

REPUBLIC OF KENYA



MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN
DEVELOPMENT
State Department for Housing and Urban Development

ADDENDUM 2

**CLARIFICATIONS FOR PRE - QUALIFICATION OF PANEL OF EXPERTS FOR LEGAL
CONSULTANCY SERVICES**

This is in reference to tender advertisement for **Pre-qualification of Panel of Experts for Legal Consultancy Services** appearing on the Daily Nation and The Standard Newspapers of **Monday, 7th November 2022**.

Interested and eligible bidders are hereby notified that the following clarifications have been sought by various prospective bidders and the accompanying responses have been issued herewith as Addendum 2::

S/No	Query	Clarification
1.	<p>Request for Proposal (RFP) for Legal Consultancy Services for Affordable Housing (Framework Agreement) Tender No. MLPWHUD/SDHUD/AHP/019/2022-2023</p> <p>We intend to submit our proposal for Legal Consultancy for Affordable Housing as a firm if permissible under Section 2, Instructions to Consultants (ITC), Data Sheet 14.1.1). We are looking forward to hearing from you soon.</p>	Yes. This is in order
2.	<p>We confirm receipt of the Request for Proposal (RFP) for Legal Consultancy Services for Affordable Housing.</p> <p>We humbly request for permission from yourselves to associate with another firm for purposes of enhancing our experience</p>	Yes. This is in order.

3.	<p>Pre-qualification of Panel of Experts - Tender No: MLPWHUB/SDHUD/HP/019/2022-2023</p> <p>We write to request for a word format of the Request for Proposals posted on your website as a PDF document.</p>	<p>Kindly note that all bidders are using the PDF format.</p>
4.	<p>What happens where a firm fails to register an interest before the date stated in the tender. Does it disqualify the firm completely</p>	<p>It doesn't disqualify but assist the Procuring Entity in future communication with bidders. Kindly proceed to register your interest before the due date.</p>
5.	<p>We wish to request for clarifications on the below listed items:</p> <p>a) CR12 as a mandatory requirement- Our Firm being an LLP we can only provide a CR13. Can this cover for the CR12</p> <p>b) On Similar Legal Consulting Experience (Attach at least Ten (10)), will it be a basis for disqualification for a Firm that provides less than Ten? Also do they have to be strictly on affordable housing or can they be on other legal fields as well</p> <p>c) Lastly, on Practice license or certificate of the Firm, is it a Business permit/license? Can we in this case then attach the Court Judgement on business permits/licenses on Law Firms</p>	<p>a) Yes.</p> <p>b) No. It will not be a basis for disqualification. However, a firm will be scored based on the evaluation criteria provided.</p> <p>c) Yes. You may attach the attach the judgement.</p>
6.	<p>Time and date of proposal opening</p>	<p>We note an error appearing in several pages of the issued document. Kindly note that the tender opening date is as issued under Addendum No. 1 which was posted on the State Department's website.</p> <p>The tender opening date remains as per Addendum No. 1 which is 13th December, 2022 at 11.00am.</p>
7.	<p>We make reference to the above noted matter and to your tender advertisement on dailies.</p>	

	<p>As one of the consultants and/or supplier interested in the above captioned tender, we write as follows:</p> <p>a) It has come to our notice that the said tender advertisements on the dailies refers to <i>'Pre-qualification of Panel of Experts'</i>. However, on the website www.housingandurban.go.ke the tender document available is the <i>'Request for Proposal for Legal Consultancy Services'</i> and not pre-qualification as advertised. Please provide us with the information on the same.</p> <p>b) Further, the aforesaid tender document extract from the said website indicates a tender closing date of 13th December 2022 on the cover page whilst that of clause 18.1 at page 88 and clause 18.5 at page 17 indicates closing date as 13th December 2023. Noting the severe and glaring inconsistencies, please provide us with the clarification and information on the same.</p> <p>Pursuant to the provisions of the Article 227 of the Constitution of Kenya, procurement and asset disposal system should be fair, equitable, transparent, competitive and cost-effective. Article 35 also obligates the procuring entity to provide information that is necessary to ensure good governance system. Accordingly, please let us have your response on the same within 7 days from the date hereof so as to avoid possible litigation.</p>	<p>a) The State Department is coming up with a panel of experts to offer legal consultancy services who will be engaged on framework agreement terms</p> <p>b) This has already been clarified. Please refer to clarification item No. 6 above</p>
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All the other conditions remain the same.

**Head Supply Chain Management Services
For: The Principal Secretary
State Department for Housing and Urban Development.**

**P.O Box 30119 -00100
NAIROBI, KENYA**