



**ciheb**  
KENYA  
improving the human  
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## **Request for Proposal (RFP)**

Ciheb-Kenya

Award/Class: SHARED

Requisition Number: PRF210831010

Date: 7<sup>th</sup> September 2021

Ciheb-Kenya invites your firm to participate in this competitive solicitation for Provision of Legal services and associated services for our office in Kenya.

### **INTRODUCTION**

The Center for International Health, Education and Biosecurity (Ciheb) — Kenya is a local non-governmental organization collaborating with the Ministry of Health and County Health Management Teams to strengthen health systems for improved quality of health care in Kenya. Ciheb-Kenya is collaborating with the national and county governments to implement health related programs including HIV service delivery programs, HIV case-based surveillance systems and supporting the COVID-19 vaccination roll-out.

### **GENERAL REQUIREMENTS**

Ciheb-Kenya intends to procure the services of a legal professional to advise on legal and compliance matters on ad hoc basis.

### **SCOPE OF SERVICES:**

Provide legal opinion/endorsement/recommendations on day-to-day business affairs in line with the NGO Coordination Act, (1990) and other enabling laws of the country. This includes provision of legal advice in the process of contract development, contract management and contract administration, negotiations, memorandum of understanding, amendment of the constitution and organizational policies and procedures, legal endorsement of performance guarantees or any other guarantees

- i. Act on behalf of the Ciheb-Kenya with relevant government authorities as and when required regarding corporate/ contractual/ commercial/ legal matters of the organization e.g., work permits
- ii. Providing legal opinion and support in negotiations, meditations and alternative dispute resolution in international/ national forums as required

- iii. Provide legal opinion as and when required on all organizational processes in compliance with the laws of Kenya including but not limited to labor law, corporate and commercial laws, procurement law, taxation laws, and other relevant laws
- iv. Respond to legal notices received by Ciheb-Kenya

**The deliverables of this effort are:**

Expected Outputs/Deliverables.

When called on to provide services from time to time, the firm in question will be expected to carry out the requested tasks/assignments in accordance with instructions provided by Ciheb-Kenya to the satisfaction of Ciheb-Kenya. Ciheb-Kenya will specify the form of output/deliverables at the time instructions are issued.

**Reporting.**

The services will be provided under the guidance and direction of the Ciheb-Kenya management. Successful firms will appoint a key focal point for communication purposes and will be available to respond to calls and queries from Ciheb-Kenya pertaining to such services.

**Duration.**

The expected duration of the selected firm's place on the Ciheb-Kenya legal roster will be a thirty-six (36) months period from the date of the decision. Ciheb-Kenya reserves the right to extend this duration.

The period during which this quote must be valid is 01 October 2021 to 30 September 2024.

**Framework Agreement.**

Successful firms will be expected to enter into a framework agreement with Ciheb-Kenya, setting out the general terms and conditions of the call-offs, applicable fees, billing cycle and reporting. The Framework Agreement shall be governed by English law, shall contain an arbitration clause (place of arbitration Nairobi, Republic of Kenya), and shall contain an explicit acknowledgement by the relevant firm of Ciheb-Kenya privileges and immunities.

**Price Schedule**

Total price must include all taxes, fees, and delivery in Kenya Shilling. Prices should be expressed in a per unit basis, based on the needs listed in Appendix A below.

Your quotation should acknowledge your agreement to supply in accordance with the above conditions and should state the following details.

- a) Realistic delivery period to named destination
- b) Validity of your offer

- c) Details of any manufacturer’s guarantee which must be valid in Kenya and administered locally, including supply of spare parts where applicable.
- d) Confirmation that all manufacturer’s documentation (including instruction manuals) shall be supplied in state language, unless unavailable in which case it shall be supplied in English.

Please complete Appendix A in full. Show your most competitive prices and discounts. Prices should be inclusive of all duties and taxes. Show any non-compliance with the required specification on a separate sheet.

The following Appendices as attached shall be read as and form part of this request for proposal and any resulting Contract/Purchase Order

- Schedule of Goods, Associated Services and Prices - Appendix A
- Conditions of Contract/PO Terms & Conditions - Appendix B
- Installation Completion Certificate - Appendix C
- Training Completion Certificate - Appendix D

**APPENDIX A**

**1. Evaluation of duly submitted proposals will be conducted along the following stages:**

**Part 1 - Preliminary Evaluation.**

CHECKLIST

These are mandatory requirements. This shall include confirmation of the following as well as checking general orderliness, tidiness of the Proposal. Law firms shall tick against each item indicating that they have provided it.

Item	Tick Where provided
<ol style="list-style-type: none"> <li>1. Professional Indemnity Cover</li> <li>2. Declaration Form (Appendix C)</li> <li>3. A clearance certificate from the Advocates Complaints Commission</li> <li>4. Duly completed Proposal Form (Prequalification document 1)</li> <li>5. Copy of law firm’s Registration Certificate</li> <li>6. Copy of law firm’s PIN Certificate</li> <li>7. Copy of the law firm’s Valid Tax Compliance or Clearance Certificate</li> <li>8. Curriculum Vitae of lawyers</li> <li>9. Current Practicing certificates issued by LSK</li> <li>10. Proof of evidence of physical address and premises through e.g., copy of utility bills i.e., electricity, water, telephone; copy of title deed; lease or tenancy agreement etc.</li> <li>11. Any other document or item required by the RFP document (law firm to specify such other document or items it has submitted)</li> </ol>	

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Propose how you will bill for the following tasks by stating the rate:

- Reviewing an agreement/ contract; and
- Researching and preparing a legal opinion.

This shall give us an indication of your charges. State whether you will bill for travel expenses separately and at what rate; and whether and how you bill for any additional time from the time that will have been agreed for drafting such legal opinion.

<b>Task</b>	<b>Rate</b>
Drafting an agreement	
Reviewing an agreement	
Phone call consultation	
Researching and preparing a legal opinion	

This quotation is valid for acceptance at least up to September 30, 2024, after the submission deadline date

.....  
Authorized Signature

.....  
Name in Capital

.....  
Position

### CRITERIA FOR SELECTION

The evaluation of each Response to this RFQ will be based on vendor demonstrated competence, compliance, format, and organization. The purpose of this RFP is to identify legal services providers that have the interest, capability, and financial strength to supply Ciheb-Kenya with the service requested.

Criteria	Score
<b>Stage 1: PRELIMINARY EVALUATION</b> (as per annexed checklist)	
<b>Stage 2: TECHNICAL EVALUATION</b> Experience with non-governmental organizations and public sector entities  Experience in legal review and drafting contractual documents and procurement documents	
<b>Stage 3: QUALIFICATION AND GENERAL EXPERIENCE IN LOCAL LAW</b>  Bachelor of law Degree and Master of laws; and Ten years of post-qualification experience	
<b>Stage 4: EXPERIENCE IN LEGAL REVIEW AND DRAFTING OF CONTRACTUAL DOCUMENTS AND PROCUREMENT DOCUMENTS</b>  Drafting/review of contractual documents including service level agreements.  Drafting/ review of procurement documents.	

The marks will be allocated according to the following criteria:

- Qualification = 30%
- Experience:
  - a. Public Sector = 10%
  - b. NGO Sector = 15%
  - c. Contracts = 30%
- Interview = 15%

## **APPENDIX B**

### **TERMS AND CONDITIONS**

1. The RFP is subject to Ciheb-Kenya Contract Conditions/Purchase Order Terms and Conditions
2. The RFP is not and shall not be considered an offer by Ciheb-Kenya.
3. All Responses must be received on or before the date and time indicated on the RFP. All late Responses will be rejected.
4. All unresponsive quotes will be rejected.
5. All quotes will be considered binding offers. Prices quoted must be valid for entire period provided by respondent.
6. All procurement will be subject to Ciheb-Kenya contractual terms and conditions and contingent on the availability of donor funding.
7. Ciheb-Kenya reserves the right to accept or reject any quotation or cancel the procurement process at any time, without assigning any reason, and shall have no liability to any vendors submitting RFPs for such rejection or cancellation of the procurement.
8. Ciheb-Kenya reserves the right to accept all or part of the quotation when awarding the purchase order/contract.
9. All information provided by Ciheb-Kenya in this RFP is offered in good faith. Individual items are subject to change at any time and all bidders will be provided with notification of any changes. Ciheb-Kenya is not responsible or liable for any use of the information submitted by bidders or for any claims asserted therefrom.
10. Ciheb-Kenya reserves the right to require any bidder to enter into a non-disclosure agreement.
11. The bidders are solely obligated to pay for all costs, of any kind whatsoever, which may be incurred by bidder or any third parties, in connection with the Response. All Responses and supporting documentation shall become the property of Ciheb-Kenya, subject to claims of confidentiality in respect of the Response and supporting documentation, which have been clearly marked confidential by the bidder.

### **ASSOCIATED SERVICES TERMS AND CONDITIONS**

1. Except as may be otherwise required under the Contract or Purchase Order the date of completion of the Services shall be the date of issue of the Taking-Over Certificate.
2. The Contractor shall provide the services of suitable and competent Contractor's Staff to carry out the Services detailed in the Contract or Purchase Order. The Contractor's Staff shall provide instruction and training during the period of the Services to persons nominated by the End-User in all technicalities of the Goods, and in all matters relating to their proper operation and maintenance.
3. The Contractor shall be responsible for the due and proper execution of the Services by the Contractor's Staff and shall provide the Services to the satisfaction of the End-User. The Contractor shall also provide all Installation Equipment except the equipment detailed in the Contract or Purchase Order to be provided by the End-User.
4. Ciheb-Kenya and the Contractor shall review the expected programme of delivery to the Site of the Goods so as to establish a date by which sufficient Goods will have arrived for the Services to proceed without interruption. When so requested by the Ciheb-Kenya, the Contractor shall arrange for the Contractor's Staff to proceed to the Site, and the date on which the Contractor's Staff arrives in Kenya, shall be deemed to be the date of commencement of the Services.

5. The Contractor shall obtain such visas and permits as may be required by the Government of Kenya, in respect of the Contractor's Staff who shall be in possession of such visas or permits on arrival in Kenya. If visas or permits are refused in respect of any Contractor's Staff proposed for the Contract, then the Contractor shall substitute another and suitable member of the Contractor's Staff.
6. The Contractor shall arrange and pay for all travel and associated costs of the Contractor's Staff incurred in relation to the provision of the Services.
7. The cost of the transport of the Contractor's staff shall be deemed to be included in the Contract Price.
8. The Contractor shall at his own expense provide living accommodation for the Contractor's Staff in as close proximity as is reasonably possible to the Site, and neither Ciheb-Kenya nor the End-User shall be responsible for any expenses connected with the Contractor's Staff in Kenya.

### **FORM/CONTENT OF RESPONSE**

All quotations shall:

1. Be in the *English* language.
2. Contain detailed cost in *Kenya Shilling* with applicable Tax/Charges clearly identified, and provided against each of the categories of requirements described in Appendix A.
3. Payment shall be in accordance with Ciheb-Kenya Contract Conditions/Purchase Order Terms and Conditions
4. Describe the qualifications, experience, and capabilities of the firm in providing the type of services being request by this RFP.
5. Provide at least 3 references for similar procurements with a description of the work done and the dates performed. The references details provided should include the name of the reference company, name of contact person at the reference company, the title of the contact person, the contact information for the reference company and contact person.
6. Include a contact name, email address, and telephone number to facilitate communication between Ciheb-Kenya and the vendor.
7. Contain a brief outline of the company and services offered, including:
  - Full legal name, jurisdiction of incorporation, and address of the company
  - Full legal name and Kenya of citizenry of company's President and / or Chief Executive Officer and / or all other officers and senior managers of the company
  - Year business was established

### **SCHEDULE OF EVENTS**

1. Questions regarding this request may be addressed to [procurement@CIHEBkenya.org](mailto:procurement@CIHEBkenya.org) and must be received no later than *9<sup>th</sup> September 2021*. Responses to questions will be distributed to all interested parties no later than *10<sup>th</sup> September 2021*.
2. Responses to the RFP should be addressed to the attention of Damaris Nganga on [procurement@CIHEBkenya.org](mailto:procurement@CIHEBkenya.org) **no later than 13<sup>th</sup> September 2021 at 20.00 PM EAT**.

All email bids must be received by the stated submission closing time and date as stated in the RFP. Any bid not sent to the correct email address will be rejected.

It is the responsibility of the Bidder to ensure that the correct reference and closing date are included on the electronic message header of all messages pertaining to the RFP. The Bidder is responsible for ensuring that for any bid delivered in separate files, that the files are numbered sequentially and contain the above details. Failure to include this information may result in your Bid being rejected.

The e-mail bids will be deemed to have been received at the time that it is received by Ciheb-Kenya. The burden of proving receipt of the e-mail will be on the Bidder and will not be met solely by a read receipt or sent items report generated by the Bidder's computer.

All incoming emails to Ciheb-Kenya are virus scanned prior to acceptance into the destination mailbox. Any e-mail bid found to contain a virus will automatically be rejected without notification to the sender.

3. Shortlisted candidates may be requested for oral presentation on *14<sup>th</sup> September 2021*.

## **APPENDIX C**

Declaration (Failure to provide this information shall lead to disqualification from the exercise)

Having studied the request for proposal I/We hereby state:

- Have read and understood the terms and condition for Ciheb-Kenya.
- Have not been debarred from participating in procurement by anybody, institution, or person.
- That in case of being qualified we acknowledge that this grants me/us the right to participate in due time in the submission of a Proposal or quotation on the basis of provisions in the Proposal or quotation documents to follow.
- If the legal, technical, financial conditions or the contractual capacity of the firm changes when the call for Proposals/Quotations is issued, we commit ourselves to inform you and acknowledge your right to review the Proposal made.
- We enclose all the required documents and information required for the evaluation.
- That I/We have not been involved in and will not be involved in corrupt and fraudulent practices regarding procurement anywhere.
- That I/We are not insolvent, in receivership, bankrupt or in the process of being wound up and is not the subject of legal proceedings relating to the foregoing.
- We are not associated with any other firm participating in this Proposal.
- That I/We do hereby confirm that all the information given in this Proposal is accurate, factual, and true to the best of our knowledge.

Date .....

Applicant's Name .....

Represented by .....

**Signature** .....

**Designation** .....

**(Full name and designation of the person signing and stamp or seal.).**



**APPENDIX D**

FORMAT OF CURRICULUM VITAE (CV) FOR PROPOSED PROFESSIONAL STAFF

Name of Firm: \_\_\_\_\_

Name of Staff: \_\_\_\_\_

Years in the legal profession: \_\_\_\_\_ Years with Firm: \_\_\_\_\_

Membership in Professional Societies: \_\_\_\_\_

Detailed Tasks that the staff undertakes: \_\_\_\_\_

Key Qualifications:

***[Give an outline of staff member's experience and training most pertinent to tasks on assignment. Describe degree of responsibility held by staff member on relevant previous assignments and give dates and locations].***

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Education:

***[Summarize college/university and other specialized education of staff member, giving names of schools, dates attended and degree[s] obtained.]***

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Employment Record:

***[Starting with present position, list in reverse order every employment held. List all positions held by staff member since graduation, giving dates, names of employing organizations, titles of positions held, and locations of assignments.]***

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Certification:

**I, the undersigned, certify that these data correctly describe me, my qualifications, and my experience.**

\_\_\_\_\_ **Date:** \_\_\_\_\_

***[Signature of staff member]***

\_\_\_\_\_ **Date;** \_\_\_\_\_

***[Signature of authorized representative of the firm]***

**Full name of staff member:** \_\_\_\_\_

**Full name of authorized representative:** \_\_\_\_\_

-End of RFP-