**REQUEST FOR PROPOSAL  
INSTRUCTIONS ON HOW TO SUBMIT A PROPOSAL**

**Procurement No:** **50-CS002-22**

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# Instructions on how to submit the Proposal

## General Instructions

The Public Utilities Board (PUB), hereinafter referred to as “the Procuring Entity”, invites Individuals and Firms to submit Proposals to join the PUB Utility Services Panel as fully described in this RFP. Please follow the instructions below in completing your Proposal. The language of Proposals shall be English.

The Procuring Entity may: (a) reject any or all Proposals, (b) accept any Proposal, (c) accept more than one Proposal, (d) accept alternative Proposals, (e) waive informalities and minor irregularities in Proposals received, or (f) cancel this RFP.

A Proposal should contain a Proposer's best financial and technical conditions. The Procuring Entity reserves the right (but is not under obligation) to enter into discussions with one or more Proposers in order to obtain clarification or additional details, to suggest refinements in the Technical Proposal or other aspects of the Proposal. The Procuring Entity reserves the right to request additional data, information, discussions, or presentations to support part of, or an entire, Proposal.

Proposals and possible Questions shall have been completely, legibly and in full received by the Procuring Entity, to the official email address, no later than the latest date and time specified for submission. It is the full responsibility of a Proposer to ensure that the submitted documents are completely delivered to the Procuring Entity on time. For example, failure of or delay on the Internet or a Proposer’s email system, or technical incompatibility, is not a valid reason for lateness or incompleteness. Proposals or Questions, or parts thereof, delivered after the latest date and time for submission will not be opened or considered.

By responding to this RFP, Proposers accept this RFP’s conditions and procedures, including the Specification describing the Assignments to be delivered. Proposers shall have no claim whatsoever or right to any kind of compensation or reimbursement for preparation of their Proposal, whether or not it is successful.

Participating Proposers shall not use or disclose any information, data, or documents they obtained from the Procuring Entity in the course of procurement process for any purpose other than for preparing and participating in the procurement process. Documents submitted in Proposals will be used for evaluation purposes and will not be returned.

### Official Email Address

The official email address is [procurement@mfep.gov.ki](mailto:procurement@mfep.gov.ki). All correspondence regarding this process shall be submitted to this address, and this address only. No copies to other staff of the Procuring Entity staff shall be submitted in parallel.

### Mandatory Requirements

The Certificate of Compliance Form, separately included in this RFP, contains the mandatory requirements, with which a Proposer, including each member of a consortium, joint venture or other type of association (where the Proposal is submitted by a consortium, joint venture or other type of association) must comply. Therefore, the Certificate of Compliance Form must be signed and attached to the Proposal, certifying that the Proposer, including each member of the consortium, joint venture or other type of association, complies with all the mandatory requirements. Failure to comply with all the requirements set out below will result in rejection of the Proposal.

### Clarification and Amendment of RFP documents

Any participating Proposer may request further clarification on matters pertaining to this RFP by submitting questions in writing, using Documents in MS Office 2010 format (or later versions) via email to the official email address, with the following noted in the subject line: **Proposers name – RFP Number – Questions**. PDF format is not accepted. See the timeline for the due date for submission of questions.

The Procuring Entity has a policy to treat all Proposers equally. Please do not contact other Procuring Entity personnel to discuss the RFP. Any answers from other Procuring Entity personnel shall not be valid, unless confirmed in accordance with the process for Questions and Answers herein described. If the Procuring Entity becomes aware that a Proposer has tried to get information from other Procuring Entity personnel, the Procuring Entity reserves the right to disqualify a Proposal from such Proposer having obtained unfair advantages. Questions on the substance of the RFP will be answered (without identifying the source of inquiry) on the Procuring Entity website: www.procurement.gov.ki/opentender or in the case of a direct invitation, directly to all invited Proposers. See the timeline for the date when the Procuring Entity will release any clarifications and/or amendments.

### Method of Submission and Proposal Format

All Proposals must be submitted in electronic version, unless otherwise specified in the RFP, via email to the official email address, with the following noted in the subject line: **Proposers name – RFP Number – Proposal** followed by the name of the respective Proposal a-d, as defined below, i.e., marked **– Cover letter, – Certificate, – Technical Proposal, and – Financial Proposal**.

#### Electronic submission

Proposal documents exceeding 2 MB must be compressed, using a standard zip format openly available in the market. In case the Proposal exceeds 2MB, Proposers may alternatively send multiple emails, with the same marking.

Format of documents submitted shall be as follows:

1. Signed letter in PDF format.
2. Documents and spreadsheets in MS Office 2010 format (or later versions). Font size shall be no smaller than 10.
3. Diagrams and drawings in Visio 2010 or PowerPoint Office 2010 form.at (or later versions) or ISO-compliant Open Document Format for Office Applications (Open Document).

#### Other means of submission

No other means of submission are permitted.

## Proposal Documents Required to be Submitted

Please do not submit generic marketing materials, broadly descriptive attachments, or other general literature. Responses to this RFP must consist of and be limited to the following, with c and d in separate, files, clearly named with the RFP number and “Technical Proposal” and “Financial Proposal” respectively:

1. Cover letter
2. Certificate of Compliance Form
3. Technical Proposal
4. Financial Proposal

The file name of documents related to any of the above shall include the reference to which of a, b, c or d it belongs.

All Proposals must indicate that they are valid for no less than ninety (90) calendar days from the last day for submission of the Proposal. The Procuring Entity will make its best effort to complete the evaluation and award procedures promptly. If the Procuring Entity wishes to extend the validity period of the Proposals, a Proposer which does not agree has the right not to extend the validity of their Proposals, and thereby be excluded from the evaluation.

### Cover letter

The cover letter in PDF format must contain:

1. Name and address of the Proposer;
2. Name, title, telephone number, and e-mail address of the person authorized to commit the Proposer to the Agreement;
3. Name, title, telephone number, and e-mail address of the person (one person only) to be contacted regarding the content of the Proposal, if different from above;
4. The services that the Proposer wishes to be considered for; and
5. A signature of this letter by a duly authorized representative of the Proposer.

### Certificate of Compliance Form

A signed declaration, including that the Proposer commits to the terms described in their Proposal and assumes responsibility for any pre-agreement costs incurred during the Proposal and Agreement finalisation phases.

### Technical Proposal

In preparing the Technical Proposal, Proposers are expected to examine the documents constituting this RFP in detail. Material deficiencies in providing the information requested may result in rejection of a Proposal.

While preparing the Technical Proposal, the Proposer must give particular attention to the following:

1. If the Proposer considers that it does not have all the expertise, equipment, machinery, etc., for the assignment, it may obtain a full range of resources by associating with individual consultant(s) and/or other firms or entities in a joint venture or sub-consultancy, as appropriate.
2. It is desirable that the majority of the proposed key professional work executed be by permanent employees or equipment, machinery, etc., of the Proposer or have an extended and stable working relationship with associates.
3. Alternative experts shall not be proposed, and only one curriculum vitae (CV) may be submitted for each proposed role.
4. The technical Proposal shall not exceed 30 pages, excluding the CVs of experts (E).

The Proposer must include in the Technical Proposal of the Proposal (including the use of technical forms as applicable) the following:

1. List of the Services the Proposer wishes to be considered for;
2. A nominated Service Leader for each Service the Proposer wishes to be considered for;
3. Material that specifically supports the Proposer’s capacity to undertake each of its nominated services (for example previous similar work it has undertaken, experience in similar working contexts; experience in similar countries; particular expertise held by the Proposer);
4. Any additional material the Proposer wishes to submit in support of its Proposal;
5. Curriculum vitae (CV) for the nominated Service Leader(s).

The Technical Proposal shall not include any information regarding the Financial Proposal.

### Financial Proposal

In preparing the Financial Proposal, Proposers are expected to take into account the requirements and conditions outlined in this RFP. The Financial Proposal shall use the templates, if such are provided, and include the following:

1. Fee structure and pricing details in AUD or NZD including all expenses and applicable taxes; and
2. Payments made to a Proposer shall not be subject to local taxes.

## Agreement and Agreement Award

After the evaluation procedure, the Proposers representing the best Value for Money will be awarded a Utility Services Panel Agreement (Agreement) up to the requisite number of Proposers. Unsuccessful Proposers will be notified.

## Complaints

Should a Proposer not be successful and have relevant cause to disagree with the award decision, the Proposer may submit a written complaint, which shall be received before the date and time specified in the Award Letter submitted to all Proposers. A complaint shall be submitted to the Procuring Entity, have valid ground and must clearly account for the reasons for the disagreement. Complaints received after the last date and time will not be considered.

## Agreement Finalisation

After the complaints period has expired, the Procuring Entity may, at its sole discretion, invite the awarded Proposers for Agreement finalisation. If an Agreement has not been concluded after a reasonable time, the Procuring Entity may terminate the attempt to sign an Agreement with the awardee and invite another Proposer to finalise an Agreement.

Having selected the Proposers on the basis of, among other things, an evaluation of proposed key professional staff and the Proposer’s previous experience, the Procuring Entity expects to finalise an Agreement on the basis of the experts named in the Proposal. The Procuring Entity will not consider substitutions during Agreement negotiations. Unless the Procuring Entity agrees otherwise in writing, the Proposer assures that any key expert or method offered in the Proposal is in fact available for the work. Unavailability of a key expert or change of methodology may disqualify the Proposer.

The Proposer must be aware that the mere act of submission of a Proposal, in and of itself, implies that the Proposer accepts the terms and conditions of the Contract General Conditions and Contract Special Conditions which are used for Assignments and which are attached to this RFP.

The Proposer shall not be allowed to alter the terms of the Agreement or the Contract General Conditions or Contract Special Conditions. If the Proposer is not able to abide by the terms of the Agreement or the Contract General Conditions or the Contract Special Conditions, it may request for a change of the terms in its Proposal or by written request at the time of establishing an Assignment. However, for the sake of equal treatment of all Proposers, it should be clarified that no material changes will be accepted by the Procuring Entity.

Proposers should note that there are two Contract General Conditions and associated Contract Special Conditions attached to this procurement document. One is for use by consultants and one is for use by contractors.