



REPUBLIC OF KENYA
THE NATIONAL TREASURY AND ECONOMIC PLANNING

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THE NATIONAL TREASURY
P.O. BOX 30007 – 00100
NAIROBI

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

11th July, 2024

REF: PREQUALIFICATION OF LEGAL FIRMS

ADDENDUM IV

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

No	Clarification	Response
1 A	Is it mandatory to submit the proposal as a hard copy or can it be submitted in electronic form?	The REOI must be submitted in hard copy as specified in Section 13.0 of the Terms of Reference. Electronic submissions are not accepted
B	If it can be submitted in electronic form, could you please confirm how this can be done (e.g. could you confirm the email address where we can send the proposal)?	N/A
C	If it is mandatory to submit the proposal as a hard copy, could you please confirm:	Yes , It is mandatory to submit a hard copy
D	Whether the documents that have been prepared and signed for the purpose of this proposal (i.e. declaration and certified IDs) have to be submitted as Originals or can copies be submitted?	See checklist under 12.1 of ToR item No 15 (one original 2 copies)

No	Clarification	Response
D	<p>Query: Would an official firm’s letterheaded statement that confirms our amenability to negotiations for sustainability and value for money, signed by the designated partner, be sufficient for meeting this requirement?</p> <p>Section Reference: 13. Power of Attorney</p> <p>Rationale: Information about all the members, who are entitled to sign the documents for and on behalf of the partnership, is available at the Companies House website https://find-and-update.company-information.service.gov.uk/. The Companies House is the executive agency of the British Government that maintains the register of companies, employs the company registrars and is responsible for incorporating all forms of companies in the United Kingdom.</p>	<p>Yes, the firm's official letter to this effect will be sufficient.</p>
E	<p>Query: Would it be sufficient for us to provide a statement on the firm’s letterhead supported by screenshots and links from the Companies House webpage, referencing relevant partners’ authority to sign the documents on behalf of the firm?</p> <p>Clarification question regarding Clause 12.2 of the ToR:</p> <p>Section Reference: 12.2 (ii) (iii) (iv) Documentary evidence for each project</p> <p>Rationale: The participation of legal advisers on major projects is often confidential and is considered attorney-client privilege work, the details of which could either not be revealed or could be disclosed to a limited</p>	<p>Yes, this is acceptable</p>

No	Clarification	Response
	<p>extent, depending on the client's position. Standard legal services agreement contains a confidentiality provision/clause, and the acts of rendering of services – the final cost of services. Both the clients and their legal advisers do not disclose such information to third parties. As a legal adviser, our firm maintains the confidentiality of details of the matters in compliance with all the requirements of the clients. However, select information about our involvement in projects is usually disclosed in official press releases published on our firm’s website. These press releases are always pre-approved by the clients and serve as legitimate confirmation of our involvement and successful delivery of legal services.</p> <p>Query: Would the official press releases be accepted as documentary evidence in support of our relevant experience? Rationale: The letters of instruction/award letters for our disputes clients fall within the domain of information that is privileged due to advocate-client confidentiality.</p> <p>Query: Would the reference letter be also accepted as proof of the existence of a relationship between us and the client in connection with a matter? Would it be accepted as a substitute for the award letter/letter of instructions? How will the marks be allocated in that case?</p>	<p>Yes this will be acceptable</p> <p>It will be acceptable, if the reference letter deals with both parameters clearly to aid with allocation of marks i.e the award or instruction on the specific matter as well as the confirmation that the work was effectively completed.</p>
4 A	<p>Section 5.0 Proposal Requirements</p> <p>Each proposal must include the specialised segment/sector of PPP Practice. If a firm of Advocates has expertise in more than one sector, the same should be indicated and submitted under separate envelope.</p>	

No	Clarification	Response
	<p>Query: Suppose our firm intends to submit a proposal for 3 sectors, please clarify whether we need to have 3 separate proposals in 3 separate envelopes or can we have one proposal stating our desire to be engaged in 3 sectors?</p>	<p>Submission of a single proposal package for 3 different sectors can be submitted as one proposal, provided that the evidence for each sector is appropriately included.</p>
B	<p>Section 12.2 Technical Evaluation Criteria</p> <p>5. No. 5 – Signed Declaration/commitment to engage local firms (7 marks)</p> <p>4C. Please advise in what form you require this commitment to engage local firms to be evidenced by a Kenyan law firm This requirement bears 7 marks and appears to apply to international firms.</p>	<p>Commitment letter in firms letter head Duly Signed by authorized signatory.</p> <p>A signed declaration letter will similarly apply to local firms submitting bids. The intention is to optimize opportunities and promote partnerships and growth of local firms in general.</p>
5 A	<p>Section 12.1 – Checklist of Mandatory Documents to be submitted & Addendum II Certified ID Copies of all Partners/Associates of the Law Firm</p> <p>Query : Please advice whether notarised copies of passports for Partners/Associates who are not Kenyans are acceptable?</p>	<p>Yes, they are acceptable.</p>
<p>NB: The tender closing date remains Friday July 19th, 2024 at 11:00 AM.</p>		

All other terms and conditions remain the same.

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