



East African Portland  
Cement Co. Ltd

*Holding Life Together*

**TENDER DOCUMENT  
FOR  
EAPCC/DISP/154/2018  
DISPOSAL OF IDLE ASSETS**

**CLOSING DATE: 30<sup>th</sup> APRIL 2018**

**CLOSING TIME: 12:00 NOON**

# TABLE OF CONTENTS

	PAGE
INTRODUCTION .....	3
SECTION I INVITATION TO TENDER.....	4
SECTION II : INSTRUCTIONS TO TENDERERS.....	5
Appendix to Instructions to tenderers.....	12
SECTION III : SCHEDULE OF ITEMS AND PRICE.....	14
SECTION IV : CONDITIONS OF TENDER.....	16
Appendix to Conditions of Tender.....	17
SECTION V : STANDARD FORMS.....	19
5.1.FORM OF TENDER.....	20
5.2 CONFIDENTIAL BUSINESS QUESTIONNAIRE FORM.....	20
5.3 PROOF OF VIEWING ITEMS FORM .....	20
5.4 TENDER COMMITMENT DECLARATION FORM.....	21

## SECTION I

### INVITATION TO TENDER

**Date: 09/04/2018**

**Tender Ref No: EAPCC/DISP/154/2018**

**Tender Name: Disposal of Idle Assets.**

- 1.1 The East African Portland Cement Company Limited now invites sealed tenders from eligible candidates to purchase the above items.
- 1.2 Interested eligible candidates may obtain further information from Procurement Office and inspect the tender documents at the East African Portland Cement Company P.o. Box 20 – 00204 Athi-River off Namanga Road Store yard during 8:30 am-12:30 and 2:00pm -3:30 pm between Monday-Friday.
- 1.3 A complete set of tender documents may be downloaded from the company website or IFMIS portal for free or hard copy obtained by interested candidates upon payment of non-refundable fees of ***Ksh. 1,000.00*** in cash payable to the Cashier EAPCC in Athi river
- 1.4 Tenderers will be required to pay a deposit and **SHALL** be required to pay all amounts in full before items are collected. No items shall be collected in piece meal.
- 1.5 Completed tender documents are to be enclosed in plain sealed envelopes marked with the tender reference number and the tender name and deposited in the Tender Box at East African Portland Cement Company P.o. Box 20 – 00204 Athi-River off Namanga Road addressed to Managing Director East African Portland Cement Company P.o. Box 20 – 00204 Athi-River off Namanga Road so as to be received on or before **Monday, 30<sup>th</sup> APRIL 2018 at 12.00pm..**
- 1.6 Viewing of the all items in the various locations will be as from **16<sup>th</sup> April 2018 from 9.00 am to 4.00 pm weekdays** and the contact person will be **Mr. Josphat Mutunga** of the stores department.
- 1.7 Prices quoted should be net, must be in Kenya Shillings and shall remain valid for 120 days from the closing date of the tender.
- 1.8 Tenders will be opened immediately thereafter in the presence of the tenderers or their representatives who choose to attend at EAPCC Headquarters at Athi – River off Namanga Road in the Main office Conference room.

**Simon Peter Ole Nkeri**  
**Managing Director**

## SECTION II - INSTRUCTIONS TO TENDERERS

### Table of Clauses

		Page
2.1	Eligible tenderers.....	6
2.2	Cost of tendering.....	6
2.3	Tender documents.....	6
2.4	Clarification of documents.....	6
2.5	Amendments of documents.....	7
2.6	Tender prices and currencies.....	7
2.7	Tender deposit.....	8
2.8	Validity of tenders.....	8
2.9	Viewing of the tender items.....	9
2.10	Sealing and marking of tenders.....	9
2.11	Deadline for submission of tenders.....	9
2.12	Modification and withdrawal of tenders.....	9
2.13	Opening of tenders.....	10
2.14	Clarification of tenders.....	10
2.15	Evaluation and comparison of tenders.....	11
2.16	Award of tender criteria.....	11
2.17	Notification of award.....	11
2.18	Contacting the procuring entity.....	12

## **SECTION II - INSTRUCTION TO TENDERERS**

### **2.1 Eligible Tenderers**

- 2.1.1 This Invitation for Tenders is open to all tenderers eligible as described in the Appendix to instructions to tenderers. **(EAPCC employees, Member of board are not eligible to Bid)**
- 2.1.2 Tenderers shall not be under a declaration of ineligibility for corrupt or fraudulent practices

### **2.2 Cost of Tendering**

- 2.2.1 The tenderer shall bear all costs associated with the preparation and submission of its tender, and the procuring entity, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process.
- 2.2.2 The price to be charged for the tender document shall not exceed Kshs.1,000.00

### **2.3 The Tender Document**

- 2.3.1 The tender document comprises the documents listed below and any addenda issued in accordance with clause 2.5 of these instructions to tenderers.
- (i) Invitation to tender
  - (ii) Instructions to tenderers
  - (iii) Schedule of items and price
  - (iv) Conditions of Tender
  - (v) Form of tender
  - (vi) Confidential Business questionnaire Form
  - (vii) Tender Commitment Declaration Form
- 2.3.2 The tenderer is expected to examine all instructions, forms, terms and specifications in the tender documents. Failure to meet all the requirements of the tender will be at the tenderer's risk and may result in the rejection of its tender.
-

## Clarification of Documents

- 2.4.1 A prospective tenderer requiring any clarification of the tender document may notify the Procuring entity in writing or by post at the entity's address indicated in the Invitation for tenders. The Procuring entity will respond in writing to any request for clarification of the tender documents, which it receives not later than three days (3) days prior to the deadline for the submission of tenders, prescribed by the procuring entity. Written copies of the Procuring entities response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective tenderers that have bought or downloaded the tender document and registered at the procurement office. The responses will also be posted to the IFMIS Website.
- 2.4.2 Clarification of tenders shall be requested by the tenderer to be received by the procuring entity not later than 3 days prior to the deadline for submission of tenders.
- 2.4.3 The procuring entity shall reply to any clarifications sought by the tenderer within 3 days of receiving the request to enable the tenderer to make timely submission of its tender.

These clarifications may be sent to:

**Ngala Oloiptip**

**Head of Supply chain.**

**The East African Portland Cement Company Ltd**

**Off Namanga**

**Road, P O**

**Box 20-00204**

**Athi River, Kenya.**

**Tel. 254-0709835000**

**Email: [ngala.oloiptip@eapcc.co.ke](mailto:ngala.oloiptip@eapcc.co.ke) ; [catherine.otido@eapcc.co.ke](mailto:catherine.otido@eapcc.co.ke);**

## 2.5 Amendment of Documents

- 2.5.1 At any time prior to the deadline for submission of tenders, the Procuring entity, for any reasons, whether at its own initiative or in response to a clarification requested by a prospective tenderer, may modify the tender documents by amendment
- 2.5.2 All prospective candidates that have received the tender documents will be notified of the amendment in writing or through our Website and will be binding on them.

2.5.3 In order to allow prospective tenderers reasonable time in which to take the amendment into account in preparing their tenders, the Procuring entity, at its discretion, may extend the deadline for the submission of tenders.

## **2.6 Tender Prices and Currencies**

2.6.1 The tenderer shall indicate on the appropriate Price Schedule the unit prices and total tender price of the items it proposes to purchase under the contract

2.6.2 Prices quoted by the tenderer shall be fixed during the tender validity period and not subject to variation on any account. A tender submitted with an adjustable price quotation will be treated as non responsive and will be rejected

2.6.3 The Price quoted shall be in Kenya Shillings.

## **2.7 Tender deposit.**

2.7.1 The tenderer shall furnish as part of its tender, a tender deposit in the amount as stated In the appendix to instructions to tenderers.

2.7.2 The deposit shall be paid before the tender closing time and in bankers cheques submitted Together with the tender document.

2.7.3 The successful tender deposit will be credited to his bid price so that it forms part of The amount of the bid & tenderer will be required to pay the bid price less the deposit security.

2.7.4 Any tender not secured in accordance with this paragraph will be rejected by EAPCC As non-responsive for that item (s).

2.7.5 Tender deposit is required to protect EAPCC against the risk of the tenderer's conduct which would warrant tender security forfeiture.

Tenders deposit may be forfeited

- a) If the tenderer withdraws its tender during the period of tender validity specified by procuring entity
- b) In case of successful tenderer, if the tenderer fails to pay the balance of bid price.

2.7.6 The unsuccessful tenderers deposit will be released as promptly as possible but not Later than 14 days after expiration of the period of the tender validity in any of the

Following circumstances;

- a) The disposal proceedings are terminated
- b) EAPCC determines that none of the submitted tenders is responsive
- c) The notification of award has been issued.

## **2.8 Validity of Tenders**

2.8.1 Tenders shall remain valid for 120 days from the date of tender opening prescribed by the Procuring entity, pursuant to paragraph

2.8.2 Tender valid for a shorter period shall be rejected by the Procuring entity as non responsive.

2.8.2 In exceptional circumstances, the Procuring entity may solicit the Tenderer's consent to an extension of the period of validity. The request and the responses thereto shall be made in writing. The tender deposit provided under paragraph 2.7 shall also be suitably ex-tended. A tenderer may refuse the request without forfeiting its tender deposit. A tenderer granting the request will not be required nor permitted to modify its tender.

## **2.9 Viewing of Tender Items**

2.9.1 Prospective bidders are advised to view the items, stores/equipment in liaison with the procuring entity before they bid for each lot. This will enable them to arrive at the most reasonable and competitive bids. Bids are based on **AS IS WHERE IS CONDITION** and the conditions of the items are not warranted by the seller.

## **2.10 Sealing and Marking of Tenders**

The tenderer shall seal the tender and mark it with the number and name of the tender and **“DO NOT OPEN BEFORE Monday, 30<sup>th</sup> APRIL 2018 at 12.00pm.**

## **2.11 Deadline for Submission of Tenders**

2.11.1. Tenders must be received by the Procuring entity at the address specified not later than **Monday, 30<sup>th</sup> APRIL 2018 at 12.00pm.**

2.11.2 The procuring entity may, at its discretion, extend this deadline for the submission of tenders by amending the tender documents in accordance with paragraph 2.5. in which case all rights and obligations of the procuring entity and tenderers previously subject to the deadline will thereafter be subject to the deadline as extended.



## **2.12 Modifications And Withdrawals Of Tenders**

### **2.12.1 Modification of tenders**

- 2.12.1.1 The tenderer may modify or withdraw its tender after the tender's submission, provided that written notice of the modification, including substitution or withdrawal of the tenders, is received by the Procuring entity prior to the deadline prescribed for submission of tenders.
- 2.12.1.2 The Tenderer's modification or withdrawal notice shall be prepared, sealed, marked, and dispatched in accordance with the provisions of paragraph 2.9.1. A withdrawal notice may also be sent by fax but followed by a signed confirmation copy, postmarked not later than the deadline for submission of tenders.
- 2.12.1.3 No tender may be modified after the deadline for submission of tenders

### **2.12.2 Withdrawals of tenders**

- 2.12.2.1** No tender may be withdrawn in the interval between the deadline for submission of tenders and the expiration of the period of tender validity specified by the tenderer.

## **2.13 Opening of Tenders**

- 1.11 The Procuring entity will open all tenders in the presence of tenderers' representatives, who choose to attend on **30<sup>th</sup> APRIL 2018 at 12.00pm** at the company's Customer care office. The tenderers or representatives who are present shall sign a register evidencing their attendance.
- 2.13.2 The tenderers' names, tender modifications or withdrawals, tender prices, and such other details as the Procuring entity, at its discretion, may consider appropriate, will be announced at the opening.
- 2.13.3 The Procuring entity will prepare minutes of the tender opening.

## **2.14 Clarification of tenders**

- 2.14.2 To assist in the examination, evaluation and comparison of tenders the Procuring entity may, at its discretion, ask the tenderer for a clarification of its tender. The request for clarification and the response shall be in writing, and no change in the prices or substance of the tender shall be sought, offered, or permitted.
- 2.14.3 Any effort by the tenderer to influence the Procuring entity in the Procuring entity's tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderers' tender.

## **2.15 Evaluation and Comparison of Tenders**

**2.15.1** The Procuring entity will examine the tenders to determine whether they are complete, whether any computation errors have been made, whether documents have been properly signed and whether the tenders are generally in order. After examination a tender that will be determined to be substantially non responsive, will be rejected by the procuring entity. **Evaluation will be to the highest bidder.**

2.15.2 The Procuring entity will evaluate and compare the tenders, which have been determined to be substantially responsive.

2.15.3 The tender evaluation committee shall evaluate the tender within 15 days of the validity period from the date of opening the tender.

## **2.16 Award Criteria**

2.16.1 The Procuring entity will award the contract to the successful tenderer(s) whose tender has been determined to be substantially responsive and has been determined to be the highest evaluated tender, subject to the reserves price.

## **2.17 Notification of Award**

2.17.2 Prior to the expiration of the period of tender validity, the Procuring entity will notify the successful tenderer in writing that its tender has been accepted.

2.17.3 Simultaneously the other tenderers shall be notified that their tenders have been unsuccessful.

## **2.18 Contacting the Procuring entity**

2.18.1 No tenderer shall contact the Procuring entity on any matter relating to its tender, from the time of the tender opening to the time the contract is awarded.

2.18.2 Any effort by a tenderer to influence the Procuring entity in its decisions on tender evaluation, tender comparison, or contract award may result in the rejection of the tenderer's tender

**REQUIREMENTS OF THE TENDERERS**

*This order and arrangement shall be considered as the tender format.*

Instructions to Tenderers Reference	Particulars of appendix to Instructions to tenderers	Tick where provided
2.7	<p><b><u>Motor vehicles.</u></b>            Tender security/deposit for the amount of <b>Kes. 100,000.00</b> in form of banker's cheque            Must be submitted together with the tender document.</p> <p><b>Bidders are required to fill tender deposit commitment declaration form.</b></p>	
2.1.5	Tenderers <b>must</b> demonstrate a strong understanding of the company safety procedures and adhere to safety requirements like providing PPE and provision of lifting equipments during scrap clearance.	

2.9	Tenders <b>must</b> provide proof of having viewed the items quoted for. Attached duly filled form (refer to page 20)	
-----	--	--

### SECTION III - SCHEDULE OF ITEMS AND PRICES

#### A. SCHEDULE OF ITEMS

##### *MOTOR VEHICLES*

<b>No.</b>	<b>Registration No.</b>	<b>Make</b>	<b>Location</b>	<b>Year Of Manuf.</b>	<b>Current Condition</b>
1	KBZ 088D <b>(Retendered)</b>	Ford Ranger Pick UP	Athi River	2013	Running
2	KBZ 089D <b>(Retendered)</b>	Ford Ranger Pick UP	Athi River	2013	Running
3	KBZ 090D <b>(Retendered)</b>	Ford Ranger Pick UP	Athi River	2013	Running
4	KBZ 092D <b>(Retendered)</b>	Ford Ranger Pick UP	Athi River	2013	Running

Authorized official \_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## B. SCHEDULE OF PRICES

### *MOTOR VEHICLES*

<b>No.</b>	<b>Registration No.</b>	<b>Make</b>	<b>Price Per Unit (exclusive of tender deposit)</b>	<b>Reserved Price</b>
1	KBZ 088D <b>(Retendered)</b>	Ford Ranger Pick UP		1,420,000
2	KBZ 089D <b>(Retendered)</b>	Ford Ranger Pick UP		1,420,000
3	KBZ 090D <b>(Retendered)</b>	Ford Ranger pick up		1,340,000
4	KBZ 092D <b>(Retendered)</b>	Ford Ranger pick up		1,420,000

Authorized official \_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **SECTION IV - CONDITIONS OF TENDER**

- 4.1 A tenderer may tender for each item and may tender for as many items as he/she wishes.
- 4.2 Tenderers who will be awarded contracts will be required to pay for the items after 7 days failure to which the contract award will be cancelled. If there is an administrative review, the review procedures shall be followed.
- 4.3 Tenderers will be required to collect the items they have paid for within three (3) days after making the payment failure to which storage charges will be charged as indicated in the appendix to Conditions of tender.
- 4.4 The procuring entity will retain confidential reserve prices for all the items. Items tendered for below the reserve price will be retained by the procuring entity.



**SECTION V - STANDARD FORMS**

**Notes on the standard form.**

The form of tender, the confidential business questionnaire form & tender deposit commitment declaration form must be completed by the tenderer & returned with the tender, Failure to complete any of these forms will lead to the disqualification of the tenderer.

**5.1 Form of Tender**

Date: \_\_\_\_\_  
Tender No. \_\_\_\_\_

To: .....  
.....  
[name and address of procuring entity]

Gentlemen and/or Ladies:

1. Having examined the tender documents including Addenda. Nos. .... [insert numbers]. The receipt of which is hereby duly acknowledged, we the undersigned, offer to purchase and collect all the items offered to us in conformity with the said tender documents for the sum of .....[total tender amount in words and figures] or such other sums as may be ascertained in accordance with the Schedule of Prices attached herewith and made part of this Tender.
2. We undertake, if our Tender is accepted, to pay for and collect the items in accordance with the requirements of the tender.
3. We agree to abide by the tender for a period of ....[number] days from the date fixed for tender opening of the Instructions to tenderers, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.
4. We understand that you are not bound to accept the highest or any tender that you may receive.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
[Signature] [In the capacity of]

Duly authorized to sign tender for and on behalf of \_\_\_\_\_

## 5.2 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 a serious offence to give false information on this form

<p><b>Part 1 – General</b></p> <p>Business Name .....</p> <p>Location of business Premises .....</p> <p>Plot No. .... Street/Road .....</p> <p>Postal Address ..... Tel No. ....</p> <p>Nature of business .....</p> <p>Current Trade Licence No. .... Expiring date .....</p> <p>Maximum value of business which you can handle at any one time Kshs .....</p> <p>Name of your bankers ..... Branch .....</p>
--

	<p><b>Part 2 (a) – Sole Proprietor</b></p> <p>Your Name in full ..... Age .....</p> <p>Nationality ..... Country of origin .....</p> <p>* Citizenship details .....</p>																														
	<p><b>Part 2 (b) Partnership</b></p> <p>Given details of partners as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name</th> <th style="width: 20%;">Nationality</th> <th style="width: 25%;">Citizenship Details</th> <th style="width: 20%;">Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>3.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>4.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>		Name	Nationality	Citizenship Details	Shares	1.	.....	.....	.....	.....	2.	.....	.....	.....	.....	3.	.....	.....	.....	.....	4.	.....	.....	.....	.....					
	Name	Nationality	Citizenship Details	Shares																											
1.	.....	.....	.....	.....																											
2.	.....	.....	.....	.....																											
3.	.....	.....	.....	.....																											
4.	.....	.....	.....	.....																											
	<p style="text-align: center;"><b>Part 2 (c) – Registered Company</b></p> <p>Private or Public .....</p> <p>State the nominal and issued capital of company</p> <p style="padding-left: 20px;">– Nominal Kshs.</p> <p style="padding-left: 20px;">Issued Kshs.</p> <p>Given details of all directors as follows</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%;">Name</th> <th style="width: 20%;">Nationality</th> <th style="width: 25%;">Citizenship Details</th> <th style="width: 20%;">Shares</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>2.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>3.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>4.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>5.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>		Name	Nationality	Citizenship Details	Shares	1.	.....	.....	.....	.....	2.	.....	.....	.....	.....	3.	.....	.....	.....	.....	4.	.....	.....	.....	.....	5.	.....	.....	.....	.....
	Name	Nationality	Citizenship Details	Shares																											
1.	.....	.....	.....	.....																											
2.	.....	.....	.....	.....																											
3.	.....	.....	.....	.....																											
4.	.....	.....	.....	.....																											
5.	.....	.....	.....	.....																											
<p>Date ..... Seal/Signature of Candidate .....</p> <p>.....</p>																															

**5.3. 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. You may contact the officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

*(FULL PARTICULARS)* \_\_\_\_\_  
\_\_\_\_\_

**PROOF OF VIEWING ITEMS FORM**

Stores supervisors in charge, Sign and Stamp the form after the bidder views the items for disposal .

NO	NAME OF STORES SUPER-VISOR INCHARGE	SIGN	STAMP	DATE	COMMENTS IF ANY
1.					
2.					

We confirm that we have viewed ALL the items on **Tender No. EAPCC/DISP/154/2018.**

.....

NAME OF THE FIRM

SIGN & STAMP

DATE

**TENDER DEPOSIT COMMITMENT DECLARATION FORM.**

**TENDER NO. EAPCC/DISP/154/2018**

As indicated in the schedule of items and prices, we do confirm that we have put deposits for the items tendered for as supported by the attached BANKERS CHEQUE.

<b>ITEM NO.</b>	<b>Item Description</b>	<b>Deposit Kes.</b>	<b>Bankers cheque No. and Date.</b>

Authorizing Official .....

(Name)

.....

(Signature)

.....

(Date)