



COUNTY GOVERNMENT OF MARSABIT

GERMAN FINANCIAL COOPERATION WITH KENYA

PROJECT

**DROUGHT RESILIENCE PROGRAMME IN NORTHERN KENYA BMZ
No. 201365360 (DRPNK)**

**Expression of Interest for Consultancy Services for
Environmental and Social Impact Assessments and
monitoring for various projects**

Employer: County Government of Marsabit

August 2023

MBT/COU/AGRI/DRPNK/01/2023-2024

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1: INTRODUCTION

The Drought Resilience Programme in Northern Kenya (DRPNK) is a 6-year programme implemented in Marsabit and Turkana counties and partly funded by German Development Bank (KfW) The objective of the project is to strengthen the resilience of pastoral and agro-pastoral livelihoods in the target areas through investment in infrastructure.

The programme is jointly funded by the Government of Kenya, the County Governments of Turkana and Marsabit and the Federal Republic of Germany through German Development Bank (KfW).

As one of the Project Executing Agencies (PEA), The County Government of Marsabit plans to construct a range of infrastructure as set out in the first Annual Investment Plan (AIP-1).

The County Government of Marsabit invites Expressions of Interests (EoIs) from eligible firms to offer Environmental and Social Impact Assessments (ESIA) consultancy services.

2: NOTICE FOR REQUEST OF INTEREST FOR CONSULTANCY SERVICES

NAME OF PROCURING ENTITY: COUNTY GOVERNMENT OF MARSABIT

BMZ-No.: **201365360**

Assignment or Contract Title:

Expression of Interest for Consultancy Services for Environmental and Social Impact Assessments and monitoring for various projects. Reference No. MBT/COU/AGRI/DRPNK/01/2023-2024

The County Government of Marsabit intends to shortlist consultants to provide consulting services through an Expression of Interest for Environmental and Social Impact Assessments and monitoring for Various projects as per the description below:

No	Description
1	<p>Conducting Environmental and Social Impact Assessments for various projects in Marsabit County. The primary objective of undertaking the assessment of the project shall ensure compliance with:</p> <ul style="list-style-type: none">• The DRPNK Environmental and Social Management Framework (ESMF) document;• The National Environmental and Social regulations as per the relevant laws, regulations and/or acts of Kenya;• KfW's Environmental and Social Policy, which is anchored on The World Bank's Environmental and Social Standards (ESS). <p>In addition, the KfW requirements for the voluntary land donation (VLD) process will be implemented, comprehensively evaluated, and documented,</p>

Interested consultants may obtain further information / queries before 1000hrs on 24th August 2023.

Expressions of interest must be deposited in the tender box in **hard copy** situated at the address below on or before Thursday 24th August, 2023 at 1000 Hours.

[Expression of Interest for Consultancy Services for Environmental and Social Impact Assessments and monitoring for various projects]

The address referred to above is:

County Government of Marsabit
Director Supply Chain Management Services
Physical Address: Procurement Office, Marsabit County Headquarters,
Marsabit.

Email address: supplychain@marsabit.go.ke

Copy to:

drpnk@marsabit.go.ke

Leone.Comin@gopa.de

3: INSTRUCTION TO BIDDERS

1. The County Government of Marsabit now invites eligible consulting firms (“Consultants”) to indicate their interest in providing the Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services. The shortlisting criteria on required qualifications and experience of the firm are:
 - i. Experience in the assignment, including technical and managerial capability of the firm;
 - ii. Number of years in business working on the area of the assignment;
 - iii. Reference to at least three assignments of similar nature and size carried out in the last 5 years. Include persons or institutions and contact addresses (phone, email) who can be contacted on the same.
2. The attention of interested Consultants is drawn to the following provisions that will be highlighted in the Request for Proposals to be issued to shortlisted firms.
 - i. The Consultant will be expected to have no conflict of interest with other assignments or its own corporate interests and acting without any consideration for future work;
 - ii. The consultant has no personal or business relationship with the Procuring Entity's senior management or professional staff;
 - iii. A firm or an individual in the firm has not been sanctioned by the Public Procurement Regulatory Authority (PPRA) or are under a suspension or a debarment imposed by any other entity of the Government of Kenya, or any international organization;
 - iv. Government-owned enterprises or institutions of Kenya Government, officials and civil servants and employees of public institutions are not eligible.
3. Consultants **shall not** associate with other firms to enhance their qualifications, in the form of a joint venture and/or a sub-consultancy.
4. Selection of the consultant will be based on Quality and Cost Based Selection method using the Tender Procedure National Competitive Bidding as provided for in the Public Procurement and Asset Disposal Act 2015 (PP&DA). The evaluation committee shall be appointed by the accounting officer according to section 46(1) of PP&DA 2015.
5. Bidders shall be required to provide all documents outlined in both the eligibility and qualification criteria, and the technical evaluation criteria. In addition, bidders fill out and submit all forms provided in this document i.e. PQ1 – PQ9
6. The bidders must submit an original and two additional copies. All pages must be serialized in this form: 1 of x, 2 of x ... (x being the total number of pages in the document).
7. The bidders may request clarifications of the documents only up to three (3) days before the submission date deadline to the below address. The Employer shall promptly publish its response to the EoI at the websites www.tenders.go.ke and www.marsabit.go.ke

County Government of Marsabit

Director Supply chain management services

Physical Address: Procurement office, Marsabit County headquarters, Marsabit.

Email Address: supplychain@marsabit.go.ke

Copy to:

drpnk@marsabit.go.ke

Leone.Comin@gopa.de

4: PROCEDURE AND ELIGIBILITY CRITERIA

The qualified interested firms shall submit the information to enable the County Government of Marsabit, Department of Agriculture, Livestock and Fisheries Development, to evaluate their capability to undertake the works. For these consultancy services, it is required that the firms should provide the following: -

Eligibility and Qualification Criteria			Compliance Requirements			
No.	Subject	Submission Requirement	Single Entity	Joint Venture (existing or intended)		
				All Members Combined	Each Member	One Member
1.	Certificate of Incorporation	Attach a certificate of incorporation	Must meet requirement	N/A	N/A	N/A
2.	Tax compliance	Attach a valid KRA tax compliance	Must meet requirement	N/A	N/A	N/A
3.	Professional practicing licenses	Attach Professional practicing licenses for individuals or firms undertaking the assignment	Must meet requirement	N / A	N / A	N / A
4.	Certificates of completion for completed projects/ contracts	Attach certificates of completion from at least five separate clients for the last 5 years.	Must meet requirement	N / A	N / A	N / A
5.	Certified Audited financial statements	Attach Certified Audited financial statements for the last three years (2020, 2021, /2022)	Must meet requirement	N / A	N / A	N / A
6.	CR12 showing list of directors	Attach CR12 valid for the last 6 months from the date of tender opening	Must meet requirement	N / A	N / A	N / A
7.	Single business permit from any County in Kenya	Attach single business permit valid for the year 2023	Must meet requirement	N / A	N / A	N / A
8.	Confidential Business Questionnaire	Attach a duly filled, completed and signed confidential business questionnaire	Must meet requirement	N / A	N / A	N / A
9.	KfW Declaration of undertaking (Appendix I, PQ 9)	Attach a duly filled and signed KfW declaration of undertaking	Must meet requirement	N / A	N / A	N / A

5: TECHNICAL EVALUATION CRITERIA

S/NO.	CRITERIA	Evaluation Documents	KEY	SCORE
1	Consultants general experience of not less than 3 (specify number of years) it has been in operational in that line business (Max Score = 15%)	Attach Completion certificates and Local Service Order or Contract agreement (calculated from the date of first LSO/Contract) This sub-criterion is evaluated on the basis of the list submitted in accordance with the format provided in PQ4	<3 - 0% 3-5 - 5% 6-8 - 10% >8 - 15%	
2	Consultant's relevant Experience for the Assignment over the last 5 yrs, especially comparable with KfW requirements for the voluntary land donation (VLD) process and KfW's Environmental and Social Policy (Max Score = 25%)	Attach Completion certificates and Local Service Order or Contract agreement For similar projects (evaluate by no. of projects completed) This sub-criterion is evaluated on the basis of the list submitted in accordance with the format provided in PQ4	<1 - 0% 1-3 - 10% 4-5 - 15% >5 - 25%	
3	Consultant's Experience in the ASAL regions of Kenya under similar conditions to the Procuring Entity's area (Max Score = 20%) "	Completion certificates Local Service Order and/or Contract agreement Evaluate by No. of projects This sub-criterion is evaluated on the basis of the list submitted in accordance with the format provided in PQ4	<1 - 0% 1-3 - 10% 4-5 - 15% >5 - 20%	
4	Qualifications and Experience of Proposed Key Personnel (Max Score = 25%)	Team leader (relevant qualification & experience) Certificates and Curriculum Vitae Other relevant key staff (No) Certificates and Curriculum Vitae This sub-criterion is evaluated on the basis of the list submitted in	(Bachelor degree 3%, Master's degree 5%) + min of 5 years' experience = (5-10 yrs = 5%, >10 yrs = 10%) 1-5 staff = 5% >5 staff = 10%	

		accordance with the format provided in PQ2		
5	<p>Consultant's experience in Environmental, Social, Health and Safety (Max score = 15 %; Minimum score = 7.5 %)</p> <p>Applications below the Minimum ESHS score will be rejected</p>	<p>Curriculum Vitae ESHS specialist (Calculated from No. of assignments undertaken by the specialist in Environmental, Social, Health and Safety)</p> <p>This sub-criterion is evaluated on the basis of the list submitted in accordance with the format provided in PQ2</p>	<p>1-3 - 7.5%</p> <p>4-5 - 10%</p> <p>>5 - 15%</p>	
TOTAL SCORE (Out of 100)				

Score of at least 70% must be met to secure prequalification.

A maximum of ten (10) firms will be invited to submit a Technical and Financial Proposals for the studies as described in this Expression of Interest.

APPENDICES

■ PQ1 – PREQUALIFICATION DATA FORM

1.Name and address of firm	
	Legal name of firm
	Post office address
	Street and address
	City
	Country
	Mobile No
	Email address
	Person to contact
	Title
2. Organization & Business Information	
	Management personnel
	Director
	General Manager
	Other
	Partnership if applicable
	Name of partners
	Business founded or incorporated
	Under present management since
	Net worth equivalent (KES)

Enclose copy of the organization chart of the firm indicating the main fields of activities.

■ PQ2 – KEY PERSONNEL FORM

KEY PERSONNEL

1. Access to Expertise Required for the Assignment

Complete the list below to demonstrate the extent to which you have access (internally / externally) to expertise required for this assignment / for the project team profiles. Include home-office project management / administration and backs-stopping personnel. Include freelance personnel and Sub-Consultant staff, if applicable). The Applicant shall not present a potential project team. The focus is on access and availability to project relevant expertise. It is understood that prequalified Applicants are not required to include staff named below into the Proposal.

Name	Project team profile / areas of required expertise	Education/ Degree	Years of Professional Experience	Role in the firm/ Years within the Firm	Country/Regional Experience	Relevant Project References (Description of project-related experience)	Languages

■ PQ3 – FINANCIAL POSITION FORM

Attach copies of Firm's certified and Audited financial statements for the last three years

Financial data	2 years before last year¹ 2020 KES	Year before last year 2021 KES	Last year 2022 KES	Average² KES
Annual turnover ³				
Current assets ⁴				
Current liabilities ⁵				
Current ratio (current assets/current liabilities)				

If annual accounts are not yet available for the last year, please provide latest estimates or provisional figures. Figures in all columns must be calculated on the same basis to allow a direct, year-on-year comparison to be made (or, if the basis has changed, please provide an explanation of the change as a footnote to the table).

¹ Last year = last accounting year for which the entity's accounts have been closed.

² Amounts entered in the 'Average' column must be the mathematical average of the amounts entered in the three preceding columns of the same row.

³ The gross inflow of economic benefits (cash, receivables, other assets) generated from the ordinary operating activities of the enterprise (such as sales of goods, sales of Services, interest, royalties, and dividends) during the year.

⁴ A balance sheet account, that represents the value of all assets that are reasonably expected to be converted into cash within one year in the normal course of business. Current assets include cash, accounts receivable, inventory, marketable securities, prepaid expenses and other liquid assets that can be readily converted to cash.

⁵ A company's debts or obligations that are due within one year. Current liabilities appear on the company's balance sheet and include short term debt, accounts payable, accrued liabilities and other debts.

■ PQ4 – PAST EXPERIENCE FORM

Ref no:	Project title							
Name of legal entity (declaring Consultant)	Project Country	Overall project value (*)	Proportion carried out by the legal entity (%)*	Provided staff input (person months)	Name of client/Address/contact	Origin of funding	Dates (start/end)	Name of JV members, if any
...
Detailed description of project (background, objectives and main activities)						Services provided by the legal entity for the project		
...						...		

* If the overall project value refers to overall project cost inclusive of Consulting Services please indicate the consulting fee separately. The portion carried out by the legal entity refers to that figure.

NOTE: The projects/contracts/services/works shall all be within the last Five years, for at least 5 clients. This should be filled for each Client.

■ PQ5 – SWORN STATEMENT

Having studied the pre-qualification information for the above Project we/I hereby state:

- a. The information furnished in our application is accurate to the best of our knowledge.
- b. That in case of being pre-qualified we acknowledge that this grants us the right to participate in due time in the submission of a tender or quotation on the basis of provisions in the tender or quotation documents to follow.
- c. When the call for Tenders/Quotations is issued the legal technical or financial conditions or the contractual capacity of the firm changes we come ourselves to inform you and acknowledge your right to review the pre-qualification made.
- d. We enclose all the required documents and information required for the prequalification evaluation.
- e. The firm has not been debarred from participating in any public procurement by PPRA.
- f. No person related to the firm has any spouse or children working at the County Government of Marsabit.
- g. The firm has not been engaged in any unethical, corrupt, collusive or fraudulent activities in public procurement matters.
- h. The firm has not been declared bankrupt/insolvent/under receivership.

Date.....

Applicant's Name.....

Address.....

Mobile No.....

Represented by.....

Signature.....

(Full name and designation of the person signing and stamp or seal).

■ PQ6 – CONFIDENTIAL BUSINESS QUESTIONNAIRE

You are requested to give the particulars indicated in part 1 and either part 2 (a), 2 (b) or 2 (c) whichever applies in your type of business.

You are advised that it is a serious offence to give false information on this Form

PART 1 GENERAL

Business Name.....

Location of Business premises.....

Plot No.....Street/Road.....

Postal Address.....Tel No.....Mobile No.....

Nature of business.....

Current Trade License No.....Expiring date.....

Maximum value of business which you can handle at any one time Kshs.....

Name of your bankers.....Branch.....

Functioning e-mail address(es).....

PART 2 (a) – Sole Proprietor

Your name in full.....Age.....

Nationality.....Country of origin.....

Citizenship details.....

PART 2 (b) – Partnership

Name

Nationality

Citizenship Details.....

Shares

1.

2.

3.

4.

PART 2 (c) - Registered Company

Private or Public

State the nominal and issue capital of the company

Nominal Kshs.....

Issued Kshs.....

Give details of all directors as follows:

Name	Nationality	Citizenship Details	Shares
1.			
2.			
3.			
4.			
5.			

Date.....Signature & Stamp of

Tenderer.....

If Kenyan Citizen indicate under Citizenship Details whether by Birth, naturalization or Registration

■ PQ7 – TENDER QUESTIONNAIRE

Please fill in block letters

1. Full names of Bidder

.....
.....

2. Full address of tenderer to which tender correspondence is to be sent
(unless an agent has been appointed below)

.....

3. Mobile numbers

.....

4. Official and working email address (es).

.....
.....

5. Name of tenderers representative to be contacted on matters of the tender
during the tender period.

.....

6. Details of tenderers nominated agent (if any) to receive tender notices. This
is essential if the tenderer does not have his registered address in Kenya
(name, address, mobile number(s) and email address(es))

.....

Signature and stamp/seal of tenderer

■ PQ8 – LITIGATION HISTORY

Consultants should provide information on any history litigation or arbitration resulting from contracts executed in the last five years or currently under execution.

Year	Award for or against	Name of client cause of Litigation and matter in dispute	Disputed Amount (current value, Kshs. Equivalent)

■ PQ9 – DECLARATION OF UNDERTAKING (KfW)

Reference name of the Application/Offer/Contract:

("Contract"⁶)

**To: COUNTY GOVERNMENT OF ("PROJECT EXECUTING AGENCY")
MARSABIT**

1. We recognise and accept that KfW only finances projects of the Project Executing Agency ("PEA")⁷ subject to its own conditions which are set out in the Funding Agreement it has entered into with the PEA. As a matter of consequence, no legal relationship exists between KfW and our company, our Joint Venture or our Subcontractors under the Contract. The PEA retains exclusive responsibility for the preparation and implementation of the Tender Process and the performance of the Contract.
2. We hereby certify that neither we nor any of our board members or legal representatives nor any other member of our Joint Venture including Subcontractors under the Contract are in any of the following situations:
 - 2.1) being bankrupt, wound up or ceasing our activities, having our activities administered by courts, having entered into receivership, reorganisation or being in any analogous situation;
 - 2.2) convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations, the European Union or Germany for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;
 - 2.3) having been convicted by a final court decision or a final administrative decision by a court, the European Union, national authorities in the Partner Country or in Germany for Sanctionable Practice in connection with a Tender Process or the performance of a Contract or for an irregularity affecting the EU's financial interests (*in the event of such a conviction, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this conviction is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*);
 - 2.4) having been subject, within the past five years to a Contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during such Contract performance, unless this termination was

⁶ Capitalised terms used, but not otherwise defined in this Declaration of Undertaking have the meaning given to such term in KfW's "Guidelines for the Procurement of Consulting Services, Works, Plant, Goods and Non-Consulting Services in Financial Cooperation with Partner Countries".

⁷ The PEA means the purchaser, the employer, the client, as the case may be, for the procurement of Consulting Services, Works, Plant, Goods or Non-Consulting Services.

challenged and dispute resolution is still pending or has not confirmed a full settlement against us;

2.5) not having fulfilled applicable fiscal obligations regarding payments of taxes either in the country where we are constituted or the PEA's country;

2.6) being subject to an exclusion decision of the World Bank or any other multilateral development bank and being listed on the website <http://www.worldbank.org/debarr> or respectively on the relevant list of any other multilateral development bank (*in the event of such exclusion, the Applicant or Bidder shall attach to this Declaration of Undertaking supporting information showing that this exclusion is not relevant in the context of this Contract and that adequate compliance measures have been taken in reaction*); or

2.7) being guilty of misrepresentation in supplying the information required as a condition of participation in the Tender.

3. We hereby certify that neither we, nor any of the members of our Joint Venture or any of our Subcontractors under the Contract are in any of the following situations of conflict of interest:

3.1) being an Affiliate controlled by the PEA or a shareholder controlling the PEA, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;

3.2) having a business or family relationship with a PEA's staff involved in the Tender Process or the supervision of the resulting Contract, unless the stemming conflict of interest has been brought to the attention of KfW and resolved to its satisfaction;

3.3) being controlled by or controlling another Applicant or Bidder, or being under common control with another Applicant or Bidder, or receiving from or granting subsidies directly or indirectly to another Applicant or Bidder, having the same legal representative as another Applicant or Bidder, maintaining direct or indirect contacts with another Applicant or Bidder which allows us to have or give access to information contained in the respective Applications or Offers, influencing them or influencing decisions of the PEA;

3.4) being engaged in a Consulting Services activity, which, by its nature, may be in conflict with the assignments that we would carry out for the PEA;

3.5) in the case of procurement of Works, Plant or Goods:

i. having prepared or having been associated with a Person who prepared specifications, drawings, calculations and other documentation to be used in the Tender Process of this Contract;

ii. having been recruited (or being proposed to be recruited) ourselves or any of our Affiliates, to carry out works supervision or inspection for this Contract;

4. If we are a state-owned entity, and compete in a Tender Process, we certify that we have legal and financial autonomy and that we operate under commercial laws and regulations.

5. We undertake to bring to the attention of the PEA, which will inform KfW, any change in situation with regard to points 2 to 4 here above.

6. In the context of the Tender Process and performance of the corresponding Contract:

6.1) neither we nor any of the members of our Joint Venture nor any of our Subcontractors under the Contract have engaged or will engage in any Sanctionable Practice during the Tender Process and in the case of being awarded a Contract will engage in any Sanctionable Practice during the performance of the Contract;

6.2) neither we nor any of the members of our Joint Venture or any of our Subcontractors under the Contract shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or Germany; and

6.3) we commit ourselves to complying with and ensuring that our Subcontractors and major suppliers under the Contract comply with KfW's Sustainability Guideline and with the Guidelines on Incorporating Human Rights Standards and Principles, Including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation (Federal Ministry for Economic Cooperation and Development). KfW's Sustainability Guideline requires that all applicable national environmental, occupational health & safety and social laws and regulations as well as international law including conventions and treaties adopted by the host country (Tanzania) and applicable to the Project must be respected.

In addition to national legislation, projects financed by KfW must comply with the requirements of

- World Bank Environmental and Social Safeguard Standards/ESS 1- ESS 10
- ILO Core Labor Standards⁸
- IFC/WB General EHS Guidelines and Industry Sector specific EHS Guidelines as appropriate

In addition, the UN Basic Principles and Guidelines on Development Based Displacement and Evictions (namely §§ 41, 49, 52, 54 und § 60) (FAO 2012) known as the VGGT1 have to be respected.

In case there are gaps between national and international requirements, the respective higher standard has to be applied.

Moreover, we shall implement environmental and social risks mitigation measures when specified in the relevant environmental and social management plans or other similar documents provided by the PEA and, in any case, implement measures to prevent sexual exploitation and abuse and gender based violence.

7. In the case of being awarded a Contract, we, as well as all members of our Joint Venture partners and Subcontractors under the Contract will, (i) upon request, provide information relating to the Tender Process and the performance of the Contract and (ii) permit the PEA and KfW or an agent appointed by either of them, and in the case of

⁸ In case ILO conventions have not been fully ratified or implemented by the Employer's country, the Applicant/Bidder/Contractor shall, to the satisfaction of the Employer and KfW, propose and implement appropriate measures in the spirit of said ILO conventions with respect to a) workers grievances on working conditions and terms of employment, b) child labour, c) forced labour, d) worker's organisations and e) nondiscrimination.

financing by the European Union also to European institutions having competence under European Union law, to inspect the respective accounts, records and documents, to permit on the spot checks and to ensure access to sites and the respective project.

8. In the case of being awarded a Contract, we, as well as all our Joint Venture partners and Subcontractors under the Contract undertake to preserve above mentioned records and documents in accordance with Applicable Law, but in any case for at least six years from the date of fulfilment or termination of the Contract. Our financial transactions and financial statements shall be subject to auditing procedures in accordance with Applicable Law. Furthermore, we accept that our data (including personal data) generated in connection with the preparation and implementation of the Tender Process and the performance of the Contract are stored and processed according to the Applicable Law by the PEA and KfW.

Name: _____ In the capacity of: _____

Duly empowered to sign in the name and on behalf of: _____

Signature:

Dated: