART IV: FINANCIAL POSITION OF THE FIRM

A. Company’s Capital

- 1) Authorized Shares Ksh
- 2) Issued Shares Ksh.....

B. Partnership & Sole Proprietorship:

Total Investment: Kshs.

NB: Provide and attach certified audited financial statements for the previous (latest) two (2) years and/or bank statements for the 6 months certified by the issuing bank as proof of ability to execute the contract.

C. Maximum value of business which you can handle at any time
.....

D. State terms of payment in preference order

- i)
- ii)

iii)

Note: The Procuring Entity will only make payment after satisfactory delivery of services as per contract.

PART V: KEY PERSONNEL

a) Name of Chief Executive Officer/ Partner/Managing Partner/
Managing Director/Executive Director

.....

b) How many staff does your organization have?.....

c) Indicate the number in each category:

(i) Advocates (Permanent..... Temporary)

(ii) Support Staff (Permanent..... Temporary)

d) Please describe generally the experience and expertise your organization
posses that will generally enable you to effectively and efficiently
undertake the services that you are applying for as required by NMC Ltd.

• Attach CV's of Advocates and submit in the following format.

Name.....

Age

Academic Qualification:

1.Under graduate.....

2. Post graduate.....

3. Professional Qualification

.....

(Attach Certificates)

4.Length of service with the firm Position held

PART VI: PAST PERFORMANCE & EXPERIENCE OF THE FIRM

a. Please provide at least three (3) major services/projects/assignments you have undertaken relevant to the job you are applying for registration performed over the last five (5) years:

1. Name of 1st Client

- i) Name of Client
- ii) Address of Client
- iii) Name of Contact Person at the client
- iv) Telephone Contact.....
- v) Value of Contract.....
- vi) Duration of Contract (date).....
- vii) Signature.....
- viii) Date.....

Company Stamp

(Attach recommendation from the client)

2. Name of 2nd Client

- i) Name of Client
- ii) Address of Client
- iii) Name of Contact Person at the client
- iv) Telephone Contact.....
- v) Value of Contract
- vi) Duration of Contract (date).....
- vii) Signature
- viii) Date.....

Company Stamp

(Attach recommendation from the client)

3. Name of 3rd Client

- i) Name of Client
- ii) Address of Client
- iii) Name of Contact Person at the client
- iv) Telephone Contact.....
- v) Value of Contract
- vi) Duration of Contract (date).....
- vii) Signature
- viii) Date.....

Company Stamp

(Attach recommendation from the client)

4. Name of 4th Client

- i) Name of Client
- ii) Address of Client
- iii) Name of Contact Person at the client
- iv) Telephone Contact.....
- v) Value of Contract
- vi) Duration of Contract (date).....
- ix) Signature
- vii) Date.....

Company Stamp

(Attach recommendation from the client)

b. Trade References

Attach at **least three (3) current letters of recommendation** from reputable organizations that you have provided legal services for the last five (5) years:

i) Name and address of your Bankers

.....

ii) Have you ever had an order/contract issued and cancelled in whole or part by NMC Ltd? Yes/No

If yes give reasons for cancellation

.....

.....

iii) Have you ever been issued with a tender/quotation document by NMC Ltd and you failed respond/submit? Yes/No

If yes give reasons for not submitting:

.....

.....

iv) Do you have any objection in NMC Ltd obtaining a confidential financial report from your bankers?.....

v) Has your company ever been involved in litigation/arbitration with clients/consultants?

If yes, give details

.....

.....

PART VII: BUSINESS PROBITY AND LITIGATION HISTORY

Please confirm whether any of the following criteria applies to your organization: Note that failure to disclose information relevant to this section may result in your exclusion as a potential NMC Ltd service provider.

No.	PARTICULARS	RESPONSE
1	Is the organization bankrupt or being wound up, having its affairs administered by the court, or have entered into an arrangement with creditors, suspended business activities or any analogous situation arising from similar proceedings in Kenya or the country in which it is established?	
2	Please provide a statement of any material pending or threatened litigation or other legal proceedings where the claim is of a value in excess of Kshs1,000,000.00	
3	Has any partner, director or shareholder been the subject of corruption or fraud investigations by the police, Ethics & Anti-Corruption Commission or similar authority in the country in which your organization is established?	
4	Has the organization not fulfilled obligations relating to the payment of any statutory deductions or	

	contributions including income tax as required under Kenyan law?	
5	Please state if any Director / Partner and / or Company Secretary of the Organization has a close relative who is employed by NMC Ltd and who is in a position to influence the award of any tender. For purpose of Registration process close relative refers to parents, siblings, spouse or children	

PART VIII: SWORN STATEMENT

Having filled and completed the prequalification information for the above provision of legal services applied for I hereby state:

1. The information and answers furnished in this prequalification questionnaire form (and any supporting documentation) are correct to the best of our knowledge and I understand that any misrepresentation will render my organization ineligible to participate in any future business activities with Numerical Machining Complex Ltd.
2. That in case of being pre-qualified we acknowledge that this grants us the right to participate in due time in the submission of a tender/ RFP or quotation on the basis of provisions in the tender documents to follow.
3. We enclose all the required documents and information required for the prequalification evaluation.
4. We will not engage in corrupt practices with the Procuring Entity's Staff members.
5. We have not been debarred from participating in Public Procurement Proceedings.

FORM DULY FILLED AND SIGNED BY AUTHORIZED SIGNATORY

Name:	
Designation:	
Signature:	
Date:	
Company Rubber Stamp /Seal (Full name and designation of the authorized person signing and affix Rubber stamp/seal)	