



AAK/PREQ/A/28/2017-2018

**AUTOMOBILE ASSOCIATION OF KENYA
AA HOUSE - AIRPORT NORTH ROAD
P.O. BOX 40087-00100
NAIROBI**

**PREQUALIFICATION OF PROVIDERS OF
LEGAL SERVICES
JANUARY 2017 – JANUARY 2018**

M-pesa Reference No.

Pre-qualification Reg. No.28.....

CategoryA.....

CLOSING DATE – 26TH JANUARY 2017 AT 11.00 A.M.

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SECTION I

Tender Notice

Date: 13th January 2017

RE: INVITATION FOR PRE-QUALIFICATION OF PROVIDERS OF LEGAL SERVICES FOR THE FINANCIAL YEAR JANUARY 2017 – DECEMBER 2018

Automobile Association of Kenya invites applications from interested eligible firms for Pre-qualification for the provision of Legal services to be placed in our Panel of Advocates for a period of two (2) years and who may from time to time be appointed to provide legal services during the years (January 2017 – December 2018).

Prequalification documents with detailed information may be obtained from AA Kenya's website www.aakenya.co.ke.

Payment of a non-refundable fee of **Kshs.1, 000** (One Thousand Kenya Shillings) per document should be paid through M-pesa Pay bill No: 376850, Account name: (Applicant's Registered Firm's Name)

Completed pre-qualification documents should be submitted both in soft copy (CD) and in hard copy documents in plain sealed envelopes clearly marked "**Pre-qualification of providers of legal services**" with the **Tender reference number** addressed to:

The Chairman
Internal Procurement Committee
AA of Kenya
P.O. Box 40087-00100
NAIROBI.

SECTION II

INSTRUCTIONS TO CANDIDATES

(SUBMISSION, RECEIPT AND OPENING OF PRE-QUALIFICATIONS)

The original Pre-qualification Document shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the applicant. Any such corrections must be initialed by the person or persons who sign(s) the Pre-qualification Document.

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

In order to be considered for Pre-qualification, Applicants must quote the M-pesa Reference number on the first page of this document.

The Pre-qualification document should be prepared and submitted in **2 (two) copies** in a plain sealed envelope marked **as above** and deposited in the '**Tender Box**' located on the ground **Floor of AA House, North Airport Road, off Catherine Ndereba Road, Imara Daima Area, Nairobi** on or before 26th January 2017 at 11.00 a.m.

Prequalification documents will be opened publicly immediately thereafter in AA Kenya Board Room. Applicants or their representatives are invited to witness the opening at 11.00 am on 26th January 2017. Current service providers must apply afresh.

Automobile Association of Kenya reserves the right to accept or reject any application and is not bound to give any reasons for its decision.

All Candidates whose applications will have been received before the closing date and time will be advised in due course, of the results of their applications.

The Automobile Association of Kenya will pre-qualify and enlist prospective bidders from among those who will have submitted their prequalification documents in accordance with the pre-qualification requirements to provide the services described herein for a period of 2 years.

The Pre-qualification Tender document and the Tenderers response thereof shall be the basis for pre-qualification. Tenderers must familiarize themselves with the requirements described in this document including all attachments and take them into account while preparing the response.

AA Kenya does not bind itself for provision of any service but shall endeavor to ensure that tenderers will be treated equitably.

The pre-qualification of legal service providers does not constitute a retainer.

Tenderers who have previously been disqualified from the AA Kenya panel will not be considered.

Tenderers will be informed in writing of the results of their application, without assigning any reason for AA Kenya's decision thereof.

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

It is AA Kenya's policy to require that Tenderers observe the highest standard of ethics during selection and execution of such exercise.

In pursuance of this policy, AA Kenya:

a) Defines, for the purpose of this provision, the terms set forth as follows:

- (i) **“corrupt practice”** means the offering, giving, receiving or soliciting of anything of value to influence the action of an officer of the AA Kenya in the pre-qualification process;
- (ii) **“Fraudulent Practice”** means a misrepresentation of facts in order to influence the pre-qualification process to the detriment of AA Kenya, and includes collusive practices among Tenderers (prior to or after submission of Tenders) designed to establish prices at artificial, non-competitive levels and to deprive the other tenderers of the benefits of free and open competition.

AA Kenya will reject a Tender for pre-qualification if it determines that a Tenderer has engaged in corrupt or fraudulent activities in competing for the contract in question;

AA Kenya Will reject a tender for pre-qualification if at any time it determines that a Tenderer has engaged in corrupt or fraudulent practices in competing for, or in executing, a similar contract; and declare a Tender ineligible

AA Kenya will have the right to examine financial records relating to the performance of such services to determine capability.

AA Kenya will have the right to inspect the business premises of the Tenderer.

Tenderers shall furnish information as described in the pre-qualification tender document.

Communications

In order to ensure effective communications, the service providers are required to put in place the necessary mechanism to facilitate communication and to ensure timely feedback/reporting on the progress of matters being handled. Quarterly reports will be required in respect of litigation matters.

Monitoring and Evaluation

The law firms must agree to be monitored through regular client satisfaction surveys in order to ensure that they maintain high standards of service and give regular reports to the Company. The law firms must agree to enter into a Service Level Agreements.

Clarifications

Tenderers may request a clarification on the Tender Pre-qualification document up to **seven (7) days** before the Tender submission date. Any request for clarification must be sent in writing by mail, facsimile or electronic mail to the Procuring Entity's address. The procuring Entity will respond in writing by normal postal mail, facsimile or electronic mail to such requests and will send copies of the response to all Tenderers who intend to submit tenders.

Preparation of Tender Documents

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

Tenderers are expected to examine the documents comprising this Request for Pre-qualification in detail. Material deficiencies in providing the information requested may result in rejection of a Tender Tenderers are required to meet the Pre-Qualification criteria

Period of Validity

The request for pre-qualification must remain valid for not less than 120 days from the date of submission. AA Kenya will make an effort to complete the evaluation and communicate within this period.

SECTION III

MANDATORY REQUIREMENTS

FIRM PROFILE AND EXPERTISE

The law firms must attach their firm profiles stating the type of cases handled and their success rate in litigation. The firms should also provide a list of its top ten clients.

The profile should indicate experience in handling High Court, Court of Appeal, Tribunals and Lower Court cases as well as arbitration matters.

Expertise in any particular area of practice should be demonstrated. It is also important to distinguish the experience of the individual lawyers and the experience of the firm.

Scope of Legal Services

The legal services being procured include but not limited to: Commercial, Corporate, Civil and criminal Litigation and Practice, Securities, Project Finance, Construction, Public Private Partnership, Land law, Tax law, Labour law, Procurement, Intellectual Property, Dispute Resolution and other areas of general legal practice.

Firm's History

The following information must be included:

- i. Period for which the law firm has been in operation-the firm must have been in operation for a period of over 5 years and must have established an office in the area selected for operation for a minimum period of 5 years.
- ii. Number of partner's, years of experience and their standing in the bar
- iii. Number of Associates, years of experience and their standing in the bar
- iv. Number of pupils
- v. Number of paralegal staff
- vi. Number of support staff
- vii. Areas of Specialization
- viii. Value in Kshs. of each claim or matter handled

Professional Qualifications

The Advocates must be members of the Law Society of Kenya and must hold current practicing certificates

Professional Insurance Indemnity

They must have taken out a Professional Insurance Indemnity, which must be not less than Kshs ten million (**Kshs.10,000,000.00**) but capable of being reviewed depending on the brief at hand.

Facilities

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

Payment of Fees/Costs

The selection will consider law firm's that offer the right balance of value for money as measured by the quality of legal services offered. Law firms will be required to identify ways in which legal cost for any significant or complex cases can be mitigated and reduced.

The legal fees payable shall be in accordance with the Advocates Act and may include:

- Hourly billing subject to a cap on fees;
- Fees as provided by the Advocates Remuneration Order;

Provision of credit to AA Kenya shall also be considered. This ensures that work is not delayed pending payment of filing fees

Litigation against AA Kenya

The firms should disclose if they are engaged with past or pending litigation against AA Kenya and the nature of the litigation in order to avoid conflict of interest.

SECTION IV

TENDER SUBMISSION CHECKLIST

This order and arrangement shall be considered as the Tender Format. Candidates shall tick against each item indicating that they have provided it.

No.	Item	Tick Where Provided
1	Letter of Application.	
3	Copy of current Company or Firm's Registration Certificate	
4	Copy of current VAT Registration Certificate	
5	Five letters of commendation from your corporate clients	
6	Duly Completed Confidential Pre-qualification Business Questionnaire	
7	Evidence of physical address and premises (attach copies of utility bills e.g. electricity/water or lease agreement/Title	
8	Certified copy of current practicing certificates for all partners and associates	
9	Audited CV's of Partners, Associates and Consultants if any	
10	Professional Insurance Indemnity of not less than Kshs 10 million	
11	Any other document or item required by the Prequalification Document. (The Candidate shall specify such other documents or items it has submitted)	

SECTION V

A) APPLICATION FORM (1)

GENERAL INFORMATION

1.	Name of Firm	
2.	Head Office and branch Address	
3.	Telephone	Contact person
4.	Fax	E-mail
5.	Place of incorporation/registration	Year of incorporation/registration

Particulars of Partners/Associates		
Name		Nationality
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

SECTION VI

QUESTIONNAIRE FORM

Instructions:

As required, please give the particulars as indicated. Note that, an applicant may be disqualified if it is found out that the Information given is false.

PART I –Firms/Company registration & ownership details

Profile of Business/firm

Business Name.....

Location of business premises.....

Physical address

Postal address.....

Telephone.....

Fax.....

E-mail.....

Current Trade License No.....

Expiry Date.....

Date business name was first registered.....

Certificate of Registration No.....

Pin No.....

VAT no.....

Contact Person.....

SECTION VII

STATUTORY REQUIREMENTS

All Candidates must provide certified copies of the following:

1. Certificate of Incorporation or Registration of the Company or Firm
2. Valid Trade Licence
3. PIN Certificate
4. Audited accounts for the last three years
5. Current Practicing certificates of all Partners and Associates
6. VAT Certificate
7. Compliance Certificate

SECTION VIII

OTHER INFORMATION ON PARTNERS/ASSOCIATES

Name	Telephone/address	Position in Firm
1.....
2.....
3.....
4.....
5.....
6.....
7.....
8.....
9.....
10.....

SECTION IX

REFERENCES FROM AT LEAST TEN (10) CORPORATE CLIENTS

Name/Organization	Address/Telephone
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.....

PARTICULARS OF YOUR BANKERS AND YOUR BANK ACCOUNT

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SECTION X

QUALIFICATIONS AND EXPERIENCE OF KEY PERSONNEL

Please provide the organization structure of your firm and the qualifications, certificates, skills and experience of your key staff and consultants in the format given below:-

KEY STAFF ANALYSIS					
	Name	Qualifications	Years of experience	Area of expertise	Remarks
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

SECTION XI

PAST PERFORMANCE

List of main relevant services carried out in the last five years that best illustrate your qualification (at least five (5) corporate clients) indicating the services rendered and subject value of each.

Attach a commendation letter from each of the five clients

First Client (Organization)

- i) Assignment /Type of services/cases handled.....
- ii) Country.....
- iii) Professional staff provided by your firm.....
- iv) Name of Client.....
- v) Physical address.....
- vi) Postal address.....
- vii) Email address.....
- viii) Telephone No.....
- ix) Name of contact person at the client.....
- x) Duration of assignment.....
Approximate value of service (KShs.).....
- xi) Narrative description of project.....
.....

Attach a commendation letter

Second Client (Organization)

- i) Assignment /Type of services/cases handled.....
- ii) Country.....
- iii) Professional staff provided by your firm.....
- iv) Name of Client.....
- v) Physical address.....
- vi) Postal address.....
- vii) Email address.....
- viii) Telephone No.....
- ix) Name of contact person at the client.....
- x) Duration of assignment.....
Approximate value of service (KShs.).....
- xi) Narrative description of project.....
.....

Attach a commendation letter

Third Client (Organization)

- i) Assignment /Type of services/cases handled
.....
- ii) Country.....
- iii) Professional staff provided by your firm.....
- iv) Name of Client.....
- v) Physical address.....
- vi) Postal address.....
- vii) Email address.....
- viii) Telephone No.....
- ix) Name of contact person at the client.....
- x) Duration of assignment.....
Approximate value of service (KShs.).....
- xi) Narrative description of project.....
.....

Attach a commendation letter

Fourth Client (Organization)

- i) Assignment / Type of services/cases handled
.....
- ii) Country.....
- iii) Professional staff provided by your firm.....
- iv) Name of Client.....
- v) Physical address.....
- vi) Postal address.....
- vii) Email address.....
- viii) Telephone No.....
- ix) Name of contact person at the client.....
- x) Duration of assignment.....
Approximate value of service (KShs.).....
- xi) Narrative description of project.....
.....

Attach a commendation letter

Fifth Client (Organization)

- i) Assignment / Type of services/cases handled
.....
- ii) Country.....
- iii) Professional staff provided by your firm.....
- iv) Name of Client.....
- v) Physical address.....
- vi) Postal address.....
- vii) Email address.....
- viii) Telephone No.....

- ix) Name of contact person at the client.....
- x) Duration of assignment.....
Approximate value of service (KShs.).....
- xi) Narrative description of project.....
.....

Attach a commendation letter

NB: You may include additional large clients to support your application.

SECTION XII

ANY ADDITIONAL INFORMATION

Give any other information relating to your firm/company, which you may consider relevant to this questionnaire.

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SECTION XIII

DECLARATION

I/we the undersigned state that the above information is correct and that I/We give the Automobile Association of Kenya authority to seek any other references concerning my/our firm from whatever sources deemed relevant e.g. Law Society of Kenya, Kenya Credit Bureau, Office of the Registrar of Companies, Bankers etc

I/We understand that any false and inaccurate information filled herein will be used as grounds for disqualification from further processing of this application for prequalification.

Full names.....

Signature.....

For and on behalf of M/s
.....

In the capacity of
.....

Dated thisday of2017

Firm’s Rubber Stamp