



REPUBLIC OF KENYA
THE NATIONAL TREASURY AND ECONOMIC PLANNING

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THE NATIONAL TREASURY
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NAIROBI

Ref: IFPPP/PFF/PPPD/05/2023-2024

28th June, 2024

REF: PREQUALIFICATION OF LEGAL FIRMS

ADDENDUM II

The National Treasury has issued an addendum with below clarifications relating to prequalification of legal firms for the PPP Directorate.

12.1 Checklist of Mandatory Documents to Be Submitted

No	Section Reference	Rationale	Query	Remarks
1.	Certified ID Copies of all Partners/Associates of the law firm	We are not able to provide ID copies for all global Partners and Associates of the firm.	Can we send the ID for the Partner who will be submitting the proposal?	Submit Certified IDs of Partner/s/ Associate/s who will be engaged in any assignment as the Directorate may engage the Firm/s and whose qualifications are used as part of the bid and serve as the basis for evaluation.

No	Section Reference	Rationale	Query	Remarks
2.	Applicants must ensure compliance with their tax obligations and submit their tax clearance certificates.	<p>As a practice, we are yet to receive the tax certificate for 2024 from the authorities.</p> <p>We will be prepared to provide same in accordance with the relevant framework agreement if appointed on the PPP Directorate's panel.</p>	Can this requirement be waived for purposes of this RFP?	Tax compliance is mandatory to demonstrate a firm's adherence to tax obligations in accordance with government policies.
3.	Current and valid Legal Practicing Certificates for all Advocates	Due to the number of lawyers practising in our firm, we are not able to provide practice certificate for all of them.	Can this requirement be waived for purposes of this RFP, or required for the Partner who will be submitting the proposal?	Submit credentials for 3 (three) partners or associates whose qualifications are used as part of the bid and serve as the basis for evaluation.
4.	Letters of good standing from the relevant bar organization	Due to the number of lawyers practising in our firm, we do not have access to letters of good standing. However, it is a requirement of our professional liability coverage and ethical duty that all of our members are in good standing with their respective bar	Can this requirement be waived for purposes of this RFP, or required for the Partner who will be submitting the proposal?	Submit credentials for 3 (three) partners or associates whose qualifications are used as part of the bid and serve as the basis for evaluation.

No	Section Reference	Rationale	Query	Remarks
		organization.		
5.	Amenability to negotiations for sustainability and value for money	We are amendable to negotiate and prove value for money on each mandate on a case by case basis.	How do you expect this be demonstrated?	Through simple written concurrence with the principle of amenability to negotiations for sustainably and value for money.
6.	Audited financial Accounts for the last three (3) consecutive years	We do not provide our audited financial statements to clients as we are a private entity.	Can this requirement be waived for purposes of this RFP?	The requirement on audited accounts remains in effect.

12.2 Technical Evaluation Criteria

Section Reference	Rationale	Query	Remarks
S/No 1	<p>The documentary evidence required in respect of the reference projects appears to be duplicative.</p> <p>Be advised that copy of executed contracts are confidential and reference letters will be unable to obtain on some of the transactions.</p> <p>Further, the total marks noted available under S/No 1 is 24 Marks while under the Marks column we have 27 as the available points. Kindly review and confirm.</p>	<p>Can we provide either of the award letter/letter of instructions, or copy of executed contract/SLA, or reference letter or completion certificate to satisfy this requirement?</p> <p>The PPP Directorate has asked for Detailed and current company profile. What company profile is required here: our firm or our client?</p>	<p>You can provide either of the award letter/letter of instructions, or copy of executed contract/SLA. In addition, you should provide the completion certificate, as a separate document, to satisfy this requirement.</p> <p>The detailed profile is the applicant firm's or consortium's profile.</p> <p>Three (3) marks are awarded for a detailed company profile, while the remaining twenty-four (24) marks will be earned by submitting documentary evidence for two projects, with each project worth 12 marks making it a total of twenty-seven (27) marks.</p>
S/No 2	<p>"Provide documentation demonstrating financial close for at least two projects..."</p>	<p>Can we offer public information, including client reviews and other legal review pundits?</p>	<p>Yes, provided it clearly demonstrates achievement of financial close.</p>

Section Reference	Rationale	Query	Remarks
S/No 3	The documentary evidence required in respect of the reference projects appears to be duplicative.	<p>Can we provide <u>either</u> of the award letter/letter of instructions, <u>or</u> reference letter <u>or</u> completion certificate?</p> <p>Evidence of award or settlement agreement is a confidential document that cannot be shared on account of solicitor-client privilege and our standards of profession conduct.</p>	This aspect focuses on dispute resolution and evidence on the same, which is separate and distinct from evidence required under S, No 1 that relates purely to projects and legal transaction advisory support
<p>The tender closing date remains Friday July 19th, 2024 at 11:00 AM.</p> <p>Any clarifications should be submitted on or before Wednesday July 10th 2024 by 5PM (Kenya time)</p>			

All other terms and conditions remain the same.

**HEAD, SUPPLY CHAIN MANAGEMENT SERVICES
FOR: PRINCIPAL SECRETARY/NATIONAL TREASURY**