



LAW SOCIETY OF KENYA SACCO SOCIETY LTD

**PREQUALIFICATION OF SUPPLIERS
FOR PROVISION OF LEGAL SERVICES**

PREQUALIFICATION NO: LSKS/PROC/PQ1-19/2020

FEBRUARY 2020

**LSK SACCO LTD
CRAWFORD BUSINESS PARK
3RD FLOOR, SUITE 23
STATE HOUSE ROAD
OPP STATE HOUSE GIRLS
P.O. BOX 6740-00100
NAIROBI
Tel: 0728-788092**

INVITATION FOR PREQUALIFICATION

**LEGAL SERVICES
LSKS/PROC/PQ1-19/2020
FEBRUARY, 2020**

This is to invite competent and interested firms to apply for prequalification to be registered in the LSK SACCO Society, list for provision of Legal services.

Interested eligible firms may obtain further information from the **General Manager, Crawford Business Park, 3rd Floor suite 23, State house road, Opposite State House Girls, P.O. Box 6740-00100 Nairobi Email: info@lsksacco.co.ke Website: www.lsksacco.co.ke** on normal working days from **9.00 am to 4.30pm**.

A complete set of documents for prequalification of legal services may be downloaded free of charge from www.lsksacco.co.ke or obtained from the said offices during normal office working hours at no cost.

Bidders who download the document from the website are advised to forward their particulars to facilitate any subsequent clarifications and addenda (if any).

Duly completed tender documents shall be prepared in duplicate. Original and duplicate documents shall be enclosed in plain sealed separate envelopes, marked with the **relevant tender number** and addressed to;

**GENERAL MANAGER
LSK SACCO SOCIETY LIMITED
P.O. BOX 6740-00100
NAIROBI.**

The Tender Documents should be deposited in the Tender Box on or before Monday, 17th February, 2020 at 11.00am. Late bids shall be rejected.

Tenders will be opened on Tuesday 18th February, 2020 at 11.30 am at the LSK SACCO Boardroom in the presence of bidders' representatives who opt to attend. The results of the evaluation shall be communicated to the applicants.

GENERAL MANAGER

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PREQUALIFICATION NOTICE

PRE-QUALIFICATION FOR PROVISION OF LEGAL SERVICES –

LSKS/PROC/PQ-19/2020

The Law Society of Kenya SACCO Society (*“hereinafter referred to as LSK SACCO”*) invites applications from eligible candidates for purposes of pre-qualifying Legal Service Providers to be placed in its Panel of Advocates and who may from time to time be appointed to provide legal services.

Detailed pre-qualification documents may be downloaded from our website: www.lsk sacco.co.ke or you can obtain a hard copy from our offices located at Crawford Business Park, 3rd Floor, Along State House Road, at no cost.

Applications for pre-qualification must be submitted on or before Monday 17th February, 2020 at 11.00am in two copies in sealed plain envelopes clearly marked as follows:

“PRE-QUALIFICATION OF LEGAL SERVICES” (LSKS/PROC/PQ-19/2020)

Tenders will be opened on Tuesday 18th February, 2020 at 11.00 am at the LSK SACCO Boardroom in the presence of bidders’ representatives who opt to attend.

The SACCO reserves the right to reject any proposal without giving reasons for the rejection and does not bind itself to accept the lowest or any proposal.

SECTION I: TERMS OF REFERENCE FOR PROVISION OF LEGAL SERVICES

- a) Rendering legal advice and legal opinion on the instructions issued;
- b) Updating the SACCO on emerging legal issues;
- c) Preparing and perfecting security documents and other documents required by the SACCO as securities or compliance documents;
- d) Representing the SACCO, if required, in any Land Control Board proceedings, land registration offices, companies' registry and/or any other government agency or forum involved in perfection of securities;
- e) Keeping the SACCO regularly informed in writing of progress of their security documents perfection;
- f) Explaining to the SACCO in writing the legal requirements as the matters progress;
- g) Provide an undertaking to hold security documents to the SACCO's order, returnable on demand in good condition as they left the SACCO and to be used for the stated purposes only;
- h) Keeping the SACCO advised of the likely timescales for each stage of the matters and any material changes in those estimates;
- i) Preparing the documents as per the instructions and seek clarification or directions from the SACCO;
- j) Giving professional undertakings only with written instructions from the SACCO;
- k) Carrying out comprehensive searches at both Lands and Companies' Registry as may be applicable on various instructions;
- l) Providing official receipts with respect to payment of stamp duty and/or any other statutory fees for the SACCO's records;
- m) Keeping safely all SACCO's original documents in a fireproof safe at all times;
- n) Maintaining confidentiality of the SACCO's information and interests.

SECTION II: ATTACHMENTS

Applicants **MUST** attach the following documents;

- a) Law Firm profile and staff structure
- b) Current Practicing Certificates of all the Advocates in the firm

- c) Audited Financial Accounts for the last 3 consecutive years
- d) Certified copies of current Bank Statements for the past 6 months;
- e) Three (3) Letters of recommendation from other clients for similar assignments.
- f) Professional Indemnity Cover (*for 20M and above*)
- g) Law Society of Kenya Certificate of good standing of all the advocates in the Firm
- h) Name and details of the contact person that will be assigned/attached to the SACCO
- i) Tax compliance certificates

SECTION III: INFORMATION TO BIDDERS

i. Eligible Bidders

This Invitation for Tender is open to all eligible bidders. Successful bidders shall provide services for the stipulated duration from the date of commencement (*hereinafter referred to as the term*) specified in the tender documents.

The Sacco's employees, board members and their relatives are not eligible to participate in the tender.

Bidders shall provide the qualification information statement that the bidders (including all members of a joint venture and sub-contractors) are not associated, or have been associated in the past, directly or indirectly, with a firm or any of its affiliates which have been engaged by the LSK SACCO to provide consulting services for the preparation of the design, specifications, and other documents to be used for the procurement of the services under this Invitation for tenders.

Bidders involved in corrupt or fraudulent practices or debarred from participating in public procurement shall not be eligible.

ii. Clarification of Documents

A prospective bidder making inquiries of the tender document may notify the LSK SACCO General Manager in writing or by post, or email at the LSK SACCO address indicated in the Invitation for tenders. The LSK SACCO General Manager will respond in writing to any request for clarification of the tender documents, which it receives not later than seven (7)

days prior to the deadline for the submission of tenders (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective bidders who have received the tender documents.

The LSK SACCO General Manager shall reply to any clarifications sought by the bidders within 3 days of receiving the request to enable the bidders to make timely submission of its tender

iii. Amendment of documents

At any time prior to the deadline for submission of tenders, LSK SACCO, for any reason, whether on its own initiative or in response to a clarification requested by prospective bidders, may modify the tender documents by issuing an addendum.

All prospective bidders who have obtained the tender documents will be notified of the amendment by post or email and such amendment will be binding on them.

In order to allow prospective tenderers reasonable time in which to take they may extend the deadline for the submission of tenders.

The bidders are expected to examine all instructions, forms, terms, and specifications in the tender documents. Failure to furnish all information required by the tender documents or to submit a tender not substantially responsive to the tender documents in every respect will be at the bidders' risk and may result in the rejection of its tender.

iv. Language of prequalification document

The Pre-qualification document prepared by the bidder, as well as all correspondence and documents relating to the tender exchanged by the bidder shall be written in English language.

v. Documents Comprising the Tender

This document includes questionnaire forms and documents required from the Prospective bidders. In order to be considered for pre-qualification prospective bidders must submit all the information herein requested.

vi. Submission of Application

The Pre-qualification document shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the bidder. Any such corrections must be initialed by the person(s) who signs the prequalification document.

The Pre-qualification document should be prepared and submitted as specified in the Invitation for Pre-qualification of service on or before 17th February 2020. Any tender received after the deadline shall be rejected as a late tender and shall not be considered.

vii. Eligible Candidates

This prequalification document is open to all candidates who are eligible as defined in Kenya's Public Procurement Law and regulations. All bidders who pass the set criteria shall be prequalified.

Due diligence will be undertaken and any bidder found to be in breach and has provided false information will lead to automatic disqualification.

LSK SACCO will examine the tenders to determine completeness, general orderliness and sufficiency inresponsiveness.

Bidders shall not contact LSK SACCO on matters relating to their tender from the time of opening to the time the evaluation is finalized and official communication sent to them. Any effort by the bidder to influence the evaluation exercise shall result in the cancellation of their tender.

Pre-qualification will be based on meeting the minimum criteria regarding the applicant's legal status, general and particular experience, personnel and financial positions demonstrated by their responses.

The applicants must have registered offices and the LSK SACCO reserves the discretion to visit the physical premises from which the applicant conducts business if so desired to confirm existence and capability to deliver the said services.

Bidders who qualify according to the selection criteria will be invited to submit their quotations for provision of services as and when required.

LSK SACCO reserves the right to accept or reject any or all tenders.

viii. Pre-qualification Duration

LSK SACCO will retain the service providers for duration **THREE (3) YEARS** on a need to basis and subject to satisfactory performance which will be evaluated periodically. Only those service providers that continuously demonstrate the ability to meet the requirements of LSK SACCO will be retained in the prequalification list for the entire period.

There shall be two phases of carrying out the evaluation of pre-qualification applications:

- a) Preliminary Evaluation;
- b) Technical Evaluation

ix. Award of the Prequalification

LSK Sacco will determine to its satisfaction that the bidders that are selected submitted the most responsive bids and are qualified to be invited to quote for provision of legal Services.

The determination will take into account the bidders technical capabilities. It will be based upon an examination of the documentary evidence of the bidder's qualifications submitted by bidder, as well as such other information as LSK Sacco deems necessary and appropriate.

x. Corrupt or Fraudulent Practices

LSK Sacco requires that bidders observe the highest standard of ethics during the procurement process and execution of contracts. A bidder shall sign a declaration that he has not and will not be involved in corrupt or fraudulent practices

LSK Sacco will reject a Prequalification if it determines that the bidder recommended for selection has engaged in corrupt or fraudulent practices in competing for the contract in question; Further, a bidder who is found to have indulged in corrupt or fraudulent practices risks being debarred from participating in Public Procurement.

xi. Confidentiality

Information relating to evaluation of tenders and recommendations concerning pre-qualification shall not be disclosed until the pre-qualified firms have been advised accordingly.

SECTION IV: EVALUATION OF BIDS AND PREQUALIFICATION OF APPLICANTS

xii. Preliminary Evaluation

- a) All the bids shall be sorted out according to the various categories and levels contained in the application for pre-qualification form.
- b) Pre-screening shall be done for all the applications in each category to determine responsiveness by providing copies of:
 - 1) Certificate of Registration;
 - 2) PIN/VAT Certificate;
 - 3) Current Tax Compliance Certificate;
 - 4) Evidence of Physical Location of business premises; (attach copies of utility bills e.g. electricity/water or lease agreement/Title).
 - 5) Three (3) letters of recommendation from corporate/major clients;
 - 6) Copy of the professional indemnity held by your firm, or advocates therein (20M and above)
 - 7) Completed Confidential Business Questionnaire;
 - 8) Audited accounts for the last three (3) years or Certified copies of current Bank Statements for the past 6 months;
 - 9) Firm profile;
 - 10) Duly filled and completed Tender form;
- c) A list shall be compiled for those bidders who pass the preliminary evaluation to be evaluated in detail.

xiii. Technical Evaluation

- a) The evaluation committee shall undertake a thorough and objective analysis of the service providers contained in the list;

b) A detailed assessment of each applicant will be made in the course of evaluating the application.

c) Details of the applicant’s organizational structure, financial capability, annual turnover for the last five years, experience in the relevant field, available resources and references will be assessed as follows:

Item no	Evaluation criteria	Max score	Score award	Remarks
1	<p>Company Profile:</p> <p>a) Provide company profile showing names of the partners and their respective interest in the firm;</p> <p>b) Certificate of good standing from LSK for the Partners;</p> <p>c) Period of operation.</p> <p style="padding-left: 20px;">i. Standing of senior partner</p> <p style="padding-left: 40px;">Over 10 years- 15 Marks</p> <p style="padding-left: 40px;">5-10 years- 10 Marks</p> <p style="padding-left: 40px;">Less than 5 years- 5 Marks</p> <p style="padding-left: 20px;">ii. Standing of Associates. (attach certificate of admission)</p> <p style="padding-left: 20px;">iii. Advocates to attach membership of professional bodies (attach proof and date) 5 Marks</p>	20		
2	<p>Experience:</p> <p>(a) Number of years in the business (maximum score for five years and above);</p> <p>b) List (and provide evidence) of 3 major references with their contacts within the last three years. State product/service provided and value of goods/service.</p>	5 20		

3	<p>Physical Facilities:</p> <p>a) Provide evidence of availability of office premises (copy of title deed, lease/tenancy agreement or utility bill);</p>	Mandatory		
	<p>Financial Capacity:</p> <p>a) Provide audited accounts for the last 3 years; OR</p> <p>b) Certified copies of six (6) months current bank statements.</p>	5 5		
4	Copy of the professional indemnity held by your firm, or advocates therein (20M and above)	15		
5	Highlights of major briefs undertaken by the firm in the last three years;	10		
6	<p>Capacity of the firm</p> <p>3 partners and above– 15 Marks</p> <p>2 partners- 10 Marks</p> <p>1 partner- 5 Marks</p> <p>Number of Associates</p> <p>Number of support staff and skills</p> <p>Provide qualifications and experience of key personnel (attach CVs) and Copies of the current practicing certificates of all the Partners and Associates in the firm. (Mandatory)</p>	15		
7	Well-arranged Tender document according to format provided.	5		
8	TOTAL SCORE	100		

N/B Pass mark is 70% and above.

Information relating to preliminary evaluations of all the applications and also those who qualify for pre-qualification shall not be disclosed to applicants or any other persons not officially concerned with such process until the notification of pre-qualification results is made to all applicants.

Once the list of those who succeeded to be prequalified has been approved and ratified by the Tender Committee, they will all be notified in writing of the pre-qualification.

SECTION V: STANDARD FORMS

CONFIDENTIAL BUSINESS QUESTIONNAIRE FORM

You are requested to give the particulars indicated in Part 1 and either Part 2(a), 2(b) or 2 (c) whichever applies to your type of business. You are advised that it is serious offence to give false information on this form.

Part 1-General information:

Business Name

.....

Location of business premises..... Plot
No.....Street/Road.....Postal
AddressTel No.Fax..... E-mail..... Nature
of Business..... Registration
Certificate No. Maximum value of
business which you can handle at any one time-Kshs.

Name of your bankersBranch.....

Part 2 (a)-Sole Proprietor

Your name in full.....Age.....

Nationality.....Country of origin..... Citizenship
details.....

Part 2 (b) Partnership

Give details of partners as follows:

Name	Nationality	Citizenship Details	Shares
1.
2.....
3.....
4.....

Part 2 (c)–Registered Company

Company type- Private or Public.....

State the nominal and issued capital of company

Nominal Kshs.

Issued Kshs.

Give details of all directors as follows

Name	Nationality	Citizenship Details	Shares
1.
2.....
3.....
4.....

PREQUALIFICATION SUBMISSION FORM

Having studied the pre-qualification information for the above tender category We/I hereby state:

- a. That the information furnished in our/my applications accurate to the best of our/my knowledge.
- b. I/we confirm that our firm has not been barred from participating in public tenders
- c. That incase of being pre-qualified we/I acknowledge that this grants us the right to participate in due time in the submission of a tender or quotation on the basis of provision in the tender or quotation documents to follow.
- d. That pre-qualification bidders will be invited randomly to participate in the tender/quotations as and when required.
- e. We/I enclose all the required documents and information required for the prequalification evaluation.
- f. Our tender is binding to us and if found acceptable we shall be pleased to be included in the list of pre-qualified firms.
- g. We understand you are not bound to accept either in part or whole any tender you receive.

Date:.....

Applicant's Name:.....

Represented by:.....

Signature:.....

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