



REPUBLIC OF KENYA
MINISTRY OF ENERGY AND
PETROLEUM.
STATE DEPARTMENT FOR ENERGY

KAWI COMPLEX

P.O. BOX 30582-00100

NAIROBI.

Email: tenders@energy-gov.info

BID CLOSING DATE

12th June 2023

TENDER No. MOEP/SDE/OMT/05/2023-24
FOR THE SUPPLY, DELIVERY AND OFF-LOADING OF
R32XV TRICONE BIT AND WHEN REQUIRED FOR A
PERIOD OF THREE YEARS.

COMPANY NAME:

REG: NUMBER:

NAME OF BIDDER:

Only bidders who have fully completed this form will be considered for this tender as it is a requirement from National Treasury.

1. INTRODUCTION

The **Ministry of Energy and Petroleum**, has a vision to be the leading, dynamic, united, prosperous and people-centered municipality with an effort to ensure the efficient development, contributes effectively to reducing poverty, through advocacy and partnerships that create sustained investments hence the need of revitalization of all the projects and resources.

The organization therefore seeks to appoint a registered supplier to supply and deliver **R32XV TRICONE BIT** to be used in revitalizing of this campaign across the country.

2. BACKGROUND

The national and provincial policy is clearly an important starting point in revitalization. National policy requires that resources are planned to deliver positive social, economic returns in keeping with national social economic targets and cover their own operational costs supported by 'sunrise' funding packages and phased-out subsidies.

3. SCOPE OF THE PROJECT

The **Ministry of Energy and Petroleum** seeks to appoint a service provider to supply and deliver **R32XV TRICONE BIT** urgently to be used during this campaign. The project requires suppliers to purchase and deliver a total of **140 R32XV TRICONE BITS**.

4. SPECIAL CONDITIONS

- A. All **R32XV TRICONE BITS** must be as per the specification
- B. All ordered items should be delivered on or before the delivery date stated on the order form

5. PURPOSE OF THIS DOCUMENT

The purpose of this document is to outline to potential service providers that **Ministry of Energy and Petroleum** requirement in as far as the **R32XV TRICONE BIT** are concerned and to ensure that potential Service providers are able to submit informed proposals on the required pumps including supply and delivery.

6. BUDGET

A project budget, including supply, delivery and off-loading of the **R32XV TRICONE BIT**, outlining scheduled costs associated with the proposed project should be included in your quotation. All monetary values quoted must include Value Added Tax (VAT) of 15%.

The service provider must provide a fixed price for the duration of the contract period.

Project budget should not exceed **KShs. (8,000,000.00) Eight Million Kenyan Shilling only** inclusive of VAT

7. SPECIFICATIONS

Below is outlining specifications of the **R32XV TRICONE BIT** required for this project?

ITEM	R32XV TRICONE BIT
PART NUMBER	R32XY83K
BATCH NO	CV584TY
SIZE	198mm API 3 ½

8. REQUIREMENTS FORM SERVICE PROVIDER

- 8.1 A quotation for the service. Costs should include VAT and where possible should be linked with specific tasks to be undertaken.
- 8.2 warranty periods should be stipulated on the quotation.
- 8.3 A service provider should comply with the specifications.
- 8.4 A valid Tax clearance certificate should accompany the quotation.

9. SUBMISSION OF QUOTATION

The closing date for the submission of quotations is **12th June 2023** before 04:00pm. Documents required from the services provider should be emailed to DEPARTMENT OF MINERAL RESOURCES at tenders@energy-gov.info.

10. DELIVERY ADDRESS:

All the **R32XV TRICONE BIT** are to be delivered to the **Ministry of Energy and Petroleum**.

Ministry of Energy

Kawi Complex,

Off Red Cross Rd, Nairobi.

P. O. Box 30582 – 00100 Nairobi Kenya

Contact Person: Mr. Marcus Fabrel

Tel: +254 10 401 4195

Office hours: [8:30am – 4:00pm]

11. PAYMENT TERMS

11.1 Ministry of Energy and Petroleum shall on fulfillment of the Delivery Terms, unless otherwise provided in this Purchase Order, make Full Payment within **Seven working (7) days** after receipt of the Supplier's invoice for the Goods.

11.2. Unless authorized by **Ministry of Energy and Petroleum**, the Supplier shall submit one invoice in respect of this Purchase Order, and such invoice must indicate the Purchase Order's identification number.

11.3. The prices shown in this Purchase Order may not be increased except by express written agreement of **Ministry of Energy and Petroleum**.

12. OFFICIALS NOT TO BENEFIT

The Contractor warrants that no official of **Ministry of Energy and Petroleum** has received or will be offered by the Contractor any direct or indirect benefit arising from this Contract or the award thereof. The Contractor agrees that breach of this provision is a breach of an essential term of this Contract.

13. MARKET ANALYSIS

The **Ministry of Energy and Petroleum** reserves the right to conduct market analysis. Should the city exercise this option, where a tenderer offers a price that is deemed not to be viable to supply goods or services as required, written confirmation will be made with the tenderer if they will be able to deliver on the price, if a tenderer confirm that they cannot, the tenderer will be disqualified on the basis of being non-responsive.

If they confirm that they can deliver, a tight contract to mitigate the risk of non-performance will be entered into with the service provider. Further action on failures by the supplier to deliver will be handled in terms of the contract including performance warnings and listing on the database of restricted suppliers.

The **Ministry of Energy and Petroleum** further reserves the right to negotiate a market related price with a tenderer scoring the highest points. If the tenderer does not agree to a market-related price, the city reserves the right to negotiate a market-related price with the tenderer scoring the second highest points, if the tenderer scoring the second highest points does not agree.

**PRICING SCHEDULE—FIRM PRICES
(PROFESSIONAL SERVICES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

Name of bidder.....	Quotation number: MOEP/SDE/OMT/05/2023-24
Closing time: 04:00pm	Closing Date: 12 th June 2023

Comments: Please provide us with a quotation for the items / Services specified hereunder where applicable, or in accordance with the attached specifications

ITEM	DESCRIPTION OF GOODS	QUANTITY
001	R32XV TRICONE BIT	140
002	TRANSPORT/DELIVERY	

Quotations must be submitted by email to tenders@energy-gov.info not later than **12th June 2023**

EVALUATION CRITERIA (80/20)

Minimum Requirements:

- Copy of valid tax clearance certificate
- Copy of Valid company registration

General Notes:

Please note that the **Ministry of Energy and Petroleum** reserves the right not to accept the lowest quote or not to proceed with this project. All costs that the service provider may incur due to the preparation of the project for the **Ministry of Energy and Petroleum** shall be the sole responsibility of the service provider.



REF: **INVITATION TO QUOTE FOR THE SUPPLY AND DELIVER R32XV TRICONE BIT.**

REFERENCE NO: MOEP/SDE/OMT/05/2023-24

Comments: Please provide us with a quotation for the items / Services specified here under, where applicable, or in accordance with the attached specifications.

ITEM	DESCRIPTION OF GOODS	QUANTITY	PRICE	BID PRICE IN KSHS
001	R32XV TRICONE BIT Part No: R32XY83K Batch No. CV584TY Size: 198mm API 3 ½	140	Ksh.....	Ksh.....
TOTAL				Ksh.....
VAT				Ksh.....
TOTAL Including VAT of 16% as per Government regulations				Ksh.....

Please Note:

1. This request for Quotation must be completed and accompanied by an official Quotation
2. Quotations must be emailed to tenders@energy-gov.info not late than **04:00pm, 12th June 2023**.
3. Quotations should be valid for at least 14 days
4. Please indicate your delivery period: not later than **17th July 2023**.
5. Is delivery period firm? Yes / No
6. Is the price (s) firm for the duration of the contract? Yes / No
7. Is the offer strictly to specification? Yes / No
8. If not to specification, state deviation (s)
.....

I / we agree that the offer herein shall remain binding upon me/us and open for acceptance by the Ministry of Energy and Petroleum during the validity period indicated and calculated from the closing time stated above.

NAME.....POSITION.....

COMPANY NAME:

REGISTRATION NUMBER.....

CONTACTS:

SIGNATURE:

Bids received after the closing date and time will not be considered. MOEP does not bid itself to accept the lowest or any other bid in whole or in par.

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favoritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorized representative declare his/her position in relation to the evaluating/adjudicating authority where the:

- bidder is employed by the state; and/or
- legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **IN ORDER TO GIVE EFFECT TO THE ABOVE, THE FOLLOWING QUESTIONNAIRE MUST BE COMPLETED AND SUBMITTED WITH THE BID.**

- 2.1 Full Name of bidder or his or her representative:
- 2.2 Identity Number:
- 2.3 Position occupied in the Company (director, trustee, shareholder², member):
- 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
- 2.5 Tax Reference Number:
- 2.6 VAT Registration Number:
- 2.7 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) Any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 2012);
- (b) Any municipality or municipal entity;
- (c) Provincial legislature;
- (d) National Assembly or the National Council of Provinces; or
- (e) Parliament.

²" Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

- 2.8 Are you or any person connected with the bidder presently employed by the state? ☐ Yes
☐ No

If so, furnish the following particulars:

Name of person / director / trustee / shareholder /member:

Name of state institution at which you or the person connected to the bidder is employed:

Position occupied in the state institution.....

Any other particulars

- 2.9 If you are presently employed by the state, did you obtain the appropriate authority to ☐ Yes
☐ No

Undertake remunerative work outside employment in the public sector?

If yes, did you attach proof of such authority to the bid document?

☐ Yes ☐ No

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid).

If no, furnish reasons for non-submission of such proof:

.....
.....
.....

2.10 Did you or your spouse, or any of the company's directors / trustees / shareholders /
☐ No

☐ Yes

Members or their spouses conduct business with the state in the previous twelve months?

If so, furnish particulars:

.....
.....
.....

2.11 Do you, or any person connected with the bidder, have any relationship (family, friend, other) ☐ Yes
☐ No

With a person employed by the state and who may be involved with the evaluation and
Or adjudication of this bid?

If so, furnish particulars:

.....
.....
.....

2.12 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) ☐ Yes
☐ No

Between any other bidder and any person employed by the state who may be involved
With the evaluation and or adjudication of this bid?

If so, furnish particulars.

.....
.....
.....

2.13 Do you or any of the directors / trustees / shareholders / members of the company have ☐ Yes
☐ No

Any interest in any other related companies whether or not they are bidding for this contract?

If so, furnish particulars:

.....
.....
.....

3. FULL DETAILS OF DIRECTORS / TRUSTEES / MEMBERS / SHAREHOLDERS

Full Name	Identity Number	Personal Income Tax Reference Number	State Employee Number / Persal Number

4 DECLARATION

I, THE UNDERSIGNED (NAME) HEREBY CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 AND 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
SIGNATURE

.....
DATE

.....
NAME OF BIDDER

.....
POSITION

1. **DECLARATION WITH REGARD TO COMPANY/FIRM**

1.1 Name of company/firm.....

1.2 VAT registration number.....

1.3 Company registration number.....

1.4 TYPE OF COMPANY/ FIRM (*Tick applicable box*)

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

1.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....

1.6 COMPANY CLASSIFICATION (*Tick applicable box*)

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

1.7 Total number of years the company/firm has been in business:

1.8 I/we, the undersigned, who is / are duly authorized to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- a) the information furnished is true and correct;
- b) the preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- c) in the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct; and
- d) if the BBBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have to:
 - disqualify the person from the bidding process;
 - recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - cancel the contract and claim any damages which it has suffered as a result of having to make less favorable arrangements due to such cancellation;
 - recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - Forward the matter for criminal prosecution.

SIGNATURE(S) OF BIDDERS(S)

.....

DATE:

ADDRESS:

WITNESSES

1.

2.

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

0. This Standard Bidding Document must form part of all bids invited.
1. It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
2. The bid of any bidder may be disregarded if that bidder, or any of its directors have:
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. Failed to perform on any previous contract.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of Kenya) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If so, furnish particulars:		

4 DECLARATION

I, THE UNDERSIGNED (NAME)..... HEREBY CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
SIGNATURE

.....
DATE

.....
NAME OF BIDDER

.....
POSITION

Part 1 NOTICE TO TENDERS

1. SUBMISSIONS TO RFQ

Submissions to this RFQ must not include documents or reference relating to any other quotation (s). Any additional conditions must be embodied in an accompanying letter.

2. COMMUNICATION

- a) Tenders are warned that a submission will be liable for disqualification should any attempt be made by a Tender either directly or indirectly to canvass any officer(s) or employee of the Department of mineral resources in respect of this RFQ between the closing date and the date of the award of the business.
- b) Tenders may also, at any time after the closing date of the RFQ, communicate with the Procurement Department on any matter relating to its RFQ Submission.

3. TAX CLEARANCE

The Tender's copy of a valid tax clearance certificate must accompany the Quotation. Note that no business shall be awarded to any Tender whose tax matters have not been declared by SARS to be in order.

4. VAT REGISTRATION

The valid VAT registration number must be stated here: _____
[If applicable].

5. LEGAL COMPLIANCE

The successful Tender shall be in full and complete compliance with any and all applicable national and local laws and regulations.

6. CHANGES TO QUOTATIONS

Changes by the Tender to its submission will not be considered after the closing date and time.

7. PRICING

All prices must be quoted in Kenyan Shilling on a fixed price basis, including VAT.

8. PRICES SUBJECT TO CONFIRMATION

Prices quoted which are subject to confirmation will not be considered.

9. GENERAL

Place an order in connection with this quotation at any time after the RFQ's closing date
No payment or reimbursement shall be due by Department of Energy to the Supplier
Before delivery

10. BINDING OFFER

Any quotation furnished pursuant to this request shall be deemed to be an offer.
Any exceptions to this statement must be clearly and specifically indicated.

11. DELIVERY AND DOCUMENTS

Delivery of the goods and arrangements for shipping and clearance obligations shall be made by the supplier in accordance with the terms specified in the contract.

12. INSURANCE

The goods supplied under the contract shall be fully insured in a freely convertible currency against loss or damage incidental to manufacture or acquisition, transportation, storage and delivery in the manner specified.

13. TRANSPORTATION

Should a price other than an all-inclusive delivered price be required, this shall be specified.

14. PAYMENT

14.1 All payments to bidders will only be made by means of Electronic Fund Transfer (EFT). with the following documents:

- A copy of banking institution to confirm full details of the bank account to the Council (Company name, Account number)
- A copy of the bidding entity's letterhead confirming bank account details into which all contract payments Must be made, signed by an authorized official of bidding entity

14.2 The method and conditions of payment to be made to the supplier under this contract shall be specified.

14.3 The supplier shall furnish the purchaser with an invoice accompanied by a copy of the delivery note and proof of fulfillment of other obligations stipulated in the contract.

14.4 Payments shall be made promptly by the purchaser, but in no case later than Seven (7) working days after submission of the documentation referred to in 14.3 above.

14.5 Payment will be made in Kenyan Shilling unless otherwise stipulated.

15. PRICES

Prices charged by the supplier for goods delivered and services performed under the contract shall not Vary from the prices quoted by the supplier in his bid, with the exception of any price adjustments Authorized or in the purchaser's request for bid validity extension, as the case may be.

16. Variation orders

In cases where the estimated value of the envisaged changes in purchase does not vary more than 15% of The total value of the original contract, the contractor may be instructed to deliver the goods or render the Services as such. In cases of measurable quantities, the contractor may be approached to reduce the unit Prices and such offers may be accepted provided that there is no escalation in price.

17. PERIOD OF CONTRACT

This contract is for a period with effect from date of award by the **Ministry of Energy and Petroleum**, until May 2025.

18. ORDERS FOR REQUIREMENTS

During the period of the contract official orders for **Ministry of Energy and Petroleum** requirements will be placed with the Bidder/s And the Bidder/s shall only supply the items required under this contract on receipt of such official orders.

19. PACKING

All goods shall be crated, packed or battened securely in such a manner as to prevent damage during loading, transport and off-loading.

Unless otherwise specified, packing cases and packing materials are included in the contract price and Shall be and remain the property of Department of mineral resources.

- modify the RFQ's goods / service(s) and request Tenders to re-Tender on any changes;
- reject any quotation which does not conform to instructions and specifications Which are detailed herein?
- disqualify quotations submitted after the stated submission deadline;
- not necessarily accept the lowest priced quotation;
- reject all quotations, if it so decides;
- place an order in connection with this Quotation at any time after the RFQ's closing date;
- award only a portion of the proposed goods / service/s which are reflected in the scope of this RFQ;
- split the award of the order/s between more than one Supplier/Service Provider; or
- Make no award at all.

20. BANKING DETAIL

DESCRIPTION OF BANK DETAIL	BANK DETAILS APPLICABLE TO BIDDER
Name of bank	
Contact person	
Branch name	
Branch code	
Street address	
Postal address	
Telephone number	()
Fax number	()
Account number	

