

REPUBLIC OF KENYA



**MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN
DEVELOPMENT**

STATE DEPARTMENT FOR HOUSING AND URBAN DEVELOPMENT

Tender Document

for

**PROPOSED DESIGN, BUILD, FINANCE, OPERATE AND TRANSFER OF
STUDENTS ACCOMMODATION UNITS FOR MASENO UNIVERSITY**

TENDER NO. MLPWHUD/SDHUD/AHP/69/2023-2024

Ministry of Lands, Public Works, Housing and Urban Development
State Department for Housing and Urban Development
P.O. Box 30119-00100
Nairobi, Kenya
Tel: +254 020 271 3833

Issued on: 18th August 2023

Closing Date: 31st August 2023

CONTENTS

| | |
|--|-----------|
| INVITATION TO TENDER | 5 |
| 1. INTRODUCTION | 7 |
| 2. PROJECT DEVELOPMENT INFORMATION | 8 |
| 2.1. PROJECT DESCRIPTION | 8 |
| 2.2. PROJECT DELIVERY MODEL | 8 |
| 2.2.3. Engagement Structure | 8 |
| 2.2.4. Project Development Structure | 10 |
| 2.2.5. Project Financing | 13 |
| 2.2.6. VAT Exemptions | 13 |
| 2.2.7. Process of Engaging Home Buyers | 14 |
| 3. RESPONSE QUALIFICATION | 15 |
| 3.1. ORGANIZATIONAL AND LEGAL SUBMISSION | 15 |
| 3.2. TECHNICAL SUBMISSION | 17 |
| 3.2.1. Summary Description | 17 |
| 3.2.2. Profiles Demonstrating Experience and Expertise | 17 |
| 3.2.3. Information on Litigation and Claims | 17 |
| 3.2.4. Preference for Local Developers | 18 |
| 3.2.5. Personnel Qualification | 18 |
| 3.2.6. Qualification for Financial and Commercial Evaluation | 18 |
| 3.3. FINANCIAL AND COMMERCIAL SUBMISSION | 19 |
| 3.3.1. Demonstration of Financial Capacity | 19 |
| 3.3.2. Demonstration of Financial Performance* | 19 |
| 3.3.3. Details of the Bidder's Primary Bankers | 19 |
| 3.4. GUIDELINES ON SUBMISSION OF PROJECT PROFILES | 20 |
| 3.5. ADDITIONAL REQUESTS FOR INFORMATION | 21 |
| 3.6. PREPARATION AND SUBMISSION OF THE BIDDERS' RESPONSE | 21 |
| 3.7. EVALUATION PROCESS | 22 |
| 3.8. NEGOTIATION PROCESS | 23 |
| 3.9. EVALUATION CRITERIA | 27 |

| | | |
|-----------|---|-----------|
| 3.9.1. | Evaluation Criteria for Organizational and Legal Submission | 27 |
| 3.9.2. | Evaluation Criteria for Technical Submission | 29 |
| 3.9.3. | Evaluation Criteria for Financial Submission..... | 34 |
| 4. | STANDARD FORMS FOR RESPONSE SUBMISSION | 37 |
| 4.1. | STANDARD FORMS | 37 |
| 4.1.1. | Land for Proposed Affordable Housing Projects..... | 38 |
| 4.1.2. | Projects of Interest to Bidder Form | 39 |
| 4.1.3. | FORM SD1 – Self Declaration that the Person/Tenderer is not Debarred | 40 |
| 4.1.4. | FORM SD2 – Declaration Not to Engage in Corrupt or Fraudulent Practices | 41 |
| 4.1.5. | FORM SD3 – Disclosure on Housing and Infrastructure Projects..... | 43 |
| 4.1.6. | FORM SD4 – Declaration Not to Utilize Funds from Proceeds of Crime, Terrorism, and/or Money Laundering | 44 |
| 4.1.7. | Tender Security..... | 46 |
| 4.1.8. | Contact Information for Bidder | 48 |
| 4.1.9. | Litigation History | 49 |
| 4.1.10. | Project Experience | 50 |
| 4.1.11. | Personnel Information and Experience | 52 |
| 4.1.12. | Financial Performance Calculations | 55 |

ABBREVIATIONS

| | |
|---------|--|
| AHP | Affordable Housing Program |
| CA | Contracting Authority |
| DFGs | Development Framework Guidelines |
| EBITDA | Earnings Before Income, Tax, Depreciation and Amortization |
| EDGE | Excellence in Design for Greater Efficiencies |
| GoK | Government of Kenya |
| ICT | Information Communication Technology |
| ID | Government Identification Document |
| IFC | International Finance Corporation |
| KES | Kenya Shillings |
| KYC | Know Your Client |
| MLPWHUD | Ministry of Lands, Public Works, Housing and Urban Development |
| MSMEs | Micro and Small and Medium Enterprises |
| NHC | National Housing Corporation |
| PIN | Personal Identification Number |
| PPADA | Public Procurement and Asset Disposal Act |
| PPRA | Public Procurement Regulatory Authority |
| RFP | Request for Proposal |
| SDHUD | State Department for Housing and Urban Development |
| SPPP | Specially Permitted Procurement Procedure |
| TPS | Tenant Purchase Scheme |
| USD | United States Dollar |
| VAT | Value Added Tax |

INVITATION TO TENDER

Tender No. MLPWHUD/SDHUD/AHP/69/2023-2024

Tender Name: Proposed Design, Build, Finance, Operate and Transfer of Students accommodation Units for Maseno University

1. The **State Department for Housing and Urban Development** invites sealed bids for the Proposed Design, Build, Finance, Operate and Transfer of Students accommodation Units for Maseno University.
2. Tendering will be conducted through Specially Permitted Procurement Method using a standardized tender document.
3. Tender shall be quoted in Kenya Shillings and shall include all taxes. Tenders shall remain valid as indicated in this tender document.
4. The Tender must be accompanied by a tender Security of Kenya Shillings Three (3) million from a reputable financial institution.
5. Prospective bidders are required to submit their bids separately and independently with their bids clearly marked as per the list of available land for projects which is provided in *Section 4.1.1 :Land for Proposed Affordable Housing Projects* elsewhere in this document.
6. The terms of the definitive agreement between the Contracting Authority and the successful bidder to be agreed during the Negotiation phase of the relevant AHP project.
7. The Tenderer shall chronologically serialize all pages of the tender documents submitted. Tender Document must be tape bound and not Spiral bound. Spiral bound documents shall be automatically disqualified.
8. This tender is subject to applicable preference and reservation schemes under relevant applicable law and prospective bidders will be required to demonstrate how they intend to apply this in their submissions.
9. Completed tenders must be delivered to the address below on or before **31st August 2023 at 11.00 a.m. East African Time**. Electronic tender submissions **WILL NOT** be permitted.
10. Tenders will be opened immediately after the deadline date and time specified above or any deadline date and time specified later. The Tender will be publicly opened in the presence of the Tenderers' designated representative who choose to attend at the address below. The addresses referred to above are:

A. Address for Obtaining Further Information

State Department for Housing and Urban Development
Ardhi House, 6th Floor Room 606 B, 1st Ngong Avenue
P.O. Box 30119 - 00100 Nairobi

B. Address for Submission of Tenders

State Department for Housing and Urban Development
Ardhi House, 6th Floor, Tender Box, 1st Ngong Avenue
P.O. Box 30119 - 00100 Nairobi

C. Address for Opening of Tenders

State Department for Housing and Urban Development
Ardhi House, 6th Floor, Boardroom, 1st Ngong Avenue
P.O. Box 30119 -00100 Nairobi

Head, Supply Chain Management Services

Date: 18th August 2023

1. INTRODUCTION

The Government of Kenya has committed to deliver a series of ambitious social programs to promote long-term economic development for the country of which delivery of decent and adequate housing is a key agenda. The Government is targeting the delivery of 250,000 housing units per year and seeking to grow the level of homeownership across the country. The Government, through the State Department for Housing and Urban Development (SDHUD), has set aside several pieces of land towards achieving the same.

Through the Specially Permitted Procurement Procedure (SPPP), as stipulated under Section 114a of the Public Procurement and Asset Disposal Act 2015 (PPADA), SDHUD as the Contracting Authority (CA) wishes to invite Strategic Partners to undertake development of the Proposed Design, Build, Finance, Operate and Transfer of Students accommodation Units for Maseno University. The intention of this process is to identify Strategic Partners who are developers with experience in undertaking development by funding, constructing, and transfer housing developments. The eligible Strategic Partners must prove their ability to undertake the developments through demonstration of financial and technical capacity. The projects must be undertaken without transfer of risks or investor obligations to the Government. The Government of Kenya, through SDHUD, will provide to the Strategic Partner the land for the project and tax incentives as provided under the Affordable Housing Program (AHP).

Eligible prospective investors with financing are hereby invited to submit their proposals for consideration as Strategic Partners. To undertake this project, several guidelines have been provided to guide interested investors as they prepare responsive proposals. Investors are encouraged to indicate interest in the project provided they have the requisite financial and technical capacity to complete the project including sale of the units. SDHUD will evaluate and carry out due diligence on interested investors including assessment of their financial and technical capacity as provided in this document. Based on the evaluation results, successful bidders will be invited for direct negotiations leading to a contract award for the project. At negotiation stage, details on the project design, implementation, and delivery models as well as the legal and financial considerations will be finalized.

This Request for Proposal (RFP) document serves to identify interested investors, assess their requisite technical and financial capability for undertaking projects as Strategic Partners. Section 2 provides important background information on the intended project engagement structure and delivery model. Section 3 provides the required organizational, technical, and financing information for a responsive submission together with details on the evaluation criteria. Section 3 also provides information on the evaluation process and the negotiation process. Section 4 provides the standard forms for submission of the required information.

2. PROJECT DEVELOPMENT INFORMATION

2.1. PROJECT DESCRIPTION

- 2.1.1. The State Department for Housing and Urban Development (SDHUD) is issuing this Request for Proposal (RFP) with respect to prospective affordable housing projects on pieces of land offered up by National Government, County Governments, and the National Housing Corporation (NHC).
- 2.1.2. The full list of available land for projects is provided in *Section 4.1.1: Land for Proposed Affordable Housing Projects* elsewhere in this document.
- 2.1.3. Bidders are required to submit with this proposal the completed matrix of projects that they would be interest in through Projects of Interest to Bidder Form provided in *Section 4.1.2: Projects of Interest to Bidder Form* as part of the Technical Submission.

2.2. PROJECT DELIVERY MODEL

- 2.2.1. The Government is committed to collaborating with private sector investors to facilitate delivery of adequate, accessible, and affordable housing to all Kenyans in line with its national development agenda through various delivery models.
- 2.2.2. The anchor aims for the development remain as provision of affordable housing, in line with the Development Framework Guidelines (DFGs), and therefore interested investors must have concrete road maps for development of the site in short order after selection. It is important that the development strategy caters for all categories of affordable housing as defined in the AHP Development Framework Guidelines (DFGs).
- 2.2.3. The detailed features of the project delivery model will be finalized at negotiation and captured in the various agreements to be signed following contract award.

2.2.3. Engagement Structure

- 2.2.3.1. The bidding process will be under the Specially Permitted Procurement Procedure (SPPP) that allows for direct negotiations with the successful Strategic Partner following receipt of the responses to this RFP.
- 2.2.3.2. Bidders will be evaluated based on their technical experience in undertaking affordable housing developments, financial capacity, track record.

- 2.2.3.3. Following the qualification of bidders based on the technical and financial evaluation, bidders will be invited for negotiations whereby technical designs, legal and financing structuring, timelines for implementation, and other pertinent project information will be requested and finalized.
- 2.2.3.4. The project will be undertaken through a Design, Build, Finance, and Transfer model.
- 2.2.3.5. For projects on National Government land:
 - 2.2.3.5.1. The Contracting Authority will be the State Department for Housing and Urban Development with National Housing Corporation (NHC) participating as the prospective landowner.
 - 2.2.3.5.2. The Contracting Authority and NHC will enter into an agreement with the successful bidder (now Strategic Partner) to undertake the development.
 - 2.2.3.5.3. Under this arrangement, NHC will undertake the transfer of occupiable affordable housing units once sold and will manage the property until handover to the development's homebuyers as organized in a management corporation as stipulated by the Sectional Properties Act.
- 2.2.3.6. For projects on County Government land, the Contracting Authority will be the respective County Government.
- 2.2.3.7. For projects on National Housing Corporation land, the Contracting Authority will be National Housing Corporation.
- 2.2.3.8. The Contracting Authority will provide vacant site; however, the selected Bidder will be expected to finance any relocation of existing occupiers.
- 2.2.3.9. The Contracting Authority will expect to be given back between 5% – 10%, as will be agreed, of the units developed.
- 2.2.3.10. Successful bidders will be given development rights over the project site.

- 2.2.3.11. Bidders will be expected to familiarize themselves with the context of the project, related legal and policy frameworks, as well as the Affordable Housing Program documentation.
- 2.2.3.12. Once the Strategic Partner reaches financial close for the project, the Contracting Authority will allow the Strategic Partner to begin implementation of an approved pre-sales strategy.
- 2.2.3.13. Funds that will be collected from pre-sales will be held in an independent project account in safekeeping for the prospective homeowners. In this regard, the Contracting and Strategic Partner will appoint a local reputable financial institution to engage into escrow arrangements for purposes of handling the funds collected from the pre-sales (“Independent Escrow Agent”).
- 2.2.3.14. Developers who wish to access the build-up of deposits will be allowed to access the deposits ONLY towards the development against certificates/milestones signed off by the Project Manager in the form agreed and detailed in the Project and Escrow Agreement.
- 2.2.3.15. The Contracting Authority and the Strategic Partner will be signatories to the project account holding the pre-sales funds collected.

2.2.4. Project Development Structure

- 2.2.4.1. The project will be implemented on a Design, Build, Finance, and Transfer basis. It is the Contracting Authority’s expectation that respondents to this bid will be Developers whose responsibility will be to design the housing development, in accordance with stipulated standards, build with appropriate approved technology, finance, market, and transfer the housing units within the agreed framework.
- 2.2.4.2. Transfer of titles for the occupiable and sold housing units will be undertaken by the Contracting Authority except in the case of National Government land where NHC will undertake transfer of title.
- 2.2.4.3. The relationship between the Contracting Authority and the successful bidder (Strategic Partner or Developer) will be governed by a Project Agreement. Each party’s obligations will be set out under the Project Agreement.

- 2.2.4.4. The Contracting Authority will appoint a Project Manager who will administer the Contract and liaise with the Strategic Partners. The role of the Project Manager will be set out in the Project Agreement.
- 2.2.4.5. The Contracting Authority will provide the land, facilitate development approvals, facilitate access to tax incentives, and support the sales process.
- 2.2.4.6. The Strategic Partner (or Developer) will be expected to undertake the following:
- i. Development Fund Raising**
The Strategic Partner will be required to raise equity to get the development started and the necessary development project financing to complete the project. The Strategic Partner will thus provide funding for the project including generating pre-sales on the development.
 - ii. Planning and Development**
The successful Strategic Partner will, at their cost, ensure that the project to be undertaken is designed and implemented in accordance with the applicable policies, laws, and regulations.
 - iii. Cadastral Survey**
The Strategic Partner will be expected to carry out a full and comprehensive cadastral survey of all the portions of land related to the development with the aim of re-establishing the extent of the site boundaries.
 - iv. Topographical Survey**
The Strategic Partner will be expected to carry out a full and comprehensive topographical survey of all the portions of land related to the development to enable proper planning and design in compliance with existing legislation.
 - v. Geotechnical and Hydrological Investigations**
The Strategic Partner will be expected carry out proper investigations of geotechnical and hydrological conditions as is necessary before any development can take place.

vi. Environmental Management

The Strategic Partner will be expected to ensure that the development adheres to environmental legislation and the associated regulations.

vii. Social Infrastructure and Amenities

The Strategic Partner will be responsible for development of social infrastructure and amenities related to the project site at no additional cost to Government.

viii. IFC Edge Certification

The State Department for Housing and Urban Development has committed to benchmarking with International Finance Corporation's (IFC) Excellence in Design for Greater Efficiencies (EDGE) standard to design and build affordable, climate friendly homes meeting the minimum 20% improvement in Energy, Water, and Embodied Energy in Materials. Strategic Partners will be expected to meet these standards in the design and construction of the projects.

ix. Local Content and Micro and Small and Medium Enterprises (MSME) Framework

The Strategic Partner will be expected to have a framework for local content no less than the minimum local legislative requirements. Importantly, the State Department of Housing and Urban Development has ringfenced 69 items published in the *Jua Kali Production Manual* for the local MSME sector. These ring-fenced items have been standardized in the *Jua Kali Production Manual* for production purposes and bidders should refer to the manual for compliance in design.

Additionally, the Government has an objective to increase participation of affirmative action groups such as youth, persons living with disability, and women in procurement. Strategic Partners will be required to engage women in construction and provide evidence of this engagement as part of project documentation.

Therefore, the Strategic Partner will ensure that a comprehensive plan to activate the requirements for integration of MSMEs, Jua Kali

sector, and affirmative action groups, together with the requisite documentation, is in place.

There will be post-implementation audit on the project to establish the extent to which integration of MSMEs, Jua Kali sector, and affirmative action groups was conducted, and material non-compliance may result in revocation and recovery of the VAT tax exemptions.

2.2.5. Project Financing

- 2.2.5.1. Bidders are required to obtain their own financing to fund the construction of the project.
- 2.2.5.2. In addition, it is expected that the bidders will present in their proposals a strategy for sales and marketing on the development. Given that pre-sales are an important part of the financing, the bidders will be expected to demonstrate experience in successfully driving sales for similar development projects.
- 2.2.5.3. Bidders will be required to disclose the sources of their finances/funding at negotiation stage and will be subjected to Know Your Client (KYC) processes by various competent agencies.
- 2.2.5.4. Government is preparing an offtake framework that will include different offtake instruments that will be project specific and negotiated on a project basis.

2.2.6. VAT Exemptions

- 2.2.6.1. The Finance Act 2019 introduced the exemption of Value Added Tax (VAT) on the importation and local purchase of goods for the construction of affordable houses to spur the supply and uptake of the Affordable Housing Program (AHP).
- 2.2.6.2. The Strategic Partner will apply to SDHUD for the VAT exemption following successful award and in line with the relevant legislation and guidelines.
- 2.2.6.3. There will be a post-implementation audit on the development to ensure that the application of VAT exemptions was in line with the provisions in

the law, and material non-compliances may result in revocation and recovery of the VAT exemptions.

- 2.2.6.4. Post-implementation assessment rules for the units as well as integration of MSMEs, Jua Kali sector, and affirmative action groups, and indicating material non-compliance could also result in revocation and recovery of the VAT exemptions.

2.2.7. Process of Engaging Home Buyers

- 2.2.7.1. The successful bidder or Strategic Partner will be allowed to engage members of the Public interested in purchasing the affordable housing units as follows:
- i. The Strategic Partner may reach out to prospective home buyers through their own channels using agents, banks, amongst others.
 - ii. For buyers who sign up directly with the Strategic Partner for the affordable housing portion of the development, they will be required to meet the basic criteria below for which the Strategic Partner should evidence and file for records:
 - (a) Having monthly income below Kshs 150,000.00; and
 - (b) Being a first-time home buyer in an affordable housing scheme.
 - iii. As part of the broader Affordable Housing Program, these Projects will be eligible for approval as an Affordable Housing Scheme and uploaded on the Boma Yangu housing portal. Following contract execution and availability of approved conceptual drawings and renders, the respective project will be presented on the site as a housing project for which users can express interest.
 - iv. The Strategic Partner may choose to market the project on the Boma Yangu housing portal to the over 300,000 registered homebuyers interested in owning affordable homes in Kenya. Through Boma Yangu:
 - a. The Strategic Partner can relay information on the Project to members through bulk messaging.
 - b. The Strategic Partner may access information on those registered interested buyers on Boma Yangu who express interest in the development.

- v. The Project Agreement will determine when the Strategic Partner can access the deposits of those interested in a housing unit including when those deposits will be transferred to the Escrow Account.
- vi. Prospective homebuyers will be able to purchase a unit with cash, a mortgage, or payment plan in line with terms offered by the lenders.
- vii. Subject to availability, interested home buyers may be able to apply for a Tenant Purchase Scheme (TPS) or long-term Rent-to-Own scheme with the Contracting Authority.
- viii. Upon completion of payments i.e., receipt of cash, disbursement of the mortgages by lenders, and/or issuance of TPS, the sectional titles will be issued to the homeowners. Lenders offering mortgages will be entitled to hold the sectional titles as security for buyers who purchase the houses in this manner.

3. RESPONSE QUALIFICATION

The response for the RFP will be comprised of one submission in three parts:

- i. Organizational and Legal Submission;
- ii. Technical Submission; and
- iii. Financial and Commercial Submission.

3.1. ORGANIZATIONAL AND LEGAL SUBMISSION

3.1.1. The organizational and legal submission is intended to provide the Contracting Authority with information on the Bidder.

3.1.2. Bidders are requested to provide the following documents in a separately bound document which must be serialized and sequentially paginated:

- i. Certified copies of the Certificate of Incorporation for the Bidder's company;
- ii. Certified copies of CR12 or equivalent for the Bidder's company;
- iii. A Tax Compliance Certificate for the Bidder's company that is valid at the time of submitting the RFP;
- iv. Notarized or Certified Power of Attorney and Board Resolution/s allowing the signatory to submit the bid, negotiate, and possibly execute the Project Agreement on behalf of the Bidder's Company.

- v. A signed self-declaration form that neither the Bidder nor its affiliates are debarred on the Public Procurement Regulatory Authority (PPRA) list of ineligible firms and individuals;
- vi. A signed self-declaration form from the Bidder that they have not, and will not, be involved in corrupt or fraudulent practices;
- vii. A signed declaration from the Bidder that they shall make a disclosure of all housing and infrastructure projects to which they have committed themselves to as developer;
- viii. A signed self-declaration form from the Bidder that they will not utilize funds from proceeds of crime, terrorism, and/or money laundering for the project(s);
- ix. A Bid Security of Kenya Shillings Three (3) million in the form provided in *Section 4.1.7: Tender Security*;
- x. Contact information for the individuals responsible for communication with the Contracting Authority. Information requirements include:
 - Company Name
 - Contact Details (Contact Person, Address, Tel., E-Mail)
 - Parent Company Name (If Applicable)
 - Parent Company Contact Details (Address, Tel., E-Mail)

3.1.3. The Bidder shall be required to meet the financial and technical criteria.

3.1.4. The Bidder shall be expected to provide a duly notarized Power of Attorney and Board Resolution/s demonstrating the person to whom powers have been given to submit the bid, negotiate and possibly execute the Project Agreement.

3.1.5. Where certified copies of documents are requested, bidders should ensure that they are certified by an Advocate of the High Court or notarized.

3.1.6. It is critical that bidders provide clear contact information for the individuals responsible for communication with the Contracting Authority in this submission.

3.1.7. **Bidders are notified that all the documents in the Organization and Legal Submission section are mandatory. Bidders who do not provide these documents will be considered non-responsive and will therefore be disqualified.**

3.2. TECHNICAL SUBMISSION

The technical submission is intended to provide the Contracting Authority with information on the technical experience of the Bidder and their capacity to participate in the Development as a Strategic Partner. Bidders are requested to provide the following in a separately bound or file document:

3.2.1. Summary Description

Bidders should provide a Summary Description and Approach for the Project.

3.2.2. Profiles Demonstrating Experience and Expertise

- i. Bidders should provide evidence of undertaking similar projects (complexity and value of projects) in the format described in *Section 3.4: GUIDELINES ON SUBMISSION OF PROJECT PROFILES*.
- ii. Bidders are encouraged to include projects demonstrating:
 - a. Satisfactory experience in the execution of projects of a broadly similar nature to the one envisaged under the project;
 - b. Ability to successfully undertake pre-sale strategies and plans; and
 - c. Experience in raising capital to fund similar projects.
- iii. Bidders are required to provide at least one (1) project profile of a successfully completed project in the last ten (10) years.
- iv. Bidders demonstrating affordable housing development projects¹ undertaken in the last ten (10) years will have an advantage.
- v. **Bidders are advised that all projects submitted should demonstrate the Bidder's ability to fund, build, and transfer housing development projects – this means experience as a contractor employed on a development project does not qualify.**

3.2.3. Information on Litigation and Claims

Bidders are required to provide a letter from their external Legal Counsel detailing the status of any claims, litigation, judgments, notices of violations, or administrative enforcement actions arising out of the developments they have previously undertaken.

¹For purposes of this RFP, an affordable housing project is a housing development with units costing less than KES 6 million per unit with contract sum of at least KES 100 million

3.2.4. Preference for Local Developers

Bidders who are local developers will have an advantage.

3.2.5. Personnel Qualification

Bidders will be assessed on the quality of personnel in their teams and will be required to demonstrate that they have staff available and dedicated to this project with the expertise noted below. Bidders are advised that these are not the Consultants that will be working on the project but members of the core team who work in the Bidder's Company. The use of local professionals is highly encouraged and will be advantageous.

3.3.5.1. Expertise in Real Estate Development

Bidders should provide information on staff with real estate development experience including design of real estate developments, successfully executing pre-sales strategies and marketing plans, project management of the development during construction, and successful handover to buyers. Information demonstrating real estate development expertise should include:

- At least two (2) members of staff with at least three (3) years' experience in real estate development, available and designated for the project;
- At least two (2) members of staff with professional specialization or qualification in real estate development; and
- Participation of the two (2) team members above in at least two (2) housing development projects in the last 10 years.

3.3.5.2. Expertise in Financial Structuring and Fund-Raising

Bidders should provide information on staff with financial structuring and fundraising experience including:

- At least one (1) member of staff with at least three (3) years' experience in finance, available and designated for the project;
- At least one (1) member of staff with professional specialization or qualification in finance; and
- Participation of the team member above in at least two (2) housing development projects in the last 10 years.

3.2.6. Qualification for Financial and Commercial Evaluation

In order to qualify for the next stage, Bidders must score at least 70% of the allocated points in the technical evaluation. Only bidders meeting this threshold will have their financial and commercial submissions evaluated.

3.3. FINANCIAL AND COMMERCIAL SUBMISSION

The financial and commercial submission is intended to provide the Contracting Authority with information of the financial capacity and commercial strategy of the Developer to undertake the development. Bidders are requested to provide the following in a separately bound or file submission:

3.3.1. Demonstration of Financial Capacity

3.3.1.1. Bidders are required to provide the following information demonstrating their financial capacity:

- i. Certified copies of audited financial statements for the Bidder's Company for the last three (3) years showing cash and cash equivalents of KES 1 billion.
- ii. A signed resolution by the Board of Directors undertaking to commit own equity of up to 30% of the Project value or equivalent of the works undertaken in the development. The Board resolution should be accompanied by a Power of Attorney authorizing the signatory/signatories to the Board of Resolution.

3.3.2. Demonstration of Financial Performance*

3.3.2.1. Demonstration of financial performance will be evaluated using the following metrics:

- i. Annual turnover from the audited financial statements for the last three (3) years;
- ii. Net worth or equity from the audited financial statements for the last three (3) years; and
- iii. Debt Profile: EBITDA / Interest from the audited financial states for the last three (3) years.

3.3.2.2. Bidders are required to provide calculations of the above financial performance metrics in three separate and clearly labelled tables as provided in the Standard Forms below.

3.3.3. Details of the Bidder's Primary Bankers

3.3.3.1. Bidders are required to provide details on their primary bankers including contact details in the following format:

| |
|----------------------------|
| Bank Name |
| Contact Person Name |
| Contact Person Designation |
| Contact Person Address |
| Contact Person Telephone |
| Contact Person E-Mail |

3.3.3.2. Bidders should include in this submission a letter with an express authorization copied to the Banker confirming that the Contracting Authority can contact the Banker for a reference on the Bidder.

3.4. GUIDELINES ON SUBMISSION OF PROJECT PROFILES

3.4.1. Bidders should demonstrate experience in undertaking similar projects through submission of profiles of the work undertaken, time taken to raise the capital as well as demonstrate the use of funds to the project until completion.

3.4.2. The profiles, which should be submitted as part of the technical submissions, as described above, should contain the following details:

- i. Name and location of development;
- ii. Names and telephone numbers of the client, if any;
- iii. A reasonably detailed description of the project, including design, construction, and financing structure;
- iv. The Bidder's role in project development, design, development permits, financing, construction, regeneration (if any), operation, maintenance, and marketing;
- v. Development timeline, including construction start and completion dates;
- vi. Completion certificates for completed projects;
- vii. Total development costs for the project;
- viii. Contract agreements with the contractor for the projects;
- ix. Proof of capital raised for the project by providing financing agreements for projects and letter of attestation on equity injected into the project;
- x. Proof of successful pre-sales through a letter of attestation on the level of pre-sales achieved in each project;
- xi. Project cash flow for each of the projects; and
- xii. Reference information for Bidders' Contractor or Lead Consultant in each of the projects provided in the format below:

| |
|--------------|
| Company Name |
|--------------|

| |
|--|
| Contact Details (Contact Person, Address, Tel., E-Mail) |
| Parent Company Name (If Applicable) |
| Parent Company Contact Details (Address, Tel., E-Mail) |
| (If Applicable) Local Company Name |
| Relevant Contact Details (Contact Name, Address, Tel., E-Mail) |

3.5. ADDITIONAL REQUESTS FOR INFORMATION

- 3.5.1. Should Bidders require additional information in relation to the RFP such request should be made in writing to the Client via email at:
procurementhousingandurban@gmail.com.
- 3.5.2. In due course, should the Contracting Authority require additional information on the references submitted by the Bidder, the Contracting Authority may request such information from the interested parties.
- 3.5.3. The Contracting Authority reserves the right to request oral presentations from interested firms, if this is deemed necessary.

3.6. PREPARATION AND SUBMISSION OF THE BIDDERS' RESPONSE

- 3.6.1. Bidders are advised that responses shall be written and submitted in the English language. Any requested and/or other supporting documentation provided in any other language must be accompanied by certified translations.
- 3.6.2. Bidders are required to separate their submissions into three different bound documents for the:
 - i. Organizational and Legal Submission;
 - ii. Technical Submission; and
 - iii. Financial and Commercial Submission.
- 3.6.3. In preparing the submissions to this RFP, Bidders are expected to familiarize themselves with the affordable housing program and real estate development in Kenya, as well as applicable policies, laws, and regulations.
- 3.6.4. Bidders are advised of the requirement to include at least 40% local content for provision of goods, services, and labor, in their project plans.
- 3.6.5. Bidders are advised that their submissions must be paginated, serialized, tape bound and signed by the authorized signatory on all pages including attachments.

- 3.6.6. Bidders should submit hard copies, together with a soft copy, of their responses on or before the date of tender closure at the address provided in the *INVITATION TO TENDER* section of this document.
- 3.6.7. The submissions must remain valid until a Project Agreement is signed with respect to the development.
- 3.6.8. Information relating to evaluation of submissions to this RFP and recommendations concerning awards shall not be disclosed to Bidders or to other persons not officially concerned with the process, until the process is completed up to signing of the Project Agreement.
- 3.6.9. Corrupt or Fraudulent Practices
- 3.6.9.1. The Contracting Authority requires that the Bidders observe the highest standards of ethics during the selection and award of Strategic Partners and also during the performance of the assignment.
- 3.6.9.2. Bidders shall sign and provide a declaration that they have not and will not be involved in corrupt or fraudulent practices.
- 3.6.9.3. The Contracting Authority will reject a contract award if it determines that the Bidder selected as the successful Strategic Partner has engaged in corrupt or fraudulent practices during the RFP process.
- 3.6.9.4. Further, Bidders who are found to have indulged in corrupt or fraudulent practices risk being debarred from participating in public procurement in Kenya.

3.7. EVALUATION PROCESS

- 3.7.1. Following the receipt of submissions, the Contracting Authority will appoint an evaluation committee who will evaluate the submissions on the basis of completeness of information provided by Bidders as well as responsiveness to the criteria set out in this RFP document.
- 3.7.2. The following evaluation criteria will be used by the Contracting Authority to establish and select the successful Strategic Partner. Bidders should therefore meet these criteria without material deviations, reservation, or omission.

- 3.7.3. The Contracting Authority will conduct due diligence on the submissions provided by the bidders, including but not limited to:
 - 3.7.3.1. Verification of documents including certified copies and certifying entities or individuals.
 - 3.7.3.2. Verification of company documentation including certificate of incorporation, memorandum of articles, IDs and PINs of Directors, and other related documents.
 - 3.7.3.3. Verification of project profiles and experience including contacting of previous clients.
 - 3.7.3.4. Verification of financial documents and references from financiers, lenders, and banks, as case may be.
 - 3.7.3.5. Verification of submitted bid security.
- 3.7.4. Upon completion of the evaluation of the RFP submissions, the Bidder with the highest ranked score will be invited for negotiations to discuss and conclude the project agreement.

3.8. NEGOTIATION PROCESS

- 3.8.1. The Contracting Authority will appoint a team for the purpose of the negotiations.
- 3.8.2. The Contracting Authority will subject the successful bidder to due diligence and Know Your Client (KYC) processes using various approaches and competent agencies.
- 3.8.3. The Client will negotiate with the successful bidder following the conclusion of the evaluation process. Should negotiations fail with the first successful bidder, the bidder with the second highest score will be invited to negotiate a contract.
- 3.8.4. The place of negotiations will be communicated in the letter of notification to proceed to negotiations.
- 3.8.5. The first meeting will outline key areas of negotiation including technical design submissions, legal and financial structuring, and other important areas to both parties.
- 3.8.6. Subsequent meetings will then review submissions of the technical design and specifications for the development by the Bidder. At a minimum, the submissions should address:

- 3.8.6.1. Detailed design on the plots of the affordable housing units taking into consideration requirements for minimum densities for urban housing projects, universal design, phased development, and a development split that provides for affordable units and market-rate units.
- 3.8.6.2. Minimum social amenities to ensure good quality of life for residents and comply with existing policy, legal, and regulations frameworks for affordable housing.
- 3.8.6.3. Land use guidelines as provided by the Affordable Housing Program to accommodate internal road works, utilities, green space, recreational spaces, and residential spaces as well as existing development usage guidelines by the County Government of Nairobi.
- 3.8.6.4. Innovating design and use of technologies that will facilitate affordable mass housing production, taking into consideration cost, time, and quality.
- 3.8.6.5. Design concepts that respond to local dynamics and culture.
- 3.8.6.6. Green building concepts that limit carbon footprint, through creating structures and using processes that are environmentally responsible and resource efficient through a building life cycle, from siting to design, construction, operation, maintenance, renovation, and de-construction (demolition).
- 3.8.6.7. Mainstream green building design including green energy in the development process.
- 3.8.6.8. Embrace rainwater harvesting for cleaning and greening of the estates.
- 3.8.6.9. Compliance with IFC EDGE minimum standards.
- 3.8.6.10. Integration of smart city developments and future proofing of developments to ensure efficient service provision utilizing ICT, including surveillance infrastructure.
- 3.8.6.11. Ensure fiber connectivity to the development for both commercial areas and dwelling units, noting that SDHUD can facilitate linkages with investors and commercialization partners.

- 3.8.6.12. Integration of infrastructure for gas reticulation, noting that SDHUD can facilitate linkages with investors and commercialization partners.
- 3.8.6.13. Provision of facilities for vulnerable groups including disabled, elderly, children, among other categories of special users.
- 3.8.6.14. Sustainability and maintainability of the estate and related amenities, bearing in mind the objective of affordability.
- 3.8.6.15. A coherent and detailed work plan for the undertaking the project. A proposed Gantt chart and development timeline should be provided in the work plan. In addition, Bidders should provide descriptions on the types of building technology(ies) to be deployed. The work plan should also include a description of strategies that the Bidder may deploy to mitigate construction and delivery risk.
- 3.8.6.16. Evidence on the speed of delivery for the proposed development including strategies for phased development.
- 3.8.6.17. Other features and benefits that will make this development a holistic, equitable, and sustainable human settlement.
- 3.8.6.18. Integration of local content and MSME framework plan.
- 3.8.6.19. Integration of affirmative action groups framework plan including women in construction.
- 3.8.7. The following meeting will consider legal and finance considerations including:
 - 3.8.7.1. Review of the marked-up Project Agreement, Escrow Agreement, and other legal documents governing the project delivery model.
 - 3.8.7.2. Review of financial work plan;
 - 3.8.7.3. Disclosures on the sources of funding for the projects;
 - 3.8.7.4. Review of pre-sales strategy and plan;
 - 3.8.7.5. Assessment of readiness for financial close; and

3.8.7.6. Other relevant information related to legal and financial arrangements for the project.

3.8.8. Other meetings to address outstanding issues will be scheduled as needed, and lead to award of contract and signing of the Project Agreement.

3.9. EVALUATION CRITERIA

3.9.1. Evaluation Criteria for Organizational and Legal Submission

| ITEM | REQUIREMENTS | SUBMITTED | MANDATORY |
|------|--|-----------|-----------|
| | | (Y/N) | |
| 1 | ORGANIZATION AND LEGAL WITH EVIDENCE ATTACHED | | |
| | <i>Please note that all the documents in this section are mandatory. Bidders who do not provide these documents will not be assessed for technical and financial capability.</i> | | |
| 1.1 | Certified copies of the Certificate of Incorporation or equivalent for the Bidder's company | | Mandatory |
| | <i>Please note that foreign entities should be submit notarized power of attorney and local companies should submit documents certified by an Advocate of the High Court</i> | | |
| 1.2 | Certified copies of CR12 or equivalent for the Bidder's company | | Mandatory |
| | <i>Please note that foreign entities should be submit notarized power of attorney and local companies should submit documents certified by an Advocate of the High Court</i> | | |
| 1.3 | Tax Compliance Certificate that is valid at the time of submitting the RFP | | Mandatory |
| 1.4 | Notarized or Certified Power of Attorney and Board Resolution/s allowing the signatory to submit the bid, negotiate, and possibly execute the Project Agreement on behalf of the Bidder's Company. | | Mandatory |
| | <i>Please note that foreign entities should be submit notarized power of attorney and local companies should submit documents certified by an Advocate of the High Court</i> | | |
| 1.5 | A signed declaration that neither the Bidder nor its affiliates are listed on Public Procurement Regulatory Authority (PPRA) list of ineligible firms and individuals. | | Mandatory |

| ITEM | REQUIREMENTS | SUBMITTED | MANDATORY |
|------|--|-----------|------------------|
| | | (Y/N) | |
| 1.6 | A signed declaration from the Bidder that they shall make a disclosure of all housing and infrastructure projects to which they have committed themselves to as developer. | | Mandatory |
| 1.7 | A signed declaration from the Bidder that they have not, and will not, be involved in corrupt or fraudulent practices | | Mandatory |
| 1.8 | A signed declaration form from the Bidder that they will not utilize funds from proceeds of crime, terrorism, and/or money laundering for the project(s). | | Mandatory |
| 1.9 | Bid Security of KES Three (3) million in the form provided in <i>Section 4.1.7 Tender Security</i> | | Mandatory |
| 1.10 | Contact information for the individuals responsible for communication with the Contracting Authority. | | Mandatory |

3.9.2. Evaluation Criteria for Technical Submission

| ITEM | REQUIREMENTS | POINTS SCORED | MAX POINTS |
|-------|---|---------------|------------|
| 2 | TECHNICAL SUBMISSION | | 50 |
| 2.1 | Profiles Demonstrating Experience and Expertise | | 27 |
| 2.1.1 | Summary Description and Approach for the Project by the Bidder | | 5 |
| | <ul style="list-style-type: none"> ▪ Description is well-organized, coherent, and shows logical progression on how delivery of affordable housing will be undertaken | | 5 |
| | <ul style="list-style-type: none"> ▪ Description is well-organized, but not as coherent, and doesn't show logical progression on how delivery of affordable housing will be undertaken | | 3 |
| | <ul style="list-style-type: none"> ▪ Description is not well-organized, not coherent, and doesn't show logical progression on how delivery of affordable housing will be undertaken | | 1 |
| | | | |
| 2.1.2 | At least (1) No. successfully completed development projects in the last ten (10) years | | 9 |
| | <ul style="list-style-type: none"> ▪ 1 No. Project of similar nature, complexity, and magnitude (over KES 1 billion) | | 9 |
| | <ul style="list-style-type: none"> ▪ 1 No. Project of similar nature, complexity, and magnitude (between KES 500 million and KES 1 billion) | | 4 |
| | <ul style="list-style-type: none"> ▪ 1 No. Project of similar nature, complexity, and magnitude (between KES 250 million and KES 499 million) | | 2 |
| | <ul style="list-style-type: none"> ▪ 1 No. Project of similar nature, complexity, and magnitude (below KES 250 million) | | 0 |
| | | | |
| 2.1.3 | At least one (1) affordable housing project in the last ten (10) years | | 3 |
| | <ul style="list-style-type: none"> ▪ At least one (1) No. affordable housing project | | 3 |

| ITEM | REQUIREMENTS | POINTS SCORED | MAX POINTS |
|--------------|--|---------------|------------|
| | <ul style="list-style-type: none"> No affordable housing project | | 0 |
| | <i>Please note that for purposes of this RFP, an affordable housing project is a housing development with units costing less than KES 6 million per unit with contract sum of at least KES 100 million</i> | | |
| 2.1.4 | Proof of capital raised for the projects provided | | 5 |
| | <ul style="list-style-type: none"> Financing agreements and letters of attestation on equity injected into projects provided for 2 projects. | | 5 |
| | <ul style="list-style-type: none"> Financing agreements and letters of attestation on equity injected into projects provided for 1 the project. | | 3 |
| | <ul style="list-style-type: none"> Non-disclosure of financing agreements and letters of attestation on equity injected into projects. | | 0 |
| 2.1.5 | Proof of successful pre-sales for the projects provided | | 5 |
| | <ul style="list-style-type: none"> Letters of attestation on the level of pre-sales achieved provided for 2 projects. | | 5 |
| | <ul style="list-style-type: none"> Letters of attestation on the level of pre-sales achieved provided for 1 project. | | 3 |
| | <ul style="list-style-type: none"> No letters of attestation on the level of pre-sales achieved. | | 0 |
| 2.2 | Litigation and Claims | | 3 |
| | <ul style="list-style-type: none"> Letter from external Legal Counsel attests that there are no claims, litigation, judgments, notices of violations, or administrative enforcement actions arising from any of the projects. | | 3 |
| | <ul style="list-style-type: none"> Letter from external Legal Counsel provides details on the status of any claims, litigation, judgments, notices of violations, or administrative enforcement actions provided. | | 1 |

| ITEM | REQUIREMENTS | POINTS SCORED | MAX POINTS |
|----------------|---|---------------|------------|
| | <ul style="list-style-type: none"> No letter from external Legal Counsel on claims, litigation, judgments, notices of violations, or administrative enforcement actions has been provided. | | 0 |
| 2.3 | Bidders are local developers | | 3 |
| | <ul style="list-style-type: none"> Bidders are local developers | | 3 |
| | <ul style="list-style-type: none"> Bidders are not local developers | | 0 |
| 2.4 | Personnel Qualification and Experience | | 17 |
| 2.4.1 | Project Personnel – Real Estate Development Experience | | 8 |
| 2.4.1.1 | Real Estate Development Experience | | 3 |
| | <ul style="list-style-type: none"> At least two (2) team members designated to the project with at least ten (10) years' real estate development experience | | 3 |
| | <ul style="list-style-type: none"> At least two (2) team members designated to the project with at least five (5) years' real estate development experience | | 1 |
| | <ul style="list-style-type: none"> At least two (2) team members designated to the project with at least three (3) years' real estate development experience | | 0.5 |
| 2.4.1.2 | Professional Specialization and Qualifications in Real Estate Development | | 2 |
| | <ul style="list-style-type: none"> At least two (2) team members with professional specialization or qualification in real estate development | | 2 |
| | <ul style="list-style-type: none"> At least one (1) team member with professional specialization or qualification in real estate development | | 1 |

| ITEM | REQUIREMENTS | POINTS SCORED | MAX POINTS |
|----------------|--|---------------|------------|
| 2.4.1.3 | Participation in Housing Development Projects | | 3 |
| | <ul style="list-style-type: none"> Participation of the team members above in at least two (2) housing development projects over the last 10 years | | 3 |
| | <ul style="list-style-type: none"> No participation of the team members above in at least two (2) housing development projects over the last 10 years | | 0 |
| | | | |
| 2.4.2 | Project Personnel – Financial Structuring and Fund-Raising Experience | | 8 |
| 2.4.2.1 | Financial Structuring and Fund-Raising Experience | | 3 |
| | <ul style="list-style-type: none"> At least two (2) team members designated to the project with at least ten (10) years in financial structuring and fund-raising experience | | 3 |
| | <ul style="list-style-type: none"> At least two (2) team members designated to the project with at least five (5) years in financial structuring and fund-raising experience | | 1 |
| | <ul style="list-style-type: none"> At least two (2) team members designated to the project with at least three (3) years in financial structuring and fund-raising experience | | 0.5 |
| | | | |
| 2.4.2.2 | Professional Specialization and Qualifications in Real Estate Finance | | 2 |
| | <ul style="list-style-type: none"> At least two (2) team members with professional specialization or qualification in real estate finance | | 2 |
| | <ul style="list-style-type: none"> At least one (1) team member with professional specialization or qualification in real estate finance | | 1 |
| | | | |

| ITEM | REQUIREMENTS | POINTS SCORED | MAX POINTS |
|---------|--|---------------|------------|
| 2.4.2.3 | Participation in Housing Development Projects | | 3 |
| | <ul style="list-style-type: none"> ▪ Participation of the team members above in at least two (2) housing development projects over the last 10 years | | 3 |
| | <ul style="list-style-type: none"> ▪ No participation of the team members above in at least two (2) housing development projects over the last 10 years | | 0 |
| | | | |
| 2.4.3 | Inclusion of local professionals | | 1 |
| | <ul style="list-style-type: none"> ▪ Bidders project personnel include local professionals | | 1 |
| | <ul style="list-style-type: none"> ▪ Bidders project personnel do not include local professionals | | 0 |

3.9.3. Evaluation Criteria for Financial Submission

| ITEM | REQUIREMENTS | POINTS SCORED | MAX POINTS |
|-------|--|---------------|------------|
| 3 | FINANCIAL SUBMISSION | | 50 |
| 3.1 | Demonstration of Financial Capacity | | 15 |
| 3.1.1 | Certified copies of audited financial statements for the last three (3) years showing cash and cash equivalents of up to [KES 1 billion]. | | 10 |
| | <ul style="list-style-type: none"> ▪ Audited financial statements show more than [KES 1 billion] in cash and cash equivalents for all three (3) years. | | 10 |
| | <ul style="list-style-type: none"> ▪ Audited financial statements show between [KES 500 million and KES 1 billion] in cash and cash equivalents for all three (3) years. | | 7 |
| | <ul style="list-style-type: none"> ▪ Audited financial statements show between [KES 200 million and 499 million] in cash and cash equivalents for all three (3) years. | | 4 |
| | <ul style="list-style-type: none"> ▪ Audited financial statements show below [KES 200 million] in cash and cash equivalents for all three (3) years. | | 0 |
| | <p><i>* Bidders may provide consolidated financial statements if cash and cash equivalents are in separate project companies.</i></p> | | |
| | | | |
| 3.1.2 | A signed resolution by the Board of Directors of the Bidder undertaking to commit own equity up to [30%] of the Project value of the proposed portion of the development. The Board resolution should be accompanied by a Power of Attorney authorizing the signatory / signatories to the Board of Resolution. | | 5 |
| | <ul style="list-style-type: none"> ▪ Signed resolution of 30% together with Power of Attorney provided | | 5 |
| | <ul style="list-style-type: none"> ▪ Signed resolution of between 10% and 29% together with Power of Attorney provided | | 3 |

| ITEM | REQUIREMENTS | POINTS SCORED | MAX POINTS |
|--------------|---|---------------|------------|
| | <ul style="list-style-type: none"> ▪ Signed resolution of below 10% together with Power of Attorney provided | | 1 |
| | <ul style="list-style-type: none"> ▪ Non-responsive on provision of signed resolution and/or Power of Attorney | | 0 |
| | * <i>Bidders may provide consolidated financial statements if cash and cash equivalents are in separate project companies.</i> | | |
| | | | |
| 3.2 | Demonstration of Financial Performance | | 32 |
| 3.2.1 | Provision of audited financial statements showing audited turnover for the last three (3) years | | 15 |
| | <ul style="list-style-type: none"> ▪ Annual Turnover greater than or equal to KES 2 billion | | 15 |
| | <ul style="list-style-type: none"> ▪ Annual Turnover between KES 750 million and 2 billion | | 10 |
| | <ul style="list-style-type: none"> ▪ Annual Turnover below KES 750 million | | 5 |
| | * <i>Bidders may provide consolidated financial statements if cash and cash equivalents are in separate project companies.</i> | | |
| | | | |
| 3.2.2 | Provision of calculations of net worth or equity from the audited financial statements for the last three (3) years | | 12 |
| | <ul style="list-style-type: none"> ▪ Net worth greater than or equal to KES 750 million | | 12 |
| | <ul style="list-style-type: none"> ▪ Net worth between KES 500 million and 750 million | | 6 |
| | <ul style="list-style-type: none"> ▪ Net worth below KES 500 million | | 2 |
| | * <i>Bidders may provide consolidated financial statements if cash and cash equivalents are in separate project companies.</i> | | |
| | | | |
| 3.2.3 | Provision of calculations for Debt Profile: EBITDA / Interest (x times) from the audited financial states for the last three (3) years | | 5 |

| ITEM | REQUIREMENTS | POINTS SCORED | MAX POINTS |
|------------|---|---------------|------------|
| | <ul style="list-style-type: none"> ▪ Debt profile greater than or equal to 2x | | 5 |
| | <ul style="list-style-type: none"> ▪ Debt profile between 1.5x and 2x | | 3 |
| | <ul style="list-style-type: none"> ▪ Debt profile between 1x and 1.5x | | 1 |
| | <ul style="list-style-type: none"> ▪ Debt profile below 1x | | 0 |
| | <p>* <i>Bidders may provide consolidated financial statements if cash and cash equivalents are in separate project companies.</i></p> | | |
| | | | |
| 3.3 | Details of Primary Banker for Reference Check | | 3 |
| | <ul style="list-style-type: none"> ▪ Details of the primary banker provided in the format required and letter of authorization for a reference check on cash and cash equivalents. | | 3 |
| | <ul style="list-style-type: none"> ▪ Non-responsive on provision of primary banker details and/or letter of authorization for a reference check. | | 0 |

4. STANDARD FORMS FOR RESPONSE SUBMISSION

4.1. STANDARD FORMS

- Project Description Form
- FORM SD1 – Self Declaration That the Bidder Is Not Debarred in The Matter of The Public Procurement and Asset Disposal Act 2015
- FORM SD2 – Self Declaration That the Bidder Will Not Engage in Any Corrupt or Fraudulent Practices
- FORM SD3 – Self Declaration That the Bidder Will Make Disclosure of All Housing and Infrastructure Projects to Which They Have Committed Themselves
- FORM SD4 – Self Declaration That the Bidder Will Not Utilize Funds from Proceeds of Crime, Terrorism, and/or Money Laundering
- Form of Tender Security
- Bidder Contact Information Form
- Litigation History Form
- Project Profile Form
- Curriculum Vitae Form
- Demonstration of Financial Performance Calculations

4.1.1. Land for Proposed Affordable Housing Projects

| S/No. | Proposed Project | Land Size (Approx.) | Land Ownership | Feasibility study |
|-------|---|---------------------|-------------------|-------------------|
| 1 | Proposed Design, Build, Finance, Operate and Transfer of Students accommodation Units for Maseno University | 35 Acres | Maseno University | Not Done |

4.1.2. Projects of Interest to Bidder Form

PROJECTS OF INTEREST TO BIDDER

I (person) on behalf of (*Name of the Business/ Company/Firm*) note that the Bidder **is interested in the following projects** and will **submit separate proposals** for the same. I understand that this form must be submitted as part of the Technical Submission for each separate proposal.

| S/No. | Proposed Project | Land Size (Approx.) | Land Ownership | Feasibility study | Interested in the Project? (Yes/No) |
|-------|---|---------------------|-------------------|-------------------|-------------------------------------|
| 1 | Proposed Design, Build, Finance, Operate and Transfer of Students accommodation Units for Maseno University | 35 Acres | Maseno University | Not Done | |

Name:

Signature:

Date:

Bidder Official Stamp

Note: All italicized text is for use in preparing this form and shall be deleted from the final product.

4.1.3. FORM SD1 – Self Declaration that the Person/Tenderer is not Debarred

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 Contracting Authority*) 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.

Name:

Signature:

Date:

Bidder Official Stamp

Note: All italicized text is for use in preparing this form and shall be deleted from the final product.

4.1.4. FORM SD2 – Declaration Not to Engage in Corrupt or Fraudulent Practices

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

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 the Contracting Authority*) 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 the Contracting Authority*) 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 (*Insert name of the Contracting Authority*).
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.

Name:

Signature:

Date:

Bidder Official Stamp

Note: All italicized text is for use in preparing this form and shall be deleted from the final product.

4.1.5. FORM SD3 – Disclosure on Housing and Infrastructure Projects

SELF DECLARATION THAT THE PERSON/TENDERER WILL MAKE DISCLOSURE OF ALL HOUSING AND INFRASTRUCTURE PROJECTS TO WHICH THEY HAVE COMMITTED THEMSELVES.

I (person) on behalf of (*Name of the Business/ Company/Firm*) declare that I do here by commit to make disclosure to (*Insert name of the Contracting Authority*) of all housing and infrastructure project to which we have committed ourselves in the manner to be prescribed by the Contracting Authority as soon as the projects are contracted.

Name:

Signature:

Date:

Bidder Official Stamp

Note: All italicized text is for use in preparing this form and shall be deleted from the final product.

4.1.6. FORM SD4 – Declaration Not to Utilize Funds from Proceeds of Crime, Terrorism, and/or Money Laundering

SELF DECLARATION THAT THE BIDDER WILL NOT UTILIZE FUNDS FROM PROCEEDS OF CRIME, TERRORISM, AND/OR MONEY LAUNDERING

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 the Contracting Authority*) and duly authorized and competent to make this statement.

2. THAT the aforesaid Bidder, its servants and/or agents /subcontractors will not utilize funds from proceeds of crime, terrorism, and/or money laundering in executing the project under the above noted Tender.

3. THAT the aforesaid Bidder, should they be successful, will make disclosure at the time of negotiations to (*Insert name of the Contracting Authority*) on the sources of financing/funding for the project under the above noted Tender.

Name: _____

Signature: _____

Date: _____

Bidder Official Stamp

Note: All italicized text is for use in preparing this form and shall be deleted from the final product.

4.1.7. Tender Security

FORM OF TENDER SECURITY – Demand Bank Guarantee

Beneficiary: _____
Request for Proposal No.: _____
Date: _____
Tender Guarantee No.: _____
Guarantor: _____

1. We have been informed that
(hereinafter called "the Applicant") has submitted or will submit to the Beneficiary its Tender (hereinafter called" the Tender") for the execution of *(Insert tender title/description)* under Request for Tenders No. ("the ITT").

2. Furthermore, we understand that, according to the Beneficiary's conditions, Tenders must be supported by a Tender guarantee.

3. At the request of the Applicant, we, as Guarantor, hereby irrevocably undertake to pay the Beneficiary any sum or sums not exceeding in total an amount of KES
(Insert Bid Security amount in words and figures) upon receipt by us of the Beneficiary's complying demand, supported by the Beneficiary's statement, whether in the demand itself or a separate signed document accompanying or identifying the demand, stating that either the Applicant:
 - (a) has withdrawn its Tender during the period of Tender validity set forth in the Applicant's Letter of Tender ("the Tender Validity Period"), or any extension thereto provided by the Applicant; or

(b) having been notified of the acceptance of its Tender by the Beneficiary during the Tender Validity Period or any extension thereto provide by the Applicant, (i) has failed to execute the contract agreement, or (ii) has failed to furnish the Performance.

4. This guarantee will expire:

(a) if the Applicant is the successful Tenderer, upon our receipt of copies of the contract agreement signed by the Applicant and the Performance Security and, or

(b) if the Applicant is not the successful Tenderer, upon the earlier of (i) our receipt of a copy of the Beneficiary's notification to the Applicant of the results of the Tendering process; or (ii) thirty days after the end of the Tender Validity Period.

5. Consequently, any demand for payment under this guarantee must be received by us at the office indicated above on or before that date.

Name:

Signature:

Date:

Note: All italicized text is for use in preparing this form and shall be deleted from the final product.

4.1.8. Contact Information for Bidder

BIDDER CONTACT INFORMATION FORM

I (person) on behalf of (*Name of the Business/ Company/Firm*) note that the individual noted below are responsible for communication with the Contracting Authority.

Bidder's Name: _____

Contact Person _____

Contact Person Address _____

Contact Person Telephone or Mobile No. _____

Contact Person Email: _____

Parent Company Name, if applicable: _____

Parent Company Address: _____

Parent Company Telephone: _____

Parent Company Email: _____

Name: _____

Signature: _____

Date: _____

Bidder Official Stamp

Note: All italicized text is for use in preparing this form and shall be deleted from the final product.

4.1.9. Litigation History

LITIGATION HISTORY FORM

| | |
|------------------------|--|
| Name of Bidder's Firm: | |
|------------------------|--|

Firms should provide information on any history of litigation or arbitration resulting from contracts executed in the last five (5) years or currently under execution.

| Year | Award FOR or AGAINST Firm | Name of client, cause of litigation and matter in dispute | Disputed amount (current value, Kshs.) |
|------|---------------------------|---|--|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Name: _____

Signature: _____

Date: _____

Bidder Official Stamp

4.1.10. Project Experience

PROJECT PROFILE FORM

| | |
|-------------------------------|--|
| Name of Bidder's Firm: | |
|-------------------------------|--|

| | |
|---|---|
| NAME OF THE DEVELOPMENT | |
| LOCATION OF THE DEVELOPMENT | |
| NAME AND CONTACT OF CLIENT, IF ANY | NAME: |
| | TELEPHONE: |
| | EMAIL: |
| DESCRIPTION OF THE PROJECT: <i>{The description should be reasonably detailed and include information on design, construction, financing structure, etc.}</i> | |
| BIDDER'S ROLE IN THE PROJECT: | <i>{Provide details of involvement in project covering such details as development permits, financing, construction, regeneration (if any), operation, maintenance and marketing, etc.}</i> |
| DEVELOPMENT TIMELINE | <i>{Provide details of the project's development timeline including contract close, financial close, construction start and completion dates, etc.}</i> |
| TOTAL DEVELOPMENT COSTS | KES |
| | USD |

| | |
|--|--|
| COMPLETION CERTIFICATES FOR COMPLETED PROJECTS | <i>{Provide certified copies as an attachment to the project profile table}</i> |
| CONTRACT AGREEMENTS WITH THE CONTRACTOR FOR COMPLETED PROJECTS | <i>{Provide certified copies as an attachment to the project profile table}</i> |
| PROOF OF CAPITAL RAISED FOR THE PROJECT | <i>{Provide certified copies of financing agreements and signed letter of attestation of equity injected into the project as an attachment to the project profile table}</i> |
| PROOF OF SUCCESSFUL PRE-SALES | <i>{Provide signed letter of attestation on level of pre-sales achieved including related timelines as an attachment to the project profile table}</i> |
| PROJECT CASH FLOW FOR THE PROJECT | <i>{Provide details of the project's cashflow with timelines as an attachment to the project profile table.}</i> |
| REFERENCE INFORMATION FOR THE BIDDER'S CONTRACTOR OR LEAD CONSULTANT IN THE PROJECT | |
| Company Name | |
| Role on the Project | |
| Contact Person | |
| Contact Person Address | |
| Contact Person Telephone or Mobile No. | |
| Contact Person Email: | |
| Parent Company Name, if applicable: | |
| Parent Company Address: | |
| Parent Company Telephone: | |
| Parent Company Email: | |

Bidder Official Stamp

Note: All italicized text is for use in preparing this form and shall be deleted from the final product.

4.1.11. Personnel Information and Experience

CURRICULUM VITAE (CV) FORM

No more than three (3) pages per CV of each team member.

| | |
|------------------------|----------------------------|
| Position Title | <i>{e.g., Team Leader}</i> |
| Name of Team Member: | <i>{Insert full name}</i> |
| Date of Birth: | <i>{day/month/year}</i> |
| 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 Infor for references | Country | Summary of activities performed relevant to the Assignment |
|---------------------------------|---|----------------|---|
| <i>[e.g., May 2011-present]</i> | <i>[e.g., Ministry of, advisor/consultant to...]</i> | | |

| | | | |
|--|--|--|--|
| | <i>For references: Tel...../e-mail.....; Mr./Ms..... , Deputy Manager]</i> | | |
| | | | |
| | | | |

MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS AND PUBLICATIONS:

LANGUAGE SKILLS:

{Indicate only languages in which you can work}

ADEQUACY FOR THE ASSIGNMENT:

| Detailed Team Qualifications Required of the Bidder's Team of Experts: | Reference to Prior Work/Assignments that Best Illustrates Required Qualifications |
|---|--|
| <i>{List required qualities}</i> | <i>{Reference to prior or current work}</i> |
| | |
| | |
| | |

TEAM MEMBER'S CONTACT INFORMATION:

Contact Phone No.

Contact Email:

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 Contracting Entity, and/or sanctions by the Public Procurement Regulatory Authority (PPRA).

Name of Team Member:

Signature:

Date:

Name of Bidders' Authorized
Representative:

Signature:

Date:

Note: All italicized text is for use in preparing this form and shall be deleted from the final product.

4.1.12. Financial Performance Calculations

DEMONSTRATION OF FINANCIAL PERFORMANCE CALCULATIONS

| | |
|-------------------------------|--|
| Name of Bidder's Firm: | |
|-------------------------------|--|

1. ANNUAL TURNOVER

| YEAR | ANNUAL TURNOVER (KES) |
|------|--------------------------|
| | |
| | |
| | |

2. NET WORTH OR EQUITY

| YEAR | NET WORTH OR EQUITY (KES) |
|------|------------------------------|
| | |
| | |
| | |

3. DEBT PROFILE: EBITDA/INTEREST

| YEAR | EBIDTA (KES) | INTEREST (KES) | EBITDA/INTEREST (#. # x) |
|------|-----------------|-------------------|-----------------------------|
| | | | |
| | | | |
| | | | |

Name: _____

Signature: _____

Date: _____

Bidder Official Stamp