



REGISTRATION OF LEGAL SERVICE PROVIDERS

APPLICATION NO. EPRA/SCM/REG/24-25/01

APPLICATION OPENING ON 14TH MARCH, 2025 AT 11:30 AM (EAST AFRICA TIME)

**ENERGY AND PETROLEUM REGULATORY AUTHORITY
1ST FLOOR, EAGLE AFRICA CENTRE, LONGONOT ROAD UPPERHILL
P.O. Box 42681 – 00100 NAIROBI, KENYA
Tel: +254-20-2847000/200; Fax: +254-20-2717603
E-mail: procurementgrp@epra.go.ke; Website: <http://www.epra.go.ke>**

13TH FEBRUARY, 2025

INVITATION TO APPLICATION

PROCURING ENTITY: ENERGY & PETROLEUM REGULATORY AUTHORITY

INVITATION TO APPLY FOR REGISTRATION

DATE: 13TH FEBRUARY 2025

APPLICATION NO. EPRA/SCM/REG/24-25/01

APPLICATION NAME: REGISTRATION OF LEGAL SERVICE PROVIDERS

1. The Energy and Petroleum Regulatory Authority intends to register legal **services providers**.
2. Application will be conducted through application procedures using a standardized application document and will be open to all applicants who qualify
3. Registration documents may be obtained electronically, viewed and downloaded for free from the website <https://www.epra.go.ke/downloads>. Applicants who download the Registration document must forward their particulars (name of the bidder and email address & the telephone contacts) immediately to procurementgrp@epra.go.ke to facilitate pre-application meeting or for any clarification or addendum.
4. Enquiries can be made via the following email address: procurementgrp@epra.go.ke.
5. Applications for registration must be delivered to the address below on or before **14th March, 2025 at 11:30 a.m East African Time**. Electronic Applications **shall not** be permitted.
6. Late applications will be rejected.
7. All Applications will be addressed to the following address:

THE DIRECTOR GENERAL
ENERGY & PETROLEUM REGULATORY AUTHORITY (EPRA)
EAGLE AFRICA CENTRE,
LONGONOT ROAD, UPPERHILL
P.O BOX 42681-00100, NAIROBI

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PART 1 - TENDERING PROCEDURES

SECTION I - INSTRUCTIONS TO APPLICANTS (ITA)

A. *General*

1 *Scope of Application*

1.1 The name of the Procuring Entity inviting for applications is defined in the Registration Data Sheet (**RDS**). The particular type of contract (works, goods or Non-Consulting Services required) and its name and description of the contract(s) and its reference number are defined in the **RDS**. If the scope of contract so defined is in multiple contracts, it will be specified in the **RDS** if registration will be based on individual contracts or multiple contracts. The Full scope of Works or Goods or Non-Consulting Services are described in Section V (Scope of Works or goods contract).

2 **Source of Funds** to be specified in the RDS, if deemed necessary.

3 *Fraud and Corruption*

3.1 The Government of Kenya requires compliance with its Anti-Corruption laws and its prevailing sanctions policies and procedures.

3.2 In further pursuance of this policy, Applicants shall permit and shall cause their agents (where declared or not), subcontractors, sub consultants, service providers, suppliers, and their personnel, to permit the Public Procurement Regulatory Authority (PPRA) to inspect all accounts, records and other documents relating to any initial selection process, registration process, application submission (incase registered), proposal submission, and contract performance (in the case of award), and to have them audited by auditors appointed by the PPRA.

4 *Collusive practices*

4.1 The Procuring Entity requires compliance with the provisions of the Competition Act 2010, regarding collusive practices in contracting. Any applicant found to have engaged in collusive conduct shall be disqualified and criminal and/or civil sanctions may be imposed. To this effect, applicants shall be required to complete and sign a Certificate of Independent Application Determination" annexed to the Form of applicant.

5 *Eligible Applicants*

5.1 Applicants shall meet the eligibility criteria as per this ITA and ITA 5.1 and 5.2. An Applicant may be a firm that is a private entity, a state-owned enterprise or institution subject to ITA 5.9 or any combination of such entities in the form of a joint venture ("JV") under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the registration process, (in the event the JV submits an

Application) and during contract execution (in the event the JV is awarded the Contract). Members of a joint venture may not also make an individual application, be a subcontractor in a separate application or be part of another joint venture for the purposes of the same Application. The maximum number of JV members shall be specified in the RDS.

- 5.2 Public Officers of the Procuring Entity, their Spouses, Child, Parent, Brothers or Sister. Child, Parent, Brother or Sister of a Spouse, their business associates or agents and firms/organizations in which they have a substantial or controlling interest shall not be eligible to be registered. Public Officers with such relatives are also not allowed to participate in any procurement proceedings.
- 5.3 A firm may apply for registration both individually, and as part of a joint venture, or participate as a subcontractor. If registered, it will not be permitted to application for the same contract both as an individual firm and as a part of the joint venture or as a subcontractor. However, a firm may participate as a subcontractor in more than one Application, but only in that capacity. Applications submitted in violation of this procedure will be rejected.
- 5.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for registration either individually, as joint venture or as a subcontractor among them for the same contract. However, if registered, only one registered Applicant will be allowed to application for the registration. All Applications submitted in violation of this procedure will be rejected.
- 5.5 An Applicant may have the nationality of any country, subject to the restrictions pursuant to ITA 5.1 and 5.2. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. Sub-contractors or suppliers for any part of the Contract including related Non-Consulting Services.
- 5.6 Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Procuring Entity as Engineer for contract implementation of the contract(s) that are the subject of this registration . In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff of the Procuring Entity who:
 - a. are directly or indirectly involved in the preparation of the registration Document or Invitation to Application (ITT), Document or specifications of the Contract, and/or the Application evaluation process of such Contract; or
 - b. would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to the Procuring Entity throughout the registration , ITT

process and execution of the Contract.

- 5.7 An Applicant that has been debarred shall be ineligible to be initially selected for, registered for, applied for, proposed for, or be awarded a contract during such period of time as the PPRA shall have determined. The list of debarred firms and individuals is available at www.ppra.go.ke
- 5.8 Applicants that are state-owned enterprise or institutions in Kenya may be eligible to prequalify, compete and be awarded a Contract(s) only if they can establish, in a manner acceptable to the Procuring Entity, that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not under supervision of any public entity.
- 5.9 An Applicant shall not be under sanction of debarment from tendering by the PPRA as the result of the execution of an Application/Proposal–Securing Declaration.
- 5.10 An Applicant that is a Kenyan firm or citizen shall provide evidence of having fulfilled his/her tax obligations by producing a current tax clearance certificate or tax exemption certificate issued by the Kenya Revenue Authority.
- 5.11 An Applicant shall provide any other such documentary evidence of eligibility satisfactory to the Procuring Entity, as the Procuring Entity shall reasonably request.

6 *Eligibility*

- 6.1 Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated herein. The countries, persons or entities are in eligible if:
 - a. As a matter of law or official regulations, Kenya prohibits commercial relations with that country, or
 - b. By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, Kenya prohibits any import of goods or contracting of works or Non- Consulting Services from that country, or any payments to any country, person, or entity in that country.
- 6.2 When the Works, supply of Goods or provision of non-consulting services are implemented a cross jurisdictional boundary (and more than one country is a Procuring Entity, and is involved in the procurement), then exclusion of a firm or individual on the basis of ITA 5.1 (a) above by any country may be applied to that procurement a cross other countries involved, if the Procuring Entities involved in the procurement so agree.
- 6.3 Any goods, works and production processes with characteristics that have been declared by the relevant national environmental protection agency or by other competent authority as harmful to human beings and to the environment shall not be eligible for procurement.

B. *Contents of the Registration Documents*

7 *Sections of Registration Document*

7.1 This Registration Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 8.

PART 1 - Registration Procedures

- i) Section I- Instructions to Applicants (ITA)
- ii) Section II - Registration Data Sheet (RDS)
- iii) Section III - Qualification Criteria and Requirements
- iv) Section IV- Application Forms

PART 2 - Works, Goods, or Non-Consulting Services Requirements

- i) Section VII- Scope of Works, Goods, or Non-Consulting Services

7.2 Unless obtained directly from the Procuring Entity, the Procuring Entity accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Registration Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Procuring Entity shall prevail.

7.3 The Applicant is expected to examine all instructions, forms, and terms in the Registration Document and to furnish with its Application all information or documentation as is required by the Registration Document.

8 *Clarification of Registration Documents, site visit(s) and Pre-Application Meeting*

8.1 An Applicant requiring any clarification of the Registration Document shall contact the Procuring Entity in writing at the Procuring Entity's address indicated in the **RDS**. The Procuring Entity will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. The Procuring Entity shall forward a copy of its response to all prospective Applicants who have obtained the Registration Document directly from the Procuring Entity, including a description of the inquiry but without identifying its source. If so indicated in the **RDS**, the Procuring Entity shall also promptly publish its response at the webpage identified in the **RDS**. Should the Procuring Entity deem it necessary to amend the Registration Document as a result of a clarification, it shall do so following the procedure under ITA 8. And in accordance with the provisions of ITA 17.2.

8.2 The Applicant, at the Applicant's own responsibility and risk, is encouraged to visit and examine and inspect the Site of the required contracts and obtain all information that may be necessary for preparing the application. The costs of visiting the Site shall be at the Applicant's own expense. The Procuring Entity shall specify in the **RDS** if a pre-application meeting will be held, when and where. The Procuring Entity shall also specify in the **RDS** if a pre-arranged Site visit will be held and when. The Applicant's designated representative is invited to attend a pre-application meeting and a pre-arranged site visit. The purpose of the meetings will be to clarify issues and to answer questions on any matter that may be raised at that stage.

- 8.3 The Applicant is requested to submit any questions in writing, to reach the Procuring Entity not later than the period specified in the **RDS** before the submission date of applications.
- 8.4 Minutes of a pre-arranged site visit and those of the pre-application meeting, if applicable, including the text of the questions asked by Applicants and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all Applicants who have acquired the registration documents. Minutes shall not identify the source of the questions asked.
- 8.5 The Procuring Entity shall also promptly publish anonymized (*no names*) Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page identified in the **RDS**. Any modification to the Registration Documents that may become necessary as a result of the pre-arranged site visit and those of the pre-application meeting shall be made by the Procuring Entity exclusively through the issue of an Addendum pursuant to RDS 8 and not through the minutes of the pre-application meeting. Non-attendance at the pre-arranged site visit and the pre-application meeting will not be a cause for disqualification of an Application.

9 *Amendment of Registration Document*

- 9.1 At any time prior to the deadline for submission of Applications, the Procuring Entity may amend the Registration Document by issuing an Addendum.
- 9.2 Any Addendum issued shall be part of the Registration Document and shall be communicated in writing to all Applicants who have obtained the Registration Document from the Procuring Entity. The Procuring Entity shall promptly publish the Addendum at the Procuring Entity's webpage identified in the RDS.
- 9.3 To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the Procuring Entity may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

C. *Preparation of Applications*

10 *Cost of Applications*

- 10.1 The Applicant shall bear all costs associated with the preparation and submission of its Application. The Procuring Entity will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the registration process.

11 *Language of Application*

- 11.1 The Application as well as all correspondence and documents relating to the registration exchanged by the Applicant and the Procuring Entity, shall be written in English Language. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the English language, in which case, for purposes of interpretation of the Application, the translation shall govern.

12 *Documents Comprising the Application*

- 12.1 The Application shall comprise the following:
- a. Application Submission Letter, in accordance with ITA 13.1;
 - b. Eligibility: documentary evidence establishing the Applicant's eligibility, in accordance with ITA 14.1;
 - c. Qualifications: documentary evidence establishing the Applicant's qualifications, in accordance with ITA 15; and
 - d. Any other document required as specified in the RDS.
- 12.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.

13 *Application Submission Letter*

- 13.1 The Applicant shall complete an Application Submission Letter as provided in Section IV (Application Forms). This Letter must be completed without any alteration to its format.

14 *Documents Establishing the Eligibility of the Applicant*

- 14.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete the eligibility declarations in the Application Submission Letter and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV (Application Forms).

15 *Documents Establishing the Qualifications of the Applicant*

- 15.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV (Application Forms).
- 15.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the Kenya Shilling equivalent using the rate of exchange determined as follows:
- a For construction turnover or financial data required for each Year-Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted).
 - b Value of single Contract-Exchange rate prevailing on the date of the contract.
- 15.3 Exchange rates shall be taken from the publicly available source identified in the RDS. Any error in determining the exchange rates in the Application may be corrected by the Procuring Entity.
- 15.4 Applicants shall be asked to provide, as part of the data for qualification, such information, including details of ownership, as shall be required to determine whether, according to the classification established by the Procuring Entity, a particular contractor or group of contractors' qualifies for a margin of preference. Further the information will enable the Procuring Entity identify any actual or potential conflict of interest in relation to the procurement and/or contract management processes, or a possibility of collusion between Applicants, and thereby help to prevent any corrupt influence in relation to the procurement

processor contract management.

- 15.5 The purpose of the information described in ITT 6.2 above overrides any claims to confidentiality which an Applicant may have. There can be no circumstances in which it would be justified for an Applicant to keep information relating to its ownership and control confidential where it is tendering to undertake public sector work and receive public sector funds. Thus, confidentiality will not be accepted by the Procuring Entity as a justification for an Applicant's failure to disclose, or failure to provide required information on its ownership and control.
- 15.6 The Applicant shall provide further documentary proof, information or authorizations that the Procuring Entity may request in relation to ownership and control which information on any changes to the information which was provided by the Applicant under ITT 6.3. The obligations to require this information shall continue for the duration of the procurement process and contract performance and after completion of the contract, if any change to the information previously provided may reveal a conflict of interest in relation to the award or management of the contract.
- 15.7 All information provided by the Applicant pursuant to these requirements must be complete, current and accurate as at the date of provision to the Procuring Entity. In submitting the information required pursuant to these requirements, the Applicant shall warrant that the information submitted is complete, current and accurate as at the date of submission to the Procuring Entity.
- 15.8 If an Applicant fails to submit the information required by these requirements, its application will be rejected. Similarly, if the Procuring Entity is unable, after taking reasonable steps, to verify to a reasonable degree the information submitted by an Applicant pursuant to these requirements, then the application will be rejected.
- 15.9 If information submitted by an Applicant pursuant to these requirements, or obtained by the Procuring Entity (whether through its own enquiries, through notification by the public or otherwise), shows any conflict of interest which could materially and improperly benefit the Applicant in relation to the procurement or contract management process, then:
- a. If the procurement process is still ongoing, the Applicant will be disqualified from the procurement process,
 - b. If the contract has been awarded to that Applicant, the contract award will be set aside,
- 15.10 The Applicant will be referred to the relevant law enforcement authorities for investigation of whether the Applicant or any other persons have committed any criminal offence.
- 15.11 If an Applicant submits information pursuant to these requirements that is incomplete, inaccurate or out-of-date, or attempts to obstruct the verification process, then the consequences ITT 6.7 will ensue unless the Applicant can show to the reasonable satisfaction of the Procuring Entity that any such act was not material, or was due to genuine error which was not attributable to the intentional act, negligence or recklessness of the Applicant.

16.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.

16.2 The Applicant shall submit copies of the signed original Application, in the number specified in the RDS, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

D. Submission of Applications

17 Sealing and Marking of Applications

17.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:

- a Bear the name and address of the Applicant;
- b Be addressed to the Procuring Entity, in accordance with ITA 17.1; and
- c Bear the specific identification of this registration process indicated in the RDS 1.1. (Indicated as **APPLICATION NO. EPRA/SCM/R/24-25/01.**)

17.2 The Procuring Entity will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.

18 Deadline for Submission of Applications

18.1 Applicants may either submit their Applications by mail or by hand. Applications shall be received by the Procuring Entity at the address and no later than the deadline indicated in the RDS. When so specified in the RDS, Applicants have the option of submitting their Applications electronically, in accordance with electronic Application submission procedures specified in the **RDS**.

18.2 The Procuring Entity may, at its discretion, extend the deadline for the submission of Applications by amending the Registration Document in accordance with ITA 8, in which case all rights and obligations of the Procuring Entity and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

19 Late Applications

19.1 The Procuring Entity reserves the right to accept applications received after the deadline for submission of applications, unless otherwise specified in the **RDS**. If late applications will be accepted, they must be received not later than the date specified in the **TDS** after the deadline for submission of applications.

20. Opening of Applications

20.1 The Procuring Entity shall open all Applications at the date, time and place specified in the **RDS**. Late Applications shall be treated in accordance with ITA 19.1.

20.2 Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the **RDS**.

20.3 The Procuring Entity shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.

E. Procedures for Evaluation of Applications

21 Confidentiality

21.1 Information relating to the Applications, their evaluation and results of the registration shall not be disclosed to Applicants or any other persons not officially concerned with the registration process until the notification of registration results is made to all Applicants in accordance with ITA 28.

21.2 From the deadline for submission of Applications to the time of notification of the results of the registration in accordance with ITA 28, any Applicant that wishes to contact the Procuring Entity on any matter related to the registration process may do so only in writing.

22 Clarification of Applications

22.1 To assist in the evaluation of Applications, the Procuring Entity may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Procuring Entity and all clarifications from the Applicant shall be in writing.

22.1 If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Procuring Entity's request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

23 Responsiveness of Applications

23.1 The Procuring Entity may reject any Application which is not responsive to the requirements of the registration document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 22.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant.

24 Margin of Preference

24.1 Unless otherwise specified in the **RDS**, a margin of preference shall not apply in the registration process resulting from this registration.

25 Nominated Subcontractors

25.1 Unless otherwise stated in the RDS, the Procuring Entity does not intend to execute any specific elements of the works by sub-contractors selected in advance by the Procuring Entity (so-called "Nominated Subcontractors").

25.2 The Applicant shall not propose to subcontract the whole of the Works or Goods. The maximum limit of subcontracting permitted under the contract may be specified by the Procuring Entity in the registration document. The Procuring Entity, in ITA 25.2, may permit the Applicant to propose subcontractors for certain specialized parts of the contract as indicated there in as ("Specialized Subcontractors"). Applicants planning to use such Specialized Subcontractors shall specify, in the Application Submission Letter, the activity (ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

F. Evaluation of Applications and Registration of Applicants

26 Evaluation of Applications

26.1 The Procuring Entity shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The Procuring Entity reserves the right to waive min or deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.

26.2 Subcontractors proposed by the Applicant shall be fully qualified and meet the minimum specific experience criteria as specified for their parts of the proposed contract for Works or Goods or non-consulting services. The subcontractor's qualifications shall not be used by the Applicant to qualify for the Works or Goods or non-consulting services unless their parts of the Works or Goods or non-consulting services were previously designated by the Procuring Entity in the RDS as can be met by Specialized Subcontractors, in which case:

- i) The Specialized Subcontractors shall meet the minimum qualification requirements specified in Section III, and
- ii) The qualifications with respect to specific experience of the Specialized Subcontractor proposed by the Applicant maybe added to the qualifications of the Applicant for the purpose of the evaluation.

Unless the Applicant has been determined registered on its own without taking into account the qualification and experience of the proposed specialized sub-contractor, the application submitted by the Applicant shall include the same specialized sub-contractor failing which, such application may be rejected unless a change in the specialized sub-contractor was requested by the Applicant and approved by the Procuring Entity subsequent to registration but before the application submission deadline in accordance with ITA 30.

26.3 In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Procuring Entity shall prequalify each Applicant for each lot and for a combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements the Eligibility and Qualification Criteria.

26.4 Further, in the case of multiple contracts, the Procuring Entity will prepare the

Eligibility and Qualification Criteria Form for items 3.1, 3.2, 4.2(a) and 4.2(b) for each Lot, to be completed by applicants.

26.5 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant's subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Applicant shall not be considered.

27 *Procuring Entity's Right to Accept or Reject Applications*

27.1 The Procuring Entity reserves the right to accept or reject any Application, and to annul the registration process and reject all Applications at any time, without thereby incurring any liability to the Applicants.

28 *Registration of Applicants*

28.1 All Applicants whose Applications substantially meet or exceed the specified qualification requirements will be registered by the Procuring Entity. The Procuring Entity shall notify all Applicants in writing of the names of those Applicants who have been registered or conditionally registered. In addition, those Applicants who have been disqualified will be informed separately.

28.2 Applicants that have not been registered may write to the Procuring Entity to request, in writing, the grounds on which they were disqualified.

29 *Invitation to Application*

29.1 Promptly after the notification of the results of the registration, the Procuring Entity shall invite Applications from all the Applicants that have been registered or conditionally registered.

29.2 Applicants may be required to provide an application Security or an Application-Securing Declaration acceptable to the Procuring Entity in the form and an amount to be specified in the registration document.

30 *Changes in Qualifications of Applicants*

30.1 Any change in the structure or formation of an Applicant after being registered in accordance with ITA 27 and invited to application (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor whose qualifications were considered to prequalify the Applicant) shall be subject to the written approval of the Procuring Entity prior to the deadline for submission of Applications. Such approval shall be denied if (i) a registered applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III (Qualification Criteria and Requirements); or (iii) in the opinion of the Procuring Entity, the change may result in a substantial reduction in competition. Any such change should be submitted to the Procuring Entity not later than fourteen (14) days after the date of the Invitation to Application.

31 *Procurement Related Complaints and Administrative Review*

31.1 *The procedures for making a Procurement-related Complaint are as specified in the RDS.*

31.2 *A request for administrative review shall be made in the form provided.*

SECTION II - REGISTRATION DATA SHEET (RDS)

The following specific data shall complement, supplement, or amend the provisions in the Instructions to Applicants (ITA). Whenever there is a conflict, the provisions herein shall prevail over those in ITA.

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO APPLICATIONS
A. General	
ITA 1.1	<p>The Procuring Entity is ENERGY AND PETROLEUM REGULATORY AUTHORITY</p> <p>The identification of the Invitation for Registration is: APPLICATION NO. EPRA/SCM/REG/24-25/01.</p> <p>The application is for REGISTRATION OF LEGAL SERVICES PROVIDERS</p>
ITA 2	Not Applicable
ITA 5.1	Maximum number of members in the JV shall be: Two (2)
B. Contents of the Registration Document	
ITA 8.1	For clarification purposes, the Procuring Entity's email address is procurementgrp@epra.go.ke
ITA 8.2	A pre-application hybrid meeting will be held on 24 th February, 2025 at 11.30 am at the Hearing Room 1 st Floor EPRA offices. The meeting links will be shared to the virtual attendees through the email addresses submitted through procurementgrp@epra.go.ke
ITA 8.3	Questions and requests for clarification made in writing or by email shall reach the Procuring Entity not later than 20 th February, 2025.
ITA 8.5	Minutes of the pre-registration meeting will be posted on the webpage of EPRA.
ITT 9.2	Addendum issued shall be published at the website:
C. Preparation of Applications	
ITA 12.1 (d)	The Applicant shall submit with its Application, the following additional documents: As specified in the Mandatory and Technical Criteria.
ITA 15.3	Prevailing Central Bank Rates

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO APPLICATIONS
A. General	
D. Submission of Applications	
ITA 17.1	Application submission purposes only, the Procuring Entity's address is: ENERGY AND PETROLEUM REGULATORY AUTHORITY, 1ST FLOOR, RECEPTION EAGLE AFRICA CENTRE, LONGONOT ROAD, NAIROBI, KENYA
ITA 18.1	Applications shall be hand delivered
ITA 19.1	The Procuring Entity shall not accept late applications.
ITA 20.1	Date: FRIDAY 14TH MARCH, 2025 Time: ON OR BEFORE 1130HOURS ENERGY AND PETROLEUM REGULATORY AUTHORITY 1ST FLOOR, HEARING ROOM, EAGLE AFRICA CENTRE, LONGONOT ROAD UPPERHILL, P.O. Box 42681 – 00100 NAIROBI, KENYA Tel: +254-20-2847000/200; Fax: +254-20-2717603
ITA 20.2	Not Applicable
E. Procedures for Evaluation of Applications	
ITA 24.1	A margin of preference shall apply for Category One.
ITA 25.1	Not Applicable
ITA 25.2	Not Applicable
ITA 29.2	Not Applicable
ITA 31.1	The procedures for making a Procurement-related Complaint are available from the PPRA Website www.ppra.go.ke or email complaints@ppra.go.ke . If an Applicant wishes to make a Procurement-related Complaint, the Applicant should submit its complaint following these procedures, in writing to: complaints@ppra.go.ke

SECTION III - QUALIFICATION CRITERIA

PRELIMINARY EVALUATION

No	Requirements
MR 1	A copy of the Firm's Registration Certificate
MR 2	A copy of an official search
MR 3	A copy of a valid Professional Indemnity Cover for the year 2025
MR 4	A copy of a valid tax compliance certificate valid as at the application closing date
MR 5	The Firm's profile (Including but not limited evidence of presence of a well-stocked library facility, adequacy of modern computer and IT Network System, existence of hard copy and soft copy filing system, fire proof documents storage facility.)
MR 6	Valid Certificate of Registration for Access to Government Procurement Opportunities (AGPO), for the applicants bidding under Category A.
MR 7	Certificates of good standing from the Law Society of Kenya in respect to all the Partners and Associates in the Firm for the year 2025.
MR 8	Evidence of physical address and premises (attach copies of utility bills e.g. electricity/water or lease agreement/Title.
MR 9	Duly filled, signed & stamped Applicant information form by an authorized Partner or individual.
MR 10	Properly bound (spiral or perfect cover, hard cover or case bound), serialized application document (each page of the application submission must have a number and the numbers must be in chronological order). For serialization, English Numerals shall be used, i.e. 1,2,3,4,5,6,7,8,9,10.....n (n being the last numerical page of the application document
MR 11	The application should be duly signed by the person lawfully authorized to do so. In the event a person not lawfully authorized signs, they should have written authorization.

Applicants who fail to meet the mandatory requirements above shall NOT proceed to the technical evaluation stage.

221 Evaluation of Technical aspects of the Application

The Procuring Entity shall evaluate the technical aspects of the application to determine compliance with the Procuring Entity's requirements under Section V 'Schedule of

Requirements' and whether the application is substantially responsive to the technical specifications and other requirements.

TECHNICAL SPECIFICATIONS

2. General provisions

- 2.1. Technical evaluation shall be carried out only if the application is determined to be responsive to the preliminary/mandatory requirements.
- 2.2. Technical requirements in the Application will be evaluated using the tables and criteria below.
- 2.3. All applicants are strongly advised to furnish their CV's in the format provided and which should not be more than two (2) single sided A4 size pages

TECHNICAL REQUIREMENT NO. 1

Physical Address and Firm Coverage (branches)

Maximum awardable marks are Nine (9) Marks broken down as per Table 1 below;

No. S/No	Criteria	Total Scores	Applicant's response
a. 1	Main office in Nairobi	3marks State location and attach proof (attach copies of utility bills e.g. electricity/water or lease agreement/Title.)	
b.	Regional office in any other town/city where EPRA has physical presence. (Kisumu, Mombasa, Nakuru, Eldoret, Nyeri, Isiolo & Lodwar)	3marks State location and attach proof (attach copies of utility bills e.g. electricity/water or lease agreement/Title.)	
c.	Regional office/branches in any other areas other than areas stated under (b) above	3Marks State location and attach proof (attach copies of utility bills e.g. electricity/water or lease agreement/Title.)	

Notes to Table 1

1. Evidence of main office and branches shall be through-

- a) If building/premise is not owned by the applicant, a signed lease or tenancy agreement.
 - b) If building/premise is owned by the applicant, the applicant's statement to that effect in its separate cover letter.
2. Where an applicant has more than one office in the same town/city, that other office shall not be considered as a branch for purposes of evaluation.

TECHNICAL REQUIREMENT NO. 2

Satisfactory Resolution/Conclusion of legal matters or provision of Services rendered in the respective category

Maximum awardable marks are 16 broken down as per Table 2 below.

Sr. No.	Criteria	Total Scores	Description of the nature of brief/assignment
1.	Client no. 1 <i>(State name of client& attach proof of engagement(2marks)</i> <i>Proof of Completion (recommendation letter /judgement/decreelaward/ruling (2marks)</i>	4 marks	
2.	Client no. 2 <i>(State name of client& attach proof of engagement(2marks)</i> <i>Proof of Completion (recommendation letter /judgement/decreelaward/ruling</i>	4 marks	

3.	Client no. 3 (State name of client& attach proof of engagement(2marks) Proof of Completion (recommendation letter /judgement/decreelaward/ruling (2marks)	4 marks	
4.	Client no. 4 (State name of client& attach proof of engagement(2marks) Proof of Completion (recommendation letter /judgement/decreelaward/ruling	4 marks	

Notes to Table 2

1. Please give four clients that your firm handled competently and professionally in the best interests of the client .
2. Evidence of satisfactory handling and acceptance shall be through a one-page letter on the letter-head of the Client signed by the Client. The Letter shall outline/state the following: -
 - a) A very brief or general statement of the matter or issue.
 - b) Competence and professionalism in handling of the matter;

TECHNICAL REQUIREMENT NO. 3

Valid evidence of Partner's /Lead Consultant Appropriate Qualification and Experience within the past Five (5) years

Maximum awardable marks are 35 broken down as per Table 3 below;

	Criteria	Total Scores
1	The ranking for the applicant must be at either the Partner or Lead Consultant level (Give full name of Partner/ Lead Consultant; attach evidence of the partnership or firm profile)	Five (5) Marks
2	Partner's/ Lead Consultant's Years of	Maximum marks are Ten (10) Marks

	experience (attach CV)	<p>15 years and above – Ten (10) Marks</p> <p>Less than 15 years – Scores to be awarded <i>pro-rata</i> for the years of experience (<i>number of years divided by fifteen multiplied by ten</i>)</p>
3	Proof of relevant professional Membership(s) and Training (indicate and attach evidence)	<i>Maximum Marks are 5</i>
	Category A	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>One (1) Mark for Master Degree in Law or any other relevant Master Degree.</i></p> <p><i>Two (2) marks for a relevant training attended within the past two years (Attach certificate of participation/attendance)</i></p>
	Category B	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>Two (2) Marks for Master Degree in Law or any other relevant field.</i></p> <p><i>Two (2) Marks for a training on matters related to Public Procurement. (Attach certificate of participation/attendance)</i></p>
	Category C	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>Two (2) Marks for Master Degree in Law or other relevant Masters;</i></p>

		<i>Two (2) Marks on a training attended in matters related to Employment and Labour law. (Attach certificate of participation/attendance)</i>
	Category D	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK) or Institute of Certified Secretaries (ICS) or its equivalent</i></p> <p><i>Two (2) Marks for Master Degree in Law or other relevant Masters;</i></p> <p><i>Two (2) Marks on relevant training in Corporate Governance (CG) or any other relevant training (Attach certificate of participation/attendance).</i></p>
	Category E	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>Two (2) Marks for Master Degree in Law or other relevant masters;</i></p> <p><i>Two (2) Marks for certification as a Legal & Compliance Auditor. (Attach relevant certificate).</i></p>
	Category F	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>Two (2) marks for Master Degree in Law or other relevant masters;</i></p> <p><i>Two (2) marks post admission training relevant to legal practice and litigation or Constitutional Petitions or Judicial Review. (Attach relevant certificate).</i></p>
	Category G	<i>One (1) Mark for valid membership to the</i>

		<p><i>Law Society of Kenya (LSK) or its equivalent</i></p> <p><i>Two (2) Marks for Master Degree in Law or any other relevant Masters;</i></p> <p><i>Two (2) marks for training relevant to the applicant's area of practice/ training area. (Attach relevant certificate).</i></p>
	Category H	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK) or recognized arbitral body;</i></p> <p><i>Two (2) Marks for Master's Degree in Law or other relevant masters</i></p> <p><i>Two (2) Marks for training relevant to Alternative Dispute Resolution (ADR). (Attach relevant certificate).</i></p>
	Category I	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>Two (2) Marks for Master Degree in Law or any other relevant masters;</i></p> <p><i>Two (2) Marks for relevant training in conveyancing, land law or environmental law. (Attach relevant certificate).</i></p>
	Category J	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>Two (2) Marks for Master Degree in Law or any other relevant masters;</i></p> <p><i>Two (2) Marks for training relevant to Legislative Drafting Policy or law review</i></p>

		<i>and regulatory services. (Attach relevant certificate).</i>
	Category K	<p><i>Two (2) Mark for valid membership to the Law Society of Kenya (LSK) or its equivalent</i></p> <p><i>One (1) Mark for Master Degree in Law or any other relevant masters;</i></p> <p><i>Two (2) Marks for relevant training in Complex Contracts Drafting and review within the past five years. (Attach relevant certificate).</i></p>
	Category L	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK) or its equivalent</i></p> <p><i>One (1) Mark for Master Degree in Law or any other relevant masters;</i></p> <p><i>Two (2) Marks for relevant training in petroleum & gas or energy subsector or Commercial transactions within the past five years. (Attach relevant certificate).</i></p>
4	Evidence of having been a lead counsel/consultant in at least 5(five) briefs/assignments in the two chosen categories (format provided)	<p><i>Maximum marks are 15</i></p> <p><i>Three (3) marks for each brief/assignment</i></p>

Notes to Table 3

Evidence of Partner's position shall be through:

- 1.1 Where the firm is a sole proprietorship, the firm's letter to that effect.
- 1.2 Where the firm has more than one Partner a letter to that effect by the firm and such letter co-signed by any other Partner in that firm.

2. Evidence of the Partner's years of legal experience shall be taken from the year of admission to the Bar as reflected and recorded by the Partner's admission number at Law Society of Kenya (LSK).
3. Evidence of a Partner's professional membership or status shall be through-
 - 3.1 a letter on the letterhead of the professional organization confirming the Partner's membership or status; or
 - 3.2 the letter shall not be more than eleven (11) months old prior to the Date of the Application Document; or
 - 3.3 a copy of a valid/current certificate of membership or status in that professional organization; or
 - 3.4 where such membership or status can be confirmed through the organization's website or other relevant independent website:-
 - a. a printed extract of where the Partner's name appears together with the address of the website; or
 - b. a statement by the applicant stating the website where that membership or status of the Partner may be confirmed.

TECHNICAL REQUIREMENT NO. 4

Valid evidence of Subject matter expert (Associates of the Firm), Appropriate Qualification and Experience within the past Five (5) years

Maximum awardable marks are 30 broken down as per table 4 below.

	Criteria	Total Scores
1	Years of experience (Give names of all advocates; each advocate's years of experience; (attach CV)	<i>(Maximum marks in this parameter is Twelve (12) Marks)</i> 6 years and above – Twelve (12) Marks Less than 6 years – Scores to be awarded <i>pro-rata</i> for the years of experience (<i>number of years divided by six multiplied by twelve</i>)
2	Proof of relevant professional Membership(s) and certifications	<i>Maximum marks are Eighteen (18) Marks</i> <i>Each category to have a total of three subject</i>

		<p><i>experts. (Six (6) marks for each Advocate)</i></p> <p><i>AGPO Firms may provide two associates to get the full marks under this section.</i></p>
	Category A	<p><i>Three (3) Marks for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>Three (3) marks for experience in legal advisory services and small claims briefs handled within the past two years (Attach proof of completion/ recommendation letter/judgement/decreed/award/ruling)</i></p>
	Category B	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) Marks for a training relevant to Public Procurement awarded after at least a one-week training; (Attach relevant Certificate)</i></p>
	Category C	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) Marks for training relevant to Labour Law awarded after at least a one-week training. (Attach relevant Certificate)</i></p>
	Category D	<p><i>Two (2) Marks for valid membership to the Law</i></p>

	<p><i>Society of Kenya (LSK) or Institute of Certified Secretaries (ICS) or its equivalent</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) Marks for relevant training in Corporate Governance (CG) or any other relevant training (Attach certificate of participation/attendance).</i></p>
Category E	<p><i>Two (2) for valid membership to the Law Society of Kenya (LSK).</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) Marks for certification as a Legal & Compliance Auditor. (Attach relevant Certificate)</i></p>
Category F	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK).</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) marks post admission training relevant to legal practice and litigation or Constitutional Petitions or Judicial Review</i></p>
Category G	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK) or its equivalent</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) marks for training relevant to the applicant's area of practice/ training area.</i></p>
Category H	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK) or recognized arbitral</i></p>

body;

One (1) Mark for Master's Degree in Law or other relevant masters

Three (3) Marks for training relevant to Alternative Dispute Resolution (ADR). (Attach relevant Certificate)

Category I

Two (2) Marks for valid membership to the Law Society of Kenya (LSK)

One (1) Mark for Master's Degree in Law or other relevant masters

Three (3) Marks for relevant training in conveyancing, land law or environmental law. (Attach relevant Certificate)

Category J

Two (2) Marks for valid membership to the Law Society of Kenya (LSK)

One (1) Mark for Master's Degree in Law or other relevant masters

Three (3) Marks for training relevant to Legislative Drafting Policy or Law review or Regulatory services. (Attach relevant Certificate)

Category K

Two (2) Marks for valid membership to the Law Society of Kenya (LSK) or its equivalent

One (1) Mark for Master's Degree in Law or any other relevant masters;

Two (2) Marks for relevant experience in having undertaken briefs on Complex Contracts Drafting and review within the past five years.

Category L

Two (2) Marks for valid membership to the Law

		<p><i>Society of Kenya (LSK) or its equivalent</i></p> <p><i>One (1) Mark for Master's Degree in Law or any other relevant masters;</i></p> <p><i>Two (2) Marks for relevant experience in having undertaken briefs in petroleum & gas or energy subsector or Commercial transactions within the past five years.</i></p>
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Notes to Table 4

1. The Team should be composed of the advocates in the firm who shall be handling the Procuring Entity's matters on a day to day basis.
2. To score, the years of legal experience for each admitted advocate in the firm will be legal experience whether gained in the employment/service of the Application firm or elsewhere.
3. Years of legal experience of each advocate shall be by confirming that each advocate is engaged in the applicant through a letter on the applicant's letterhead and signed by the Partner and the advocate.
4. The years will then be computed based on the admission number at LSK.

TECHNICAL REQUIREMENT NO. 5

Experience in representing or advising a corporate client, private entity, public entity or energy utility entity by the Applicant in the last Three Years

Maximum awardable marks are 10 broken down as per the table 5 below;

Sr. No.	Criteria	Total Scores
1.	Letter(s) of award / Contract /LPO issued by the corporate client, private entity, public entity	<i>Maximum marks are five (5)</i> 2.5 marks will be given for each letter of award;

2.	Letter/s of reference or recommendation from the energy sector	<i>Maximum marks are Five (5)</i> 2.5 marks will be given for each letter of reference;
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1. SUMMARY TABLE OF THE TECHNICAL REQUIREMENTS

CRITERIA	SCORE
Physical Presence and Operational Network	9
Satisfactory Resolution/Conclusion of Legal Matters or Services rendered in the respective category from any Four out of the Eight Clients in Technical Requirement No. 2 above	16
Valid evidence of Partner's / Lead Consultant Appropriate Qualification, Experience and Degree of Responsibility within the past Five (5) years	35
Valid evidence of Associates/ consultants Appropriate Qualification, Experience and Degree of Responsibility within the past Five (5) years	30
Experience in representing or advising a corporate client, private entity, public entity or energy utility entity by the Applicant in the last Three Years	10
TOTAL	100

2. SUCCESSFUL FIRMS

- A. The successful firms eligible for registration shall be the ones who attain the minimum score of 70% in compliance with the set Evaluation Criteria.
- B. The successful firms shall be required to update their qualifications and compliances when due and furnish the entity with copies.
- C. The Procuring Entity shall execute a Service Level Agreement/Standards upon issuance of instructions to a successful applicant.

9. DUE DILLIGENCE

The Procuring Entity may prior to registration of the application determine to its satisfaction whether the Registered applicants qualify to perform the Services satisfactorily by carrying out a due diligence visit as required.

SECTION IV - TENDERING FORMS

1. Application Submission Letter

Date:[insert day, month, and year]
 ITT No. and title: [insert ITT number and title]

To:[insert full name of Procuring Entity] We, the undersigned, apply to be registered for the referenced ITT and declare that:

- a) No reservations: We have examined and have no reservations to the Registration Document, including Addendum(s) No(s), issued in accordance with ITA 8: [insert the number and issuing date of each addendum].
- b) No conflict of interest: We have no conflict of interest in accordance with ITA 5.7;
- c) Eligibility: We (and our subcontractors) meet the eligibility requirements as stated ITA 5, we have not been suspended by the Procuring Entity based on execution of a Application/Proposal-Securing Declaration in accordance with ITA 5.8;

Suspension and Debarment: We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the PPRA. Further, we are not ineligible under the Kenya laws or official regulations or pursuant to a decision of the United Nations Security Council;

State-owned enterprise or institution: [select the appropriate option and delete the other] [We are not a state-owned enterprise or institution] / [We are a state-owned enterprise or institution but meet the requirements of ITA5.9];

- f) Subcontractors and Specialized Subcontractors: We, in accordance with ITA 24.2 and 25.2, plan to subcontract the following key activities and/or parts of the works or supply contracts: [Insert any of the key activities identified in Section III-4.2 (a)or(b) or 4.3(a) or (b) which the Procuring Entity has permitted under the Registration Document and which the Applicant intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]
- (g) Commissions, gratuities, fees: We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the registration process, the corresponding Tendering process or execution of the Contract:

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
[insert full name for each occurrence]	[insert street/ number/city/country]	[indicate reason]	[specify amount currency, value, exchange rate and KENYA SHILLING equivalent]

[If no payments are made or promised, add the following statement: "No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application"]

- (h) Not bound to accept: We understand that you may cancel the registration process at any time and that you are neither bound to accept any Application that you may receive nor to invite the registered Applicants to Application for the contract subject of this Registration process, without incurring any liability to the Applicants, in accordance with ITA 26.1.
- (i) True and correct: All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

Signed.....*[insert signature(s) of an authorized representative(s) of the Applicant]*

Name*[insert full name of person signing the Application]*

In the capacity of *[insert capacity of person signing the Application]*

Duly authorized to sign the Application for and on behalf of: Applicant's

Name..... *[insert full name of Applicant or the name of the JV]*

Address *[insert street number/town or city/country address]*

Dated on*[insert day number]* day of *[insert month]*, *[insert year]*

[For a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached]

2 Form ELI -1.1 - Applicant Information Form

Date: [insert day, month, year]

ITT No. and title: [insert ITT number and title]

Page.....[insert page number] of [insert total number] pages

Applicant's name [insert full name]
In case of Joint Venture (JV), name of each member: [insert full name of each member in JV]
Applicant's actual or intended country of registration: [indicate country of Constitution]
Applicant's actual or intended year of incorporation: [indicate year of Constitution]
Applicant's legal address [in country of registration]: [insert street/ number/ town or city/ country]
Applicant's authorized representative information Name: [insert full name] Address: [insert street/ number/ town or city/ country] Telephone/Fax numbers: [insert telephone/fax numbers, including country and city codes] E-mail address: [indicate e-mail address]
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 5.6. <input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 5.3. <input type="checkbox"/> In case of state-owned enterprise or institution, in accordance with ITA 5.9 documents establishing: Legal and financial autonomy Operation under commercial law Establishing that the Applicant is not under supervision of the Procuring Entity
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

3. Form ELI-1.2 - Applicant's JV Information Form

[The following form is additional to Form ELI-1.1., and shall be completed to provide information relating to each JV member (incase the Applicant is a JV) as well as any Specialized Subcontractor proposed to be used by the Applicant for any part of the Contract resulting from this registration]

Date: *[insert day, month, year]*

ITT No. and title: *[insert ITT number and title]*

Page.....*[insert page number]* of *[insert total number]* pages

Applicant name: <i>[insert full name]</i>
Applicant's JV Member's name: <i>[insert full name of Applicant's JV Member]</i>
Applicant's JV Member's country of registration : <i>[indicate country of registration]</i>
Applicant JV Member's year of constitution: <i>[indicate year of constitution]</i>
Applicant JV Member's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant JV Member's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA 5.6 <input type="checkbox"/> In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and they are not under the supervision of the Procuring Entity, in accordance with ITA 5.9. 2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

4. Form CON 2 - Historical Contract Non-Performance, and Pending Litigation and Litigation History

[The following table shall be filled in for the Applicant and for each member of a Joint Venture]

Applicant's Name: [insert full name]

Date: [insert day, month, year]

Joint Venture Member's Name: [insert full name]

ITT No. and title: [insert ITT number and title]

Page [insert page number] of [insert total number] pages

Non-Performed Contracts in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> Contract non-performance did not occur since 1 st January [insert year] specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1.			
<input type="checkbox"/> Contract(s) not performed since 1 st January [insert year] specified in Section III, Qualification Criteria and Requirements, requirement 2.1			
Year	Non-performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and KENYA SHILLING equivalent)
[insert year]	[insert amount and percentage]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Procuring Entity: [insert full name] Address of Procuring Entity: [insert street/city/country] Reason(s) for nonperformance: [indicate main reason(s)]	[insert amount]
Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3.			
<input type="checkbox"/> Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3 as indicated below.			
Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)

<i>insert year]</i>	<i>[insert amount]</i>	<p>Contract Identification: [indicate complete contract name, number, and any other identification]</p> <p>Name of Procuring Entity: <i>[insert full name]</i></p> <p>Address of Procuring Entity: <i>[insert street/city/country]</i></p> <p>Matter in dispute: <i>[indicate main issues in dispute]</i></p> <p>Party who initiated the dispute: <i>[indicate "Procuring Entity" or "Contractor"]</i></p> <p>Status of dispute: <i>[Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]</i></p>	<i>[insert amount]</i>
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Litigation History in accordance with Section III, Qualification Criteria and Requirements

- No Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4.
- Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4 as indicated below.

Year of award	Outcome as percentage of Net Worth	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)
<i>[insert year]</i>	<i>[insert percentage]</i>	<p>Contract Identification: [indicate complete contract name, number, and any other identification]</p> <p>Name of Procuring Entity: <i>[insert full name]</i></p> <p>Address of Procuring Entity: <i>[insert street/city/country]</i></p> <p>Matter in dispute: <i>[indicate main issues in dispute]</i></p> <p>Party who initiated the dispute: <i>[indicate "Procuring Entity" or "Contractor"]</i></p> <p>Reason(s) for Litigation and award decision <i>[indicate main reason(s)]</i></p>	<i>[insert amount]</i>

5. Form FIN – 3.1 - Financial Situation and Performance

Financial Situation and Performance

[The following table shall be filled in for the Applicant and for each member of a Joint Venture]

Applicant's Name: [insert full name]

Date: [insert day, month, year]

Joint Venture Member Name: [insert full name]

ITT No. and title: [insert ITT number and title]

Page..... [insert page number] of [insert total number] pages

1. Financial data

Type of Financial information in (currency)	Historic information for previous <i>[insert number]</i> years, <i>[insert in words]</i> (amount in currency, currency, exchange rate*, USD equivalent)				
	Year 1	Year 2	Year 3	Year4	Year 5
Statement of Financial Position (Information from Balance Sheet)					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Cash Flow Information					
Cash Flow from Operating Activities					

* Refer ITA 14 for the exchange rate

5.2 Sources of Finance

[The following table shall be filled in for the Applicant and all parties combined in case of a Joint Venture]

Specify sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.

No.	Source of finance	Amount (Kenya shilling equivalent)
1		
2		
3		

5.3 Financial documents

The Applicant and its parties shall provide copies of financial statements for *[number]* years pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

- a) reflect the financial situation of the Applicant or in case of JV member, and not an affiliated entity (such as parent company or group member).
 - b) Be independently audited or certified in accordance with local legislation.
 - c) Be complete, including all notes to the financial statements.
 - d) Correspond to accounting periods already completed and audited.
- Attached are copies of financial statements¹ for the *[number]* years required above; and complying with the requirements

¹*If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, the reason for this should be justified.*

6 Form FIN - 3.2 - Average Annual Construction or Supply Contracts Turnover

[The following table shall be filled in for the Applicant and for each member of a Joint Venture]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page.....*[insert page number]* of*[insert total number]* pages Table A

(Complete if Contractor)

Annual turnover data (construction only)			
Year	Amount Currency	Exchange rate*	USD equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Construction Turnover **	

* Refer ITA 14 for date and source of exchange rate.

** Total Kenya shilling equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, 3.2.

Table B (Complete if Supplier)

Annual turnover data (Supply contracts)			
Year	Amount Currency	Exchange rate*	USD equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Construction Turnover **	

Refer ITA 15 for date and source of exchange rate.

** Total Kenya shilling equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, 3.2.

7 Form EXP - 4.1 - General Construction or Supply or service Contract Experience (Select one)

[The following table shall be filled in for the Applicant and in the case of a JV Applicant, each Member]
Applicant's Name: [insert full name]

Date: [insert day, month, year]

Joint Venture Member Name: [insert full name]

ITT No. and title: [insert ITT number and title]

Page [insert page number] of [insert total number] pages

[Identify contracts that demonstrate continuous construction work over the past [number] years pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 4.1. List contracts chronologically, according to their commencement (starting) dates.]

Starting Year	Ending Year	Contract Identification	Role of Applicant
[indicate year]	[indicate year]	Contract name: [insert full name] Brief Description of the Works performed by the Applicant: [describe works performed briefly] Amount of contract: [insert amount in currency, mention currency used, exchange rate and KENYA SHILLING equivalent*] Name of Procuring Entity: [indicate full name] Address: [indicate street/number/town or city/country]	[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]
		Contract name: [insert full name] Brief Description of the Works performed by the Applicant: [describe works performed briefly] Amount of contract: [insert amount in currency, mention currency used, exchange rate and KENYA SHILLING equivalent*] Name of Procuring Entity: [indicate full name] Address: [indicate street/number/town or city/country]	[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]
		Contract name: [insert full name] Brief Description of the Works performed by the Applicant: [describe works performed briefly] Amount of contract: [insert amount in currency, mention currency used, exchange rate and Kenya shillings equivalent*] Name of Procuring Entity: [indicate full name] Address: [indicate street/number/town or city/country]	[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]

* Refer ITA 15 for date and source of exchange rate.

8 Form EXP - 4.2(a) - Specific Construction and Contract Management Experience or Supply or service Contract Experience (Select one)

[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page..... *[insert page number]* of..... *[insert total number]* pages

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		KENYA SHILLING <i>[insert Exchange rate and total contract amount in KENYA SHILLING equivalent] *</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in KENYA SHILLING equivalent] *</i>	
	<i>[insert roles and responsibilities]</i>			
Procuring Entity's Name:	<i>[insert full name]</i>			
Address:	<i>[indicate street / number / town or city / country]</i>			
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>			
E-mail:	<i>[insert e-mail address, if available]</i>			

9 Form EXP - 4.2(a) (cont.) - Specific Construction and/or Contract Management Experience (cont.)

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information
Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III:	
1. Amount	<i>[insert amount in local currency, exchange rate, KENYA SHILLING in words and in Figures]</i>
2. Physical size of required works items	<i>[insert physical size of items]</i>
3. Complexity	<i>[insert description of complexity]</i>
4. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
5. Construction rate for key activities	<i>[insert rates and items]</i>
6. Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Works]</i>

10 Form EXP - 4.2(b) - Construction Experience or Supply or service contract in Key Activities (select one)

Applicant's Name: [insert full name]

Date: [insert day, month, year]

Applicant's JV Member's Name: [insert full name]

Sub-contractor's Name..... (as per ITA 24.2 and 24.3): [insert full name]

ITT No. and title: [insert ITT number and title]

Page.....[insert page number] of..... [insert total number] pages

All Sub-contractors for key activities must complete the information in this form as per ITA 24.2 and 24.3 and Section III, Qualification Criteria and Requirements, 4.2.

1. Key Activity No. One: [insert brief description of the Activity, emphasizing its specificity] Total Quantity of Activity under the contract: _____

	Information			
Contract Identification	[insert contract name and number, if applicable]			
Award date	[insert day, month, year, e.g., 15 June, 2015]			
Completion date	[insert day, month, year, e.g., 03 October, 2017]			
Role in Contract [check the appropriate box]	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	[insert total contract amount in contract currency(ies)]		KENYA SHILLING [insert exchange rate and total contract amount in KENYA SHILLING equivalent]	
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year [Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]	Total quantity in the contract (i)	Percentage participation (ii)		Actual Quantity Performed (i) x (ii)
Year 1				
Year 2				
Year 3				

Year 4			
Procuring Entity's Name:	<i>[insert full name]</i>		
Address:	<i>[indicate street / number / town or city / country]</i>		
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>		
E-mail:	<i>[insert e-mail address, if available]</i>		

2. Activity No.

Two 3.

.....

	Information
Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III:	
	<i>[insert response to inquiry indicated in left column]</i>

PART 2: PROVISION OF LEGAL SERVICES

SECTION V: SCHEDULE OF REQUIREMENTS

3. BACKGROUND

The Energy and Petroleum Regulatory Authority (EPRA) is a State Corporation established under the Energy Act 2019. The Authority is the energy sector regulatory agency responsible for economic and technical regulation of electric power, coal, renewable energy and petroleum subsectors.

4. OBJECTIVES OF THE ASSIGNMENT

The Procuring Entity shall, therefore, outsource legal services AS and WHEN need arises and only where such briefs cannot be handled internally.

The purpose of this assignment therefore, is to prequalify reputable applicants to the Procuring Entity's register of legal service providers for a period of two (2) years to provide high caliber legal services and shall be capable of handling highly complex and sensitive briefs as and when required by the Procuring Entity.

5. SCHEDULE OF SERVICES REQUIRED

CATEGORIES/ LOTS	EPRA REQUIREMENTS
A.	Provision of general legal advisory services and representation in small claims matters (Reserved for AGPO registered Firms)
B.	Representation in public procurement matters & disputes
C.	Representation in employment/ labour matters
D.	Provision of governance audit services
E.	Provision of legal & compliance audit services
F.	Representation in civil litigation matters, constitutional petitions and judicial reviews.
G.	Provision of capacity building services including but not limited to: corporate governance, board training, legal and regulatory issues, legislative drafting, Contract drafting, review and negotiations, public procurement and public private partnerships, Alternative dispute resolution and Litigation management.
H.	Provision of Alternative Disputes Resolution (ADR) services including: mediation, negotiation, arbitration adjudication, and expert determination.
I.	Provision of conveyancing services.
J.	Provision of services in legislative drafting including but not limited to policy and law review, regulatory impact assessments, legislative drafting and compliance
K.	Drafting and review of complex contracts and agreements.
L.	Provision of strategic advisory on petroleum & gas and energy subsector and Commercial transactions.

6. METHOD OF CHARGING FOR SERVICES

The Advocates (Remuneration)(Amendment) Order, 2014 or its amendment under the Advocates Act, CAP 16, Laws of Kenya

PART 1

EPRA recognizes that as per the PPADA, 2015, fees and remuneration payable to lawyers is regulated by the Advocates Act. Hence, the contents of Parts A and B are for informative and not evaluation purposes. It will be used as a guide when considering fees payable at the appropriate time.

EPRA's appointment will consider firm's that offer the right balance of value for money as measured by the quality of legal service rendered. Applicants will be expected to identify ways in which legal costs for any significant or complex cases may be mitigated.

EPRA expects that legal fees and charges payable shall be in accordance with the Order as applicable to the specific matter.

EPRA mode of billing shall be considered on a case by case basis and subject to agreement between EPRA and the firm. Should there be a difference on this, then EPRA and the applicant may refer the issue to Taxation with each Party bearing their own costs for the Taxation.

PART B

The Advocates (Remuneration) (Amendment) Order, 2014 (Schedule V) under the Advocates Act, CAP 16 (or as may be amended)

Without prejudice to the contents of above, EPRA recognizes that the present 5th Schedule of the Order provides for an hourly billing system or an amount fixed by agreement between EPRA and the firm.

Applicants are required to fill in the table below (Hourly Billing Table). If and when, the issue of hourly billing arises from the performance of services instructed within the two-year period, where EPRA consents, the Parties will refer to the Table below as a basis for discussion and determination of fees payable.

Table

Sr. No.	Name of Professional Staff	Position (Partner or Associate or Assistant)	Hourly Remuneration Rate (KSh/USD <i>(where applicable)</i>)
1.			
2.			
3.			
4.			
5.			

7. TERMS OF PAYMENT

The terms of payment shall be within sixty (60) days after the receipt of the deliverables and the invoice

8. QUALIFICATION CRITERIA

The qualification criteria shall be in two stages;

A) Preliminary/Mandatory Evaluation

B) Technical Evaluation

A: MANDATORY REQUIREMENTS

The bid submission shall contain the following **MANDATORY** requirements; clearly marked and arranged in the following order: -

No	Requirements
MR 1	A copy of the Firm's Registration Certificate
MR 2	A copy of an Official Search of the firm's registration certificate issued by the Registrar of Companies (<i>not less than 3 months from the date of close of application</i>)
MR 3	A copy of a valid Professional Indemnity Cover for the year 2025
MR 4	A copy of a valid tax compliance certificate
MR 5	The Firm's profile
MR 6	Valid Certificate of Registration for Access to Government Procurement Opportunities (AGPO), for the applicants bidding under Category A
MR 7	Certificates of good standing from the Law Society of Kenya in respect to all the Partners and Associates in the Firm for the year 2025 (<i>where applicable</i>)
MR 8	Evidence of physical address and premises (attach copies of utility bills e.g. electricity/water or lease agreement/Title.
MR 9	Duly filled, signed & stamped Applicant information form referenced as Form ELI -1.1 by an authorized Partner or individual

MR 10	Properly bound (spiral or perfect cover, hard cover or case bound), serialized application document (each page of the application submission must have a number and the numbers must be in chronological order). For serialization, English Numerals shall be used, i.e. 1,2,3,4,5,6,7,8,9,10.....n (n being the last numerical page of the application document
MR 11	The application should be duly signed by the person lawfully authorized to do so. In the event a person not lawfully authorized signs, they should have written authorization

B: TECHNICAL EVALUATION CRITERIA

3. General provisions

- 3.1. Technical evaluation shall be carried out only if the application is determined to be responsive to the preliminary/mandatory requirements.
- 3.2. Technical requirements in the Application will be evaluated using the tables and criteria below.
- 3.3. All applicants are strongly advised to furnish their CV's in the format provided below.

TECHNICAL REQUIREMENT NO. 1

Physical Address and Firm Coverage (branches)

Maximum awardable marks are Nine (9) Marks broken down as per Table 1 below;

No. S/No	Criteria	Total Scores	Applicant's response
d.	Main office in Nairobi	3marks State location and attach proof (attach copies of utility bills e.g. electricity/water or lease agreement/Title.)	
e.	Regional office in any other town/city where EPRA has physical presence. (Kisumu, Mombasa, Nakuru, Eldoret, Nyeri, Isiolo & Lodwar)	3marks State location and attach proof (attach copies of utility bills e.g. electricity/water or lease agreement/Title.)	

f.	Regional office/branches in any other areas other than areas stated under (b) above	3Marks State location and attach proof (attach copies of utility bills e.g. electricity/water or lease agreement/Title.)	
----	---	---	--

Notes to Table 1

3. Evidence of main office and branches shall be through-
 - c) If building/premise is not owned by the applicant, a signed lease or tenancy agreement.
 - d) If building/premise is owned by the applicant, the applicant's statement to that effect in its separate cover letter.
4. Where an applicant has more than one office in the same town/city, that other office shall not be considered as a branch for purposes of evaluation.

TECHNICAL REQUIREMENT NO. 2

Satisfactory Resolution/Conclusion of legal matters or provision of Services rendered in the respective category

Maximum awardable marks are 16 broken down as per Table 2 below.

Sr. No.	Criteria	Total Scores	Description of the nature of brief/assignment
5.	Client no. 1 <i>(State name of client& attach proof of engagement(2marks)</i> <i>Proof of Completion (recommendation letter /judgement/decreelaward/ruling (2marks)</i>	4 marks	

6.	Client no. 2 <i>(State name of client& attach proof of engagement(2marks)</i> <i>Proof of Completion (recommendation letter /judgement/decree/award/ruling (2marks)</i>	4 marks	
7.	Client no. 3 <i>(State name of client& attach proof of engagement(2marks)</i> <i>Proof of Completion (recommendation letter /judgement/decree/award/ruling (2marks)</i>	4 marks	
8.	Client no. 4 <i>(State name of client& attach proof of engagement(2marks)</i> <i>Proof of Completion (recommendation letter /judgement/decree/award/ruling (2marks)</i>	4 marks	

Notes to Table 2

3.Please give four clients that your firm handled competently and professionally in the best interests of the client in the format provided.

4.Evidence of satisfactory handling and acceptance shall be through a one-page letter on the letter-head of the Client signed by the Client. The Letter shall outline/state the following: -

- c) A very brief or general statement of the matter or issue.
- d) Competence and professionalism in handling of the matter;

TECHNICAL REQUIREMENT NO. 3

Valid evidence of Partner's /Lead Consultant Appropriate Qualification and Experience within the past Five (5) years

Maximum awardable marks are 35 broken down as per Table 3 below;

	Criteria	Total Scores
1	The ranking for the applicant must be at either the Partner or Lead Consultant level (Give full name of Partner/ Lead Consultant; attach evidence of the partnership or firm profile)	Five (5) Marks
2	Partner's/ Lead Consultant's Years of experience (attach CV)	Maximum marks are Ten (10) Marks 15 years and above – Ten (10) Marks Less than 15 years – Scores to be awarded <i>pro-rata</i> for the years of experience (<i>number of years divided by fifteen multiplied by ten</i>)
3	Proof of relevant professional Membership(s) and Training (indicate and attach evidence)	<i>Maximum Marks are 5</i>
	Category A	
	Category B	<i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK)</i> <i>One (1) Mark for Master Degree in Law or any other relevant Master Degree.</i> <i>Two (2) marks for a relevant training attended within the past two years (Attach certificate of participation/attendance)</i> <i>One (1) Mark for valid membership to the Law Society of Kenya (LSK)</i> <i>Two (2) Marks for Master Degree in Law or any other relevant field.</i> <i>Two (2) Marks for a training on matters related to Public Procurement. (Attach certificate of participation/attendance)</i>

	<p>Category C</p>	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>Two (2) Marks for Master Degree in Law or other relevant Masters;</i></p> <p><i>Two (2) Marks on a training attended in matters related to Employment and Labour law. (Attach certificate of participation/attendance)</i></p>
	<p>Category D</p>	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK) or Institute of Certified Secretaries (ICS) or its equivalent</i></p> <p><i>Two (2) Marks for Master Degree in Law or other relevant Masters;</i></p> <p><i>Two (2) Marks on relevant training in Corporate Governance (CG) or any other relevant training (Attach certificate of participation/attendance).</i></p>
	<p>Category E</p>	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>Two (2) Marks for Master Degree in Law or other relevant masters;</i></p> <p><i>Two (2) Marks for certification as a Legal & Compliance Auditor. (Attach relevant certificate).</i></p>
	<p>Category F</p>	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>Two (2) marks for Master Degree in Law or</i></p>

	<p><i>other relevant masters;</i></p> <p><i>Two (2) marks post admission training relevant to legal practice and litigation or Constitutional Petitions or Judicial Review. (Attach relevant certificate).</i></p>
Category G	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK) or its equivalent</i></p> <p><i>Two (2) Marks for Master Degree in Law or any other relevant Masters;</i></p> <p><i>Two (2) marks for training relevant to the applicant's area of practice/ training area. (Attach relevant certificate).</i></p>
Category H	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK) or recognized arbitral body;</i></p> <p><i>Two (2) Marks for Master's Degree in Law or other relevant masters</i></p> <p><i>Two (2) Marks for training relevant to Alternative Dispute Resolution (ADR). (Attach relevant certificate).</i></p>
Category I	<p><i>One (1) Mark for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>Two (2) Marks for Master Degree in Law or any other relevant masters;</i></p> <p><i>Two (2) Marks for relevant training in conveyancing, land law or environmental law. (Attach relevant certificate).</i></p>
Category J	<p><i>One (1) Mark for valid membership to the</i></p>

		<p><i>Law Society of Kenya (LSK)</i></p> <p><i>Two (2) Marks for Master Degree in Law or any other relevant masters;</i></p> <p><i>Two (2) Marks for training relevant to Legislative Drafting Policy or law review and regulatory services. (Attach relevant certificate).</i></p>
	Category K	<p><i>Two (2) Mark for valid membership to the Law Society of Kenya (LSK) or its equivalent</i></p> <p><i>One (1) Mark for Master Degree in Law or any other relevant masters;</i></p> <p><i>Two (2) Marks for relevant training in Complex Contracts Drafting and review within the past five years. (Attach relevant certificate).</i></p>
	Category L	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK) or its equivalent</i></p> <p><i>One (1) Mark for Master Degree in Law or any other relevant masters;</i></p> <p><i>Two (2) Marks for relevant training in petroleum & gas or energy subsector or Commercial transactions within the past five years. (Attach relevant certificate).</i></p>
4	Evidence of having been a lead counsel/consultant in at least 5(five) briefs/assignments in the two chosen categories (format provided)	<p><i>Maximum marks are 15</i></p> <p><i>Three (3) marks for each brief/assignment</i></p>

Notes to Table 3

4. Evidence of Partner's position shall be through:

- 4.1 Where the firm is a sole proprietorship, the firm's letter to that effect.
- 4.2 Where the firm has more than one Partner a letter to that effect by the firm and such letter co-signed by any other Partner in that firm.
5. Evidence of the Partner's years of legal experience shall be taken from the year of admission to the Bar as reflected and recorded by the Partner's admission number at Law Society of Kenya (LSK).
6. Evidence of a Partner's professional membership or status shall be through-
 - 6.1 a letter on the letterhead of the professional organization confirming the Partner's membership or status; or
 - 6.2 the letter shall not be more than eleven (11) months old prior to the Date of the Application Document; or
 - 6.3 a copy of a valid/current certificate of membership or status in that professional organization; or
 - 6.4 where such membership or status can be confirmed through the organization's website or other relevant independent website:-
 - c. a printed extract of where the Partner's name appears together with the address of the website; or
 - d. a statement by the applicant stating the website where that membership or status of the Partner may be confirmed.

TECHNICAL REQUIREMENT NO. 4

Valid evidence of Subject matter expert (Associates of the Firm), Appropriate Qualification and Experience within the past Five (5) years

Maximum awardable marks are 30 broken down as per table 4 below.

	Criteria	Total Scores
1	Years of experience (Give names of all advocates; each advocate's years of experience; (attach CV)	<i>(Maximum marks in this parameter is Twelve (12) Marks)</i> 6 years and above – Twelve (12) Marks Less than 6 years – Scores to be awarded <i>pro-rata</i> for the years of experience (number of years divided by six multiplied by twelve)
2	Proof of relevant professional Membership(s) and certifications	<i>Maximum marks are Eighteen (18) Marks</i> <i>Each category to have a total of three</i>

		<p><i>subject experts. (Six (6) marks for each Advocate)</i></p> <p><i>AGPO Firms may provide two associates to get the full marks under this section.</i></p>
	Category A	<p><i>Three (3) Marks for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>Three (3) marks for experience in legal advisory services and small claims briefs handled within the past two years (Attach proof of completion/ recommendation letter/judgement/decreed/award/ruling)</i></p>
	Category B	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) Marks for a training relevant to Public Procurement awarded after at least a one-week training; (Attach relevant Certificate)</i></p>
	Category C	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) Marks for training relevant to Labour Law awarded after at least a one-week training. (Attach relevant Certificate)</i></p>

Category D	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK) or Institute of Certified Secretaries (ICS) or its equivalent</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) Marks for relevant training in Corporate Governance (CG) or any other relevant training (Attach certificate of participation/attendance).</i></p>
Category E	<p><i>Two (2) for valid membership to the Law Society of Kenya (LSK).</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) Marks for certification as a Legal & Compliance Auditor. (Attach relevant Certificate)</i></p>
Category F	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK).</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) marks post admission training relevant to legal practice and litigation or Constitutional Petitions or Judicial Review</i></p>
Category G	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK) or its equivalent</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) marks for training relevant to the</i></p>

	<i>applicant's area of practice/ training area.</i>
Category H	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK) or recognized arbitral body;</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) Marks for training relevant to Alternative Dispute Resolution (ADR). (Attach relevant Certificate)</i></p>
Category I	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) Marks for relevant training in conveyancing, land law or environmental law. (Attach relevant Certificate)</i></p>
Category J	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK)</i></p> <p><i>One (1) Mark for Master's Degree in Law or other relevant masters</i></p> <p><i>Three (3) Marks for training relevant to Legislative Drafting Policy or Law review or Regulatory services. (Attach relevant Certificate)</i></p>
Category K	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK) or its equivalent</i></p> <p><i>One (1) Mark for Master's Degree in Law or any other relevant masters;</i></p> <p><i>Two (2) Marks for relevant experience in</i></p>

	<i>having undertaken briefs on Complex Contracts Drafting and review within the past five years.</i>
Category L	<p><i>Two (2) Marks for valid membership to the Law Society of Kenya (LSK) or its equivalent</i></p> <p><i>One (1) Mark for Master's Degree in Law or any other relevant masters;</i></p> <p><i>Two (2) Marks for relevant experience in having undertaken briefs in petroleum & gas or energy subsector or Commercial transactions within the past five years.</i></p>

Notes to Table 4

5. The Team should be composed of the advocates in the firm who shall be handling the Procuring Entity's matters on a day to day basis.
6. To score, the years of legal experience for each admitted advocate in the firm will be legal experience whether gained in the employment/service of the Application firm or elsewhere.
7. Years of legal experience of each advocate shall be by confirming that each advocate is engaged in the applicant through a letter on the applicant's letterhead and signed by the Partner and the advocate.
8. The years will then be computed based on the admission number at LSK.

TECHNICAL REQUIREMENT NO. 5

Experience in representing or advising a corporate client, private entity, public entity or energy utility entity by the Applicant in the last Three Years

Maximum awardable marks are 10 broken down as per the table 5 below

Sr. No.	Criteria	Total Scores
1.	Letter(s) of award / Contract /LPO issued by the corporate client, private entity, public entity	<i>Maximum marks are five (5)</i> 2.5 marks will be given for each letter of award;
2.	Letter/s of reference or recommendation from the energy sector	<i>Maximum marks are Five (5)</i> 2.5 marks will be given for each letter of reference;

9. SUMMARY TABLE OF THE TECHNICAL REQUIREMENTS

CRITERIA	SCORE
Physical Presence and Operational Network	9
Satisfactory Resolution/Conclusion of Legal Matters or Services rendered in the respective category from any Four out of the Eight Clients in Technical Requirement No. 2 above	16
Valid evidence of Partner's / Lead Consultant Appropriate Qualification, Experience and Degree of Responsibility within the past Five (5) years	35
Valid evidence of Associates/ consultants Appropriate Qualification, Experience and Degree of Responsibility within the past Five (5) years	30
Experience in representing or advising a corporate client, private entity, public entity or energy utility entity by the Applicant in the last Three Years	10

TOTAL	100

SUCCESSFUL FIRMS

- D. The successful firms eligible for registration shall be the ones who attain the minimum score of 70% in compliance with the set Evaluation Criteria.
- E. The successful firms shall be required to update their qualifications and compliances when due and furnish the entity with copies.
- F. The Procuring Entity shall execute a Service Level Agreement/Standards upon issuance of instructions to a successful applicant.

9. DUE DILLIGENCE

The Procuring Entity may prior to registration of the application determine to its satisfaction whether the Registered applicants qualify to perform the Services satisfactorily by carrying out a due diligence visit as required.

Notes

- Non- attendance during the pre-bid meeting shall not cause disqualification/denial to submit an application
- EPRA does not bind itself to request the firm for provision of any service at any time in which the applicant is on its panel.

ANNEX I: CURRICULUM VITAE (CV) FORMAT

Position Title and No.	[e.g. K-1, Team Leader]
Name of Expert:	[insert full name]
Date of Birth:	[day/month/year]
Country of Citizenship	

Education: {List college/university or other specialized education, giving names of educational institutions, dates attended, degree(s)/diploma(s) obtained}

Employment record relevant to the assignment: {Starting with present position, list in reverse order. Please provide dates, name of employing organization, titles of positions held, types of activities performed and location of the assignment, and contact information of previous Procuring Entity's and employing organization(s) who can be contacted for references. Past employment that is not relevant to the assignment does not need to be included.}

Period	Employing organization and your title/position. Contact information for reference	Country	Summary of activities performed relevant to the assignment
[e.g., May 2011 – present]	[e.g., Ministry of advisor/consultant to..... For references: tel/email: Mr. Bbbbbb, deputy manager		

Membership in Professional Associations and Publications: _____

Language Skills (indicate only languages in which you can work): _____

Adequacy for the Assignment:

Detailed Tasks Assigned on Consultant's Team of Experts:	Reference to Prior Work/Assignments that Best Illustrates Capability to Handle the Assigned Tasks

Expert's contact information :(e-mail.....

..... phone.....) Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience, and I am available to undertake the assignment in case of an award. I understand that any misstatement or misrepresentation described herein may lead to my disqualification or dismissal by the Procuring Entity, and/or sanctions by the PPRA.

{day / month/year}

Name of Expert _____ Signature _____ Date _____

{day / month/year}

Name of authorized _____ Signature. _____ Date _____

ANNEX II: EXPERIENCE (CLIENTS HANDLED) FORMAT

Assignment Name:	Approx. Value of contract:
Country:	Duration of assignment:
Name of Procuring Entity:	Total no. of staff- months of assignment:
Contact Address: Email:	Approx. value of the services provided by your firm under the contract:
Start date (Month/Year): Completion date (Month/Year):	No. of professional staff-months provided:
Role on assignment:	Name of senior professional staff of your firm involved and functions performed:
Narrative description of Assignment:	
Description of Actual Services provided within the assignment:	
Name of Firm:	Name & Title of Signatory: