



TECHNICAL UNIVERSITY OF MOMBASA

**PREQUALIFICATION OF
CONSULTANTS FOR
PROVISION OF CONSULTANCY
SERVICES**

Category.....(Indicate Here)

FOR THE PERIOD 2015-2018

TENDER NO. TUM/CON1/2015-2018

FEBRUARY, 2016

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INTRODUCTION

- 1.1 This standard procurement prequalification document has been prepared for use by the Technical University of Mombasa (TUM) and is intended for use in prequalifying candidates wishing to tender for consultancy contracts where TUM determines it is necessary for procurement to be made through a prequalification process. It may also be used by TUM for the purpose of registration of candidates.
- 1.2 The standard document includes a form for invitation for prequalification, instructions to candidates and a letter of application with attached forms for candidates to complete.
- 1.3 The document has been written for consultancy contracts and care has been taken to ensure that the prequalification criteria are clear and explicit, and that they refer to the needs and characteristics of the specific prequalification of consultants.

SECTION I - INVITATION FOR PREQUALIFICATION (IFPQ)

Tender No. TUM/ CON1/2015/2018

Tender Name: PREQUALIFICATION OF CONSULTANTS

1. The Technical University of Mombasa hereinafter referred as “Procuring entity” intends to prequalify candidates for provision of consultancy services for a period of two (2) years in the following categories:
 - a. **Architects**
 - b. **Quantity Surveyors**
 - c. **Civil and Structural Engineers**
 - d. **Mechanical and Electrical Engineers**
 - e. **Environmental Consultants**
 - f. **NEMA Experts**
 - g. **Landscape Architects**
 - h. **Geospatial Engineers**
 - i. **Hydrological Engineers**
 - j. **Land Surveyors/Valuers**
2. Prequalification is open to consultants registered with the relevant regulatory authorities where applicable and as defined in Kenya’s Public Procurement Law and Regulations.
3. Interested eligible candidates may download the prequalification document from the University Website (www.tum.ac.ke) for free or may be obtained the document from the Procurement Manager’s Office, Technical University of Mombasa upon payment of a of a non- refundable fee of Ksh. 1000.00. Bidders are encouraged to download document.
4. Applications for prequalification must be submitted enclosed in plain sealed envelopes marked with the tender name and reference number and deposited in the tender box at the Procurement Manager’s office, Technical University of Mombasa or to be addressed to **Technical University of Mombasa P.O. Box 90420-80100 –Mombasa**, so as to be received on or before **Wednesday 04th March 2016 10.00am**
5. Tenders will be opened immediately thereafter in the presence of the candidates or their representatives who choose to attend at the **Technical University of Mombasa Conference room, 2nd floor, Administration Block not later than 10.00 am on Wednesday 04th March 2016 10.00am**
6. Bidders shall sign a tender register at the Procurement Manager’s office at the Technical University of Mombasa during normal working hours or email their names, contact details during working hours from:**8.00 AM-4.00Pm** before dropping the document in the tender box which is situated at the reception area of the procurement office.
7. Only candidates prequalified under this prequalification process will be invited to tender.

SECTION II- INSTRUCTIONS TO CANDIDATES

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SECTION II - INSTRUCTIONS TO CANDIDATES

2.1 Scope of Tender

- 2.1.1 The Technical University of Mombasa hereinafter referred to as the procuring entity intends to prequalify consultants for the design and construction of buildings and associated civil works in any of its campuses at Mombasa, Kwale and Lamu. It is expected that prequalification applications will be submitted to be received by the procuring entity not later than **Wednesday 04th March 2016 10.00am**
- 2.1.2 Prequalification is open to eligible firms and voluntarily formed joint ventures as indicated in appendix to instructions to candidates.
- 2.1.3 General information on the climate, hydrology, topography, access to site, transportation and communications facilities, medical facilities, project layout, expected construction period, facilities, services provided by the procuring entity and mode of payment will be specified in the tender documents to be used after prequalification.

2.2 Submission of Application

Applications for prequalification shall be submitted in two sealed envelopes marked as **“ORIGINAL”** and **“COPY”** with the tender name and reference number and deposited in the tender box at the TUM Procurement reception or be addressed to:

THE VICE CHANCELLOR
Technical University of Mombasa
P.O. Box 90420-80100 Mombasa,
Tel: (254)41-2492222/3/4,2490571,
Mobile (254) 0724 955377/0733 955377
Email: vc@tum.ac.ke
Tender No: TUM/CON1/2015-2018

so as to be received on or before **Wednesday 04th March 2016 10.00am**.
The procuring entity reserves the right to reject late applications.

- 2.2.1 The name and mailing address of the applicant should not be marked on the envelope.
- 2.2.2 All the information requested for pre qualification shall be provided in the English language. Where information is provided in any other language, it shall be accompanied by a translation of its pertinent parts into English language. The translation will govern and will be used for interpreting the information.
- 2.2.3 Failure to provide information that is essential for effective evaluation of the applicant's qualifications or to provide timely clarification or substantiation of the information supplied may result in the applicant's disqualification.

2.3 Eligible Candidates

- 2.3.1 This invitation for pre-qualification is open to all candidates who are eligible as defined in Kenya's Public Procurement Law and regulations and as indicated in the appendix to instructions to candidates.
- 2.3.2 The procuring entity's employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the tender unless where specially allowed under section 131 of the Act.
- 2.3.3 All terms found capable of performing the contract satisfactorily in accordance to the set prequalification criteria shall be prequalified.

2.4 Qualification Criteria

2.4.1 Pre-qualification will be based on meeting the minimum requirements to pass in the criteria set as shown below. The declaration will be either pass or fail regarding the applicant's general and particular experience, personnel and equipment capabilities and financial position as demonstrated by the applicant's response in the forms provided in Section IV and submitted with the letter of application. The procuring entity reserves the right to waive minor deviations if they do not materially affect the capability of an applicant to perform the contract.

2.4.2 When highly specialized inputs (especially for execution of the contract) are required by the applicant from specialist consultants, such consultants and their inputs shall be described in the Standard Form 1 (General Information)

2.4.3 General Experience. The applicant shall meet the following minimum criteria

- (a) Average annual turnover as consultant (defined as billing for works in progress and completed) over the last (5) five years.
- (b) Successful experience as consultant in execution of at least three projects of a nature and complexity comparable to the proposed contract within the last (5) five years.

2.4.4 Personnel capabilities. The applicant must have suitably qualified personnel to fill the following positions

Position	Total experience (years)	In similar works (years)	As manager of similar works (years)
Project Manager			
Other Position			
Other position			

Note: *List only Key management specialist positions. Do not include principals, head office personnel who are not key to the project/works and other non-specialist personnel. The experience requirements should be specified*

2.4.5 Financial position. The applicant shall demonstrate that it has access to, or has available, lines of credit and other financial means sufficient to meet the requirements of the contract if prequalified.

Note: *This figure should be accurate to adequately reflect the financial cash flow commitment for the contract*

2.4.6 Litigation history. The applicant should provide accurate information on any litigation or arbitration resulting from contracts completed or under its execution over the last five years. A consistent history of awards against the applicant or any partner of a joint venture may result in failure of the application.

2.5 Joint Venture

2.5.1 Joint ventures must comply with the following:-

(a) Following are the minimum qualification requirements.

(i) The lead partner shall meet not less than (not less than (50%) of all the qualifying criteria in paragraphs 2.4.3 and 2.4.6 above

(ii) The other partners shall meet individually not less than (20%) of all the qualifying criteria given in paragraphs 2.4.3 and 2.4.6 above

(iii) The joint venture must satisfy collectively the criteria of section 4, for which propose the relevant figures for each of the partners shall be added together to arrive at the joint ventures total capacity. Individual members must each satisfy the requirements of paragraphs 2.4.7 and 2.4.8 above.

(b) The formation of a joint venture after pre-qualification and any change in a prequalified joint venture will be subject to the written approval of the procuring entity prior to the deadline for submission of bids. Such approval may be denied if (i) partners withdraw from a joint venture and the remaining partners do not meet the qualifying requirements (ii) the new partners to a joint venture are not qualified, individually or as an another joint venture; or (iii) in the opinion of the procuring entity a substantial reduction in competition may result.

(c) Any future bid shall be signed so as to legally bind all partners, jointly and severally, and any bid shall be submitted with a copy of the joint venture agreement providing the joint and several liabilities with respect to the contract.

2.5.2 The pre-qualification of a joint venture does not necessarily pre qualify any of its members individually as a member in any other joint venture or association. In case of dissolution of a joint venture, each one of the constituent firms may prequalify if it meets all the prequalification requirements, subject to a written approval of the procuring entity.

2.6 Public Sector companies

2.6.1 Any public owned enterprise may be eligible to qualify if, in addition to meeting all the above requirements, it is also legally and financially autonomous, it operates under commercial law, and it is not a dependent agency of another public entity.

2.7. Conflict of Interest

2.7.1 The applicant (including all members of a joint venture) shall not be associated, nor have been associated in the past, with the consultant or any other entity that has prepared the design, specifications, and other prequalification and bidding documents for the project, or with an entity that was proposed as consultant for the contract. Any such association must be disclosed and may result in the disqualification of the applicant.

2.8. Updating Pre-qualification Information

2.8.1 Prequalified candidates shall be required to update the financial information used for prequalification at the time of submitting their bids and to confirm their continued compliance with the qualification criteria. A bid shall be rejected if the applicant's qualification thresholds are no longer met at the time of bidding.

SECTION III - LETTER OF APPLICATION

Notes on letter of application

The letter of application will be prepared by the applicant and will follow the form presented herein.

The letter of application will be prepared on the letterhead paper of the applicant or partner responsible for a joint venture and will include full postal address, telephone numbers, fax number and Email address.

The letter of application will be signed by duly authorized representatives of the applicant.

Any clause which does not apply to the applicant in the letter of application herein shall be deleted by the applicant.

SECTION III - LETTER OF APPLICATION

Date

To The Procurement Manager,
 Technical University of Mombasa,
 P. O. Box 90420-80100, MOMBASA.

Ladies and/or Gentlemen

1. Being duly authorized to represent and act on behalf of _____ (*name of firm*) (hereinafter referred to as “the Applicant”), and having reviewed and fully understood all of the pre qualification information provided, the undersigned hereby apply to be prequalified by yourselves as a bidder for the following contract(s) under (Tender No. and Tender name)

Tender number	Tender name
1.	

2. Attached to this letter are copies of original documents defining

- (a) the Applicant’s legal status
- (b) the principal place of business and
- (c) the place of incorporation (*for applicants who are corporations*), or the place of registration and the nationality of the owners (*for applicants who are partnerships or individually-owned firms*).

3. Your Agency and its authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this application, and to seek clarification from our bankers and clients regarding any financial and technical aspects. This letter of Application will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and as requested by yourselves to verify statements and information provided in this application, such as the resources, experience, and competence of the Applicant.

4. Your Agency and its authorized representatives may contact the following persons for further information.

General and managerial inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Personnel inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Technical inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

Financial inquiries	
Contract 1	Telephone 1
Contract 2	Telephone 2

5. This application is made with the full understanding that:

- (a) Bids by prequalified applicants will be subject to verification of all information submitted for prequalification at the time of bidding.
- (b) Your Agency reserves the right to:
 - amend the scope and value of any contracts bid under this project; in such event, bids will only be called from prequalified bidders who meet the revised requirements; and
 - reject or accept any application, cancel the prequalification process, and reject all applications
- (c) your Agency shall not be liable for any such actions and shall be under no obligation to inform the Applicant of the grounds for them

6. Appended to this application, we give details of the participation of each party, including capital contribution and profit/loss agreements, in the joint venture or association. We also specify the financial commitment in terms of the percentage of the value of the <each> contract, and the responsibilities for execution of the <each> contract.

7. We confirm that if we bid, that bid, as well as any resulting contract, will be:

- (a) signed so as to legally bind all partners, jointly and severally; and
- (b) submitted with a joint venture agreement providing the joint and several liability of all partners in the event the contract is awarded to us.

8. The undersigned declare that the statement made and the information provided in the duly completed application are complete, true, and correct in every detail.

Signed	Signed
Name	Name
For and on behalf of (name of Applicant or lead partner of a joint venture)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

Signed	Signed
Name	Name
For and on behalf (name of Partner)	For and on behalf of (name of partner)

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SECTION IV - STANDARD FORMS

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8.	Litigation History	
9.	Request for Review	

SECTION IV - STANDARD FORMS

Notes on completion of Standard Forms

- Application Form 1 - General information
This form is to be completed by all applicants. Where the applicant proposes to use sub-contractors the information should be supplied in this format. Where there is a joint venture, each partners shall complete the form
- Application Form 2 - General Experience Record
This form is to be completed by all applicants. Separate sheets should be used for each partner of a joint venture. Applicants are not required to enclose testimonials, certificates or publicity materials with their applications.
- Application Form 2A - Joint Venture Summary
This form is to be completed by joint venture applicants only.
- Application Form 3 - Particular Experience Record
This form is to be completed by all applicants meeting the requirement set out in the instructions to candidates. Separate sheets shall be used for each member of or joint venture. Complimentary information will be given on application Form 3A.
- Application Form 3A - Details of Contracts of similar nature and complexity
This form shall be completed by all applicants and will contain similar works completed by the applicant or a member of a joint venture
- Application Form 4 - Summary sheet. Contract commitments/work in progress
This form is to be completed by all applicants including each member of a joint venture. It shall contain the current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.
- Application Form 5 - Personnel Capabilities
This form is to be completed by all applicants. It shall include specific positions essential to contract implementation. The applicants shall provide the names of at least two candidates qualified to meet the specified requirements stated for each position. The data on their experience shall be supplied on Form 5A

- Application Form 5A - Candidate Summary
This form is to be completed by all applicants. The information provided will complement information on Form 5. A separate form shall be used for each personnel
- Application Form 6 - Equipment Capability
This form is to be completed by all applicants. It should provide adequate information to demonstrate clearly that the applicant has the capability to meet the requirements for each and all items of equipment listed in the instructions to candidates. A separate form shall be prepared for each item of equipment or for alternative equipment proposed by the applicant.
- Application Form 7 - Financial Capability
This form shall be completed by every applicant and each member of a joint venture. It should contained financial information to demonstrate that they meet the requirements stated in the instructions to candidates. If necessary separate sheets should be used to provide complete banker information. A copy of the audited balance sheet if available should be attached. The information should include the summary of actual assets and liabilities for the last five years.
- Application Form 8 - Litigation History
This form is to be completed by all applicants including each member of a joint venture. It should provide information on any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution. A separate sheet should be used for each member of a joint venture
- Form RB1 - Request for Review
This form is only to be filled by the tenderer when aggrieved by the Procuring Entity and submitted to the Review Board at anytime during the tender process but not later than 14 days after date of notification of award

APPLICATION FORM (1)

GENERAL INFORMATION

1.	Name of firm	
2.	Head office address	
3.	Telephone	Contact
4.	Fax	E-mail
5.	Place of incorporation/registration	Year of incorporation/registration

Nationality of owners		
	Name	Nationality
1.		
2.		
3.		
4.		
5.		

APPLICATION FORM (2)

GENERAL EXPERIENCE RECORD

Name of Applicant or partner of a joint venture

Annual turnover data (Consultancy only)

Year	Turnover	Kshs.
1.		
2.		
3.		
4.		
5.		

APPLICATION FORM (2A)

JOINT VENTURE SUMMARY

Names of all partners of a joint venture
1. Lead partner
2. Partner
3. Partner
4. Partner
5. Partner
6. Partner

Total value of annual consultancy turnover, in terms of work billed to clients, in Kshs.

Annual turnover data (consultancy only): Kshs.
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Partner	Form 2 Page no.	Year 1	Year 2	Year 3
1. Lead Partner				
2. Partner				
3. Partner				
4. Partner				
5. Partner				
6. Partner				
	Totals			

APPLICATION FORM (3)

PARTICULAR EXPERIENCE RECORD

Name of Applicant or partner of a joint venture

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APPLICATION FORM (4)

**SUMMARY SHEET: CURRENT CONTRACT
COMMITMENTS/WORK IN PROGRESS**

Name of Applicant or partner of a joint venture

Name of contract	Value of outstanding work Kshs.	Estimated completion date
1.		
2.		
3.		
4.		
5.		
6.		

APPLICATION FORM (5)

PERSONNEL CAPABILITIES

Name of Applicant

1.	Title of position Name of prime candidate Name of alternate candidate
2.	Title of position Name of prime candidate Name of alternate candidate
3.	Title of position Name of prime candidate Name of alternate candidate
4.	Title of position Name of prime candidate Name of alternate candidate

APPLICATION FORM (5A)

CANDIDATE SUMMARY

Name of Applicant

Position	Candidate * Prime * Alternate	
Candidate information	1. Name of candidate	2. Date of birth
	3. Professional qualifications	
Present employment	4. Name of employer	
	5. Address of employer	
Telephone		Contact (manager/personnel officer)
Fax		E mail
Job title of candidate		Years with present employer

Summarize professional experience over the last 20 years, in reverse chronological order. Indicate particular technical and managerial experience relevant to the Project.

From	To	Company/Project/Position/Relevant technical and management experience

APPLICATION FORM (6)

FINANCIAL CAPABILITY

Name of Applicant or partner of a joint venture

Banker	Name of banker
	Address of banker
	Telephone
	Contact name and title
	Fax
	E mail

Financial information in Kshs.	Actual : previous five years		Projected: next two years	
	1.	2.	3.	4.
1. Total assets				
2. Current assets				
3. Total liabilities				
4. Current liabilities				

5. Profits before taxes				
6. Profits after taxes				

Source of finance	Amount Kshs.
1.	
2.	
3.	
4.	

TEUM

LETTER OF NOTIFICATION OF AWARD

Address of Procuring Entity

To: _____

RE: Tender No. _____

Tender Name _____

This is to notify that the contract/s stated below under the above mentioned tender have been awarded to you.

1. Please acknowledge receipt of this letter of notification signifying your acceptance.
2. The contract/contracts shall be signed by the parties within 30 days of the date of this letter but not earlier than 14 days from the date of the letter.
3. You may contact the officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

(FULL PARTICULARS) _____

SIGNED FOR ACCOUNTING OFFICER

REQUEST FOR REVIEW FORM

FORM RB 1

**REPUBLIC OF KENYA
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

APPLICATION NO.....OF.....20.....

BETWEEN

.....APPLICANT

AND

.....RESPONDENT (*Procuring Entity*)

Request for review of the decision of the..... (*Name of the Procuring Entity*) of
.....dated the...day of20.....in the matter of Tender No.....of
.....20...

REQUEST FOR REVIEW

I/We.....,the above named Applicant(s), of address: Physical
address.....Fax No.....Tel. No.....Email, hereby request the Public
Procurement Administrative Review Board to review the whole/part of the above mentioned
decision on the following grounds , namely:-

- 1.
- 2.
- etc.

By this memorandum, the Applicant requests the Board for an order/orders that: -

- 1.
- 2.
- etc

SIGNED(Applicant)

Dated on.....day of/...20...

FOR OFFICIAL USE ONLY

Lodged with the Secretary Public Procurement Administrative Review Board on
day of20.....

**SIGNED
Board Secretary**

IMPORTANT NOTES TO THE BIDDERS

- a) The purpose of this document is to assist the Technical University of Mombasa in the identification and evaluation of consultants who may subsequently be invited to tender or give quotations for works within the specified category.
- b) The questionnaire is to be fully and comprehensively completed in all respects.
- c) All documents must be submitted in English Language.
- d) Provide supporting documents requested for in the questionnaire.
- e) You may also be asked to clarify your answers or provide more details.
- f) Technical University of Mombasa will examine the documents to determine completeness, general orderliness and sufficiency of response. Failure to complete this questionnaire and/or to provide written answers to any further questions or requested additional information for clarification will result in the applicant's elimination from further consideration.
- g) Please note that by responding to this questionnaire you accept that all answers provided are legally binding and should the need arise, may be used as evidence in a court of law. Further, Technical University of Mombasa reserves the right without further resource to verify at its own cost the accuracy of any answers provided herein.
- h) Any information given and later found to be incorrect shall lead to disqualification of the Applicant.
- i) Information given by the applicant shall be treated in strict confidence.
- j) Applicants to kindly note that this does not amount to any contractual obligation on the part of Technical University of Mombasa, and that Technical University of Mombasa is not obliged to invite tenders/quotation from any or all who express interest by responding to this prequalification process.
- k) If insufficient space has been provided on the questionnaire for the answers, please provide the answers as supplementary on separate sheets.
- l) The original document shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the applicant. Any such corrections must be initialed by the persons(s) who sign(s) the Document.
- m) The completed document shall be signed off and initialed by Director/Partner of the organization and rubber stamped on each page and signed on the last page in the space provided.
- n) Applicants will meet all cost associated with preparation and submission of their applications.
- o) Canvassing will lead to automatic disqualification of the applicant.
- p) Submission is as per instruction given in Invitation to Tender.
- q) Late submission will not be acceptable. Any application(s) received after the date of closure will be considered as late and disqualified.

MANDATORY REQUIREMENTS

You shall be required to attach the following mandatory documents where applicable:

- I. Certified copy of Certificate of Incorporation, Partnership or Business registration
- II. Certified copy of business permit where applicable
- III. Certified copy of PIN Certificate
- IV. Certified copy of Certificate of registration with relevant regulatory authorities
- V. Company profile
- VI. Certified copy of Tax Compliance Certificate
- VII. List of Directors, telephone, postal and email addresses
- VIII. Audited accounts for the last 3 three years
- IX. CVs of Senior Staff
- X. Evidence of physical registered office

EVALUATION CRITERIA

The Technical University of Mombasa will consider THREE major categories of criteria for evaluating applications for prequalification.

SUMMARY OF EVALUATION	REMARKS / SCORE
Mandatory Requirements	
Capability assessment	
Financial Capability	
TOTAL SCORE	

A: MANDATORY REQUIREMENTS

The tenderer must provide the following information and provide copies of documents to support the information given.

Criterion	Particulars Provided	YES	NO
Sealed original and copy of the tender in separate envelopes duly marked on the envelopes as "ORIGINAL" and "COPY." The envelopes shall then be sealed in an outer envelope			
Incorporation/Registration certificate			
Confidential Business questionnaire – Duly completed and signed			
Business Permit from local Authorities			
Current Tax Compliance Certificates			
Audited Accounts for the last 3 Years			
Name of at least 3 Clients Supplied with Similar services			

B: CAPABILITY ASSESMENT

Criterion	Particulars Provided	Scores
Years in business		
Core business		
Conformity to specifications, same alternative		
Relevant experience with other public organizations, universities & others		
Maximum value of business		
Letter of recommendation from at least 3 clients		

C: FINANCIAL CAPABILITY ASSESSMENT

The audited accounts will be evaluated with any other documents submitted on a candidate's financial position.

D: TECHNICAL EVALUATION COMMITTEE'S RECOMMENDATIONS

The evaluation of the tender and tenderer by Technical Evaluation Committee will be summarized as follows:

Major area of concern	Indicators from the evaluation exercise	Aggregated scores
Responsiveness of tender to University / Public Procurement Act requirements		
Responsiveness of tender to University's technical specifications		
Physical and administrative organization of tenderer		
Technical ability of tenderer to meet the specific performance targets of the tender		
Financial ability of tenderer to meet the production, delivery and payment terms of the tender		
TEC Decisions	Recommended or not recommended	