



Development Bank  
of Kenya Ltd

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SUPPLIER REGISTRATION  
PROVISION OF LEGAL SERVICES

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**TENDER NO: DBK/PQ/01/2021**

**Release Date: Friday, 11<sup>th</sup> June 2021**

**Closing Date: Friday, 18<sup>th</sup> June 2021 at 10.00 A.M.**

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**SECTION I - LETTER OF INVITATION**

*Date:*

TO: \_\_\_\_\_ (*Name and Address of Firm*)

Dear Sir/Madam,

**RE: INVITATION TO REGISTRATION FOR PROVISION OF LEGAL SERVICES FOR FY 2021-2022 AND FY 2022-2023**

1.1 The Development Bank of Kenya (DBK) invites applications for **Registration for Provision of Legal Services** for the period of 2021-2022.

1.2 The Application includes the following documents:

- Section I - Letter of invitation
- Section II - Information to firms
- Appendix to Tenderers information**
- Section III - Registration Submission Form
- Section IV - Confidential Registration Business Questionnaire Form
- Section V - Statutory Declaration
- Section VI - Team Summary Form and Sample CV's

1.3 Completed Registration documents shall be submitted in plain sealed envelopes clearly marked with the **Tender number** and **name** addressed to:

The Chief Executive Officer  
Development Bank of Kenya  
P.O. Box 30483-00100  
**Nairobi, Kenya.**

and deposited in the tender box located at Finance House, 16<sup>th</sup> Floor, Loita Street, **on or before June 18<sup>th</sup>, 2021 at 10.00am.**

1.5 The application will be opened immediately thereafter in the presence of Tenderers' or their representatives who choose to attend at Finance House, 15<sup>th</sup> Floor, Loita Street Boardroom.

1.6 DBK reserves the right to accept or reject the applications.

**Any canvassing or giving of false information will lead to automatic disqualification.**

Late proposals will not be accepted.

**CHIEF EXECUTIVE**  
**DEVELOPMENT BANK OF KENYA**

## SECTION II – INFORMATION TO TENDERERS (ITC)

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## SECTION II: - INFORMATION TO TENDERERS (ITC)

### 2.1 Introduction

2.1.1 DBK will register and enlist prospective Tenderers for the provision of Legal Services from among those who will have submitted their Registration documents in accordance with the Registration requirements to undertake the assignments described herein for two (2) years.

2.1.2 DBK intends to apply scales of fees provided under the Advocates Remuneration Order.

2.1.3 The Registration Tender document and the Tenderers response thereto shall be the basis for Registration. Tenderers must familiarize themselves with the requirements described in this document including all attachments and take them into account while preparing their response.

2.1.4 Tenderers will be informed in writing of the results of their application.

2.1.5 Tenderers will meet all costs associated with preparation and submission of their applications.

2.1.6 It is DBK's policy to require that Tenderers observe the highest standards of ethics and professionalism in the procurement process and execution of contracts. In pursuance of this policy, DBK:

- a. Defines, for the purpose of this provision, the terms set forth below:
  - i. *"Corrupt practice"* means the offering, giving, receiving or soliciting of anything of value to influence the action of an officer of the Procurement Entity/Purchaser/Employer in the Registration process; and
  - ii. *"Fraudulent practice"* means a misrepresentation of facts in order to influence the Registration process to the detriment of the Purchaser/Employer, and includes collusive practices among Tenderers (prior to or after submission of Tenders) designed to establish prices at artificial, non-competitive levels and to deprive the Procurement Entity of the benefits of free and open competition.
- b. Will reject a Tender for Registration if it determines that a Tenderer has engaged in corrupt or fraudulent activities in competing for the contract in question;
- c. Will declare a Tender ineligible, for Registration if at any time it determines that Tenderer has engaged in corrupt or fraudulent practices in competing for, or in executing a similar contract;

- d. Will have the right to examine financial or other records relating to the performance of such services to determine capability;
- e. Will have the right to inspect the business premises of the Tenderer.

**2.1.7** Tenderers shall furnish information as described in the Registration tender document.

**2.1.8** Tenderers shall be aware of the provisions on fraud and corruption stated in herein after.

## **2.2 Professional Qualifications**

The Advocates must be active members of the Law Society of Kenya with current practicing certificates. They should not have any pending disciplinary cases. Due diligence will be carried out to ensure that they have not been disbarred.

## **2.3 Professional Insurance Indemnity**

They must have taken out a Professional Insurance Indemnity of not less than **Kshs. 5,000, 000.00** but capable of being reviewed depending on the brief at hand.

## **2.4 Expertise**

The Law firms must be ranked highly by their peers as well as have proven experience of the issues in question. While it is important for the lead partners to be experienced the qualification of other members of the firm who will be performing the majority of the legal services should also be of high standard. This includes associates, research assistants and paralegals.

Senior Partners should have at least 10 years of Legal experience.

## **2.5 Scope of Legal Services**

**2.5.1** The legal services being procured include but are not limited to: Civil Litigation and Practice, Commercial Law, Financial Services Law, Public Procurement and Disposal Law, Labour Law, Constitutional Law, Arbitration & Alternative Dispute Resolution Law and Practice, Tax Law, Land Law & Conveyancing, Public Private Partnership Law, International Law, Project Finance, and Environmental Law.

**2.5.2** The law firms should attach their profiles stating the type of cases/matters handled and their success rate in litigation and commercial transactions. The profile should indicate experience in handling matters before the different courts and Tribunals.

**2.5.3** The firms should also provide a list of clients handled which should include government departments and parastatals, international companies and private organizations; and the types of matters handled.

## **2.6 Firm's History**

The following information should be included:

- Period for which the law firm has been in operation
- Number of partners and their standing in the bar
- Number of Associates and their standing in the bar
- Number of pupils
- Number of paralegal staff
- Number of support staff
- Areas of Practice & Specialization
- Whether the firm is a member of an international consortium of lawyers or members of international legal bodies.

## **2.7 Facilities**

The firm should possess facilities like a modern legal library, access to online law reports or other legal resources, computers, internet connectivity etc to enable them provide adequate services and facilitate real-time communication.

## **2.8 Payment of Fees/Costs**

**2.8.1** DBK will consider law firm's that offer the right balance of value for money as measured by the quality of legal service offered. Law firms will be required to identify ways in which legal costs for any significant or complex matter can be mitigated.

**2.8.2** The payment of fees will be based on the Advocates Remuneration Order, capped or as may be agreed between the firm and DBK.

## **2.9 Litigation against DBK**

The firm should disclose if they are engaged with past or pending litigation against ICDC and the nature of the litigation in order to avoid conflict of interest. The Firm should declare any conflict of interest.

## **2.10 Ability to Work Closely with DBK Legal Department**

The selected law firms will be required to work closely with DBK's in-house lawyers.

## **2.11 Monitoring and Evaluation**

The selected law firms must agree to be monitored through regular client satisfaction surveys in order to ensure that they maintain high standards of service. The firms must give regular reports to DBK.

## **2.12 Preparation of Tender Documents**

**2.12.1** Tenderers are requested to submit a Tender written in English language.

**2.12.2** Tenderers are expected to examine the documents comprising this Request for pre-qualification in detail. Material deficiencies in providing the information requested may result in rejection of a Tender.

**2.12.3** Tenderers are required to meet the Registration criteria stipulated in herein after. Those who do not meet the requirements need not submit tenders. Only tenders, which fulfill these requirements, will be considered for detailed evaluation.

**2.12.4** The Registration documents shall not include any financial proposal information other than audited accounts for the last 2 years.

## **2.13 Period of Validity**

The request for Registration must remain valid for not less than 120 days from the date of submission. DBK will make best effort to complete the evaluation and communicate within this period.

## **2.14 Submission, Receipt, and Opening of Registrations**

**2.14.1** The original Registration 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 person or persons who sign(s) the Registration Document.

**2.14.2** An authorized representative of the Applicants should initial all pages of the tender document.

**2.14.3** The Registration document should be prepared and submitted in a plain sealed envelope marked :

"REGISTRATION FOR PROVISION OF LEGAL SERVICES" and delivered to:

The Chief Executive Officer  
Development Bank of Kenya  
P.O. Box 45519-00100,Nairobi,  
Kenya.



## **2.15 Tender Submission**

### **2.15.1 Submission Time:**

The closing time for the submission of the Registration Document shall be **30<sup>th</sup> June 2021 at 10.00am** and shall be sent to the above address. Registration Document shall be marked on top "**DO NOT OPEN BEFORE 30<sup>TH</sup> June 2021 at 10.00am.**"

### **2.15.2 Late Submission**

Any Registration Document received after the deadline shall be rejected as a late tender and shall not be considered.

### **2.15.3 Tender Opening**

An Opening Committee shall open the applications immediately after the closing time for submission of the Registration Document.

DBK will prepare a record of the Registration Document opening.

### **2.15.4 Registration Evaluation**

#### **a. Mandatory Requirements for Registration:**

- i. Registration Submission Form.
- ii. Duly Completed Confidential Registration Business Questionnaire.
- iii. A copy of Certificate of Registration.
- iv. Evidence of physical address and premises (attach copies of utility bills e.g. electricity/water or lease agreement/Title).
- v. Certified copy of current practicing certificates for all partners and associates; Senior Partner(s) must have a minimum experience of 10 years.
- vi. Five (5) letters of commendation from your current major clients including public institutions or large commercial enterprises, summary of services rendered, value and contact persons, addresses and telephone numbers. Tenderers are advised to ensure that they officially verify the accuracy, authenticity and validity of any documentation, certification or information obtained from third parties i.e. letters from referees that they intend to or submit to DBK as part of their Tender. DBK will have the discretion to contact your referees without prior reference to the tenderer.

- vii. Two (2) year's audited accounts between 2019 and 2020.
- viii. A copy of Valid Tax Compliance Certificate.
- ix. Evidence of the firm's Professional Insurance Indemnity of at least **Kshs. 5,000,000.00** but capable of being reviewed depending on the brief at hand.

**2.15.5** DBK will examine the tenders to determine completeness, general orderliness and sufficiency in responsiveness.

**2.15.6** Tenderers must paginate their Tender document consistent with the table of content to facilitate ease of reference during evaluation.

**2.15.7** Applicants shall not contact DBK on the matter relating to their Registration Document from the time of opening to the time the evaluation is finalized unless official communication is sent to them. Any effort by the Applicant to influence DBK in the Pre-Qualification Document evaluation shall result in the rejection of their application.

**2.15.8** Registration will be based on meeting the following minimum criteria regarding the Applicant's legal status, general and particular experience, personnel and financial position as demonstrated by the responses in the attached forms.

**2.15.9** The Applicants should have registered offices and DBK reserves the discretion of visiting physical premises from which the applicant conducts business if so desired to confirm existence and capability to deliver the said services.

**2.15.10** Applicants who qualify according to the selection criteria will be required to offer various legal services as and when required within the 2 years.

**2.15.11** DBK reserves the right to accept or reject any or all Registration Documents without the obligation to assign any reason(s) for its decision thereof.

## **2.16** **Litigation**

Applicants must disclose any current litigation against the firm and briefly describe the nature of the litigation.

## **2.17** **Evaluation Criteria**

The points given to evaluation criteria are provided in the evaluation matrix below.

## EVALUATION MATRIX

Bidders must attach evidence to fulfill the following requirements:

<b>PART I - MANDATORY CRITERIA</b>			
<b>NO.</b>	<b>REQUIREMENTS</b>	<b>MAX SCORE</b>	<b>YES/ NO</b>
<b>A.</b>	Duly completed and signed Submission Form.	Mandatory	
<b>B.</b>	Duly completed and signed Confidential Business Questionnaire.	Mandatory	
<b>C.</b>	A copy of the Certificate of Registration of the Law firm.	Mandatory	
<b>D.</b>	Evidence of Physical Address.	Mandatory	
<b>E.</b>	Certified Copies of practicing Certificates of all advocates in the Law firm.	Mandatory	
<b>F.</b>	Letters of Commendation from at least 5 corporate clients. (Company name Client's Contact Person (email and telephone No.)	Mandatory	
<b>G.</b>	Audited Accounts for immediate past two (2) Year's.	Mandatory	
<b>H.</b>	Tax Compliance Certificate.	Mandatory	
<b>I.</b>	Evidence of the firm's Professional Insurance Indemnity of at least Kshs.5,000,000.00	Mandatory	
<b>J.</b>	<b>Tenderers must paginate their Tender document consistent with the table of contents to facilitate ease of reference during evaluation</b>	Mandatory	
<p><b>An application shall be rejected at this stage if it does not respond to the mandatory requirements. Applications that respond to the mandatory requirements will be proceed to Technical evaluation.</b></p>			

<b>PART II - TECHNICAL CRITERIA</b>				
<b>NO.</b>	<b>REQUIREMENTS</b>	<b>PARAMETER</b>	<b>MAX SCORE SCORE (Points)</b>	<b>FIRM'S SCORE</b>
<b>A.</b>	Experience in advising a financial institution. Attach evidence.	-	<b>15</b>	
<b>B.</b>	Value of Professional Indemnity	Kshs. 100 Million and Over  Kshs. 50 - 99 Million  Kshs. 30 - 49 Million  Kshs. 10 - 29 Million  Kshs. 5 - 9 Million	<b>15</b>  10  7.5  5  2.5	
<b>C.</b>	<b>Capacity &amp; Period of Operation of Firm</b>  <b>C1. Firm Profile &amp; Experience</b> Qualifications and competence/areas of practice of Key professional staff (attach respective CVs for each with above details)	<b>Minimum</b> Law undergraduate degree for all advocates  <b>Senior Partners</b> Over 15 years' experience 12-15 years Less than 10 years.	<b>25</b>          <b>6</b>  <b>3</b>  <b>1</b>	

		<b>Associates</b> Over 8 years' experience <b>6</b> 3-7 years <b>3</b> Under 3 years <b>1</b>  6 and above <b>5</b> 3 -5 <b>2</b> 1-2 <b>1</b>  6 and above <b>4</b> 3 -5 <b>2</b> 1-2 <b>1</b>  5 and above <b>4</b> 2-3 <b>1</b>		
	<b>2. Size</b> Number of Partners  Number of Associates  Number of Support staff			
<b>D.</b>	10 Major Litigation briefs successfully handled in terms of value and subject matter.  Indicate court:	Subject Matter Over Kshs. 200 Million <b>30</b>  Kshs. 100 - 199 Million <b>20</b>		

	<input type="checkbox"/> Supreme Court <input type="checkbox"/> Court of Appeal <input type="checkbox"/> High Court <input type="checkbox"/> Regional Courts/ International Courts	Kshs. 50 - 99 Million  Kshs. 49 Million and below	10  5	
<b>E.</b>	Audited financial statements for the last two years or where the firm has been in operation for less than 2 years Certified Management Accounts.	-	<b>10</b>	
<b>F.</b>	Completeness of bid documents	-	<b>5</b>	
			<b>100</b>	

Each responsive proposal will be given a technical score (St). A proposal shall be rejected at this stage if it does not respond to important aspects of the Criteria or if it fails to achieve the minimum technical score indicated. The pass mark shall be a minimum technical score of **70 points**.

## **2.9 Confidentiality**

Information relating to evaluation of proposals and recommendations concerning awards shall not be disclosed to the Tenderers who submitted the proposals or to other persons not officially concerned with the process, until the winning firm has been notified that it has been prequalified for the services.

## **2.10 Corrupt or fraudulent practices**

2.10.1 DBK requires that the Tenderers observe the highest standards of ethics during the selection and Registration of the firms and also during the performance of any assignment(s). The tenderer shall sign a declaration that he has not and will not be involved in corrupt or fraudulent practices.

2.10.2 DBK will reject an application if it determines that the tenderer recommended for Registration has engaged in corrupt or fraudulent practices in competing for the services in question.

2.10.3 Further a tenderer who is found to have indulged in corrupt or fraudulent practices risks being debarred from participating in public procurement in Kenya.

### SECTION III: - REGISTRATION SUBMISSION FORM

To:

Date: \_\_\_\_\_

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

The Chief Executive Officer,  
Development Bank of Kenya,  
P.O. Box 30483-00100,  
**NAIROBI, KENYA**

Dear Sir,

We/I, the undersigned, offer to provide the required services in accordance with your instructions and we hereby submit our Registration Document.

Our Application is binding to us and if found acceptable we shall be pleased to be included in the list of pre-qualified firms.

We understand you are not bound to accept any application you receive.

We remain,

Yours sincerely,

Authorised Signature: .....

Name and Title of Signatory .....

Name of Tenderer .....

Address: .....

**SECTION IV- CONFIDENTIAL REGISTRATION BUSINESS  
QUESTIONNAIRE FORM**

You are requested to give the particulars indicated in Part 1; either Part 2(a), 2(b) or 2 (c ) whichever applies to your type of business; and Part 3. You are advised that it is a serious offence to give false information on this form.

**Part 1 – General**

- 1.1 Business Name  
.....
- 1.2 Location of Business Premises.  
.....
- 1.3 Plot No..... Street/Road  
Postal Address .....
- Tel No. .... Fax.....
- E mail .....
- 1.4 Nature of Business .....
- 1.5 Registration Certificate No.  
.....
- 1.6 Maximum Value of Business which you can handle at any one time –  
Kshs.....
- 1.7 Name of your Bankers .....Branch .....

<b>Part 2 (a) – Sole Proprietor</b>
2a.1 Your Name in Full .....
2a.2 Nationality .....
Country of Origin .....
• Citizenship Details .....
<b>Part 2 (b) Partnership</b>
<b>2b.1 Given details of Partners as follows:</b>



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

**Part 2 (c ) - Debarment**

I / We declare that I/ we have not been debarred from any procurement process and shall not engage in any fraudulent or corrupt acts with regard to this or any other tender by ICDC and any other public or private institutions.

Date .....

Name of duly authorized person.....

Signature of duly authorized person.....

**Part 2 (d ) - Criminal Offence**

I / We, individually or jointly have not been convicted of any criminal offence relating to professional (mis)conduct or the making of false statements or misrepresentations as to my/our qualifications to enter into a procurement contract within a period of five (5) years preceding the commencement of this Registration procurement.

Date .....

Name of duly authorized person.....

Signature of duly authorized person.....

---

**Part 3 - Conflict of Interest**

3.1 I / We, the undersigned state that I/ we have no conflict of interest in relation to this Registration.

- 1.....
- 2.....
- 3.....

---

Date .....

Name of duly authorized person.....

Signature of duly authorized person.....

3.2 Does any person/person in DBK have interest in the firm?

Yes\_\_\_\_\_No\_\_\_\_\_

3.3 If answer in '3.2' above is YES give details.

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

3.4 Are you under a declaration of ineligibility for corrupt and fraudulent practices?

YES\_\_\_\_\_No\_\_\_\_\_

3.5 If answer in '3.4' above is YES give details:

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

I / We DECLARE that the information given on this form is correct to the best of my/our knowledge and belief and that I/We give DBK authority to seek any other references concerning my/our firm from whatever sources deemed relevant.

Date ..... Signature of Candidate.....

**SECTION V – STATUTORY DECLARATION**

**REPUBLIC OF KENYA**

**IN THE MATTER OF OATHS AND STATUTORY DECLARATION ACT**

**CHAPTER 15 OF THE LAWS OF KENYA  
AND**

**IN THE MATTER OF THE PUBLIC PROCUREMENT AND DISPOSAL ACT, 2015**

I, ..... of P. O. Box..... being a resident of ..... in the Republic of Kenya do hereby make oath and state as follows: -

1. THAT I am the..... (Managing Partner/ /Senior Partner) of .....(Name of the Law Firm) which is a Candidate in respect of Tender Number ..... to render legal services to Industrial and Commercial Development Corporation and duly authorized and competent to make this Affidavit.
  
2. THAT the aforesaid Firm has not been requested to pay any inducement to any member of the Board, Management, Staff and/or employees and/or agents of ICDC, which is the procuring entity.
  
3. THAT the aforesaid Candidate, its servant(s) and/or agent(s) have not been offered and will not offer any inducement to any member of the Board, Management, Staff and/or employee(s) and/or agent(s) of DBK.
  
4. THAT the aforesaid Candidate, its servant(s) and/or agent(s) have not been debarred from any procurement process.
  
5. THAT what is deponed to hereinabove is true to the best of my knowledge information and belief.

SWORN at ..... by the said }  
..... }  
on this ..... day of ..... 20... } DEPONENT  
}   
Before me }  
Commissioner for Oaths }

# ANTI-CORRUPTION DECLARATION COMMITMENT/ PLEDGE

I/We/Messrs.....

of Street, Building, P O Box.....

.....

Contact/Phone/E mail.....

declare that Public Procurement is based on a free and fair competitive Tendering process which should not be open to abuse.

I/We .....

declare that I/We will not offer or facilitate, directly or indirectly, any inducement or reward to any public officer, their relations or business associates, in connection with

Tender No .....

for or in the subsequent performance of the contract if I/We am/are successful.

Authorized Signature.....

Name and Title of Signatory.....

Stamp.....

**SECTION VI: TEAM COMPOSITION SUMMARY AND  
TASK ASSIGNMENTS**

**1. Partner(s)**

<b>No</b>	<b>Name</b>	<b>Position</b>	<b>Area of Practice</b>
1.			
2.			
3.			
4.			
5.			

**2. Associates**

<b>NO</b>	<b>Name</b>	<b>Position</b>	<b>Area of Practice</b>
1.			
2.			
3.			
4.			
5.			
6.			
7.			