

**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY  
(NEMA)**



**REQUEST FOR PROPOSALS (RFP) TO DEVELOP GEO-PORTALS AND  
WEB MAP APPLICATIONS FOR NEMA.**

**REFERENCE NUMBER: NEMA/RFP/038/2019/2020**

**(SELECTION OF INDIVIDUAL PROFESSIONAL CONSULTANTS)**

**June , 2020**



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## INTRODUCTION

1. This standard Request for Proposals for selection of individual professional consultants has been prepared for use by public entities in Kenya. It has been found necessary for selection of individual consultants who are also regulated by their professional institutions or associations as opposed to selection of consultants who could be either individuals or body corporate.
2. This Request for proposals will be used for open tendering, restricted tendering or request for proposals.
3. The general conditions of contract in the Standard contract Form should not be modified and instead the special conditions of the contract may where necessary be modified by the procuring entity, for use, to reflect the unique circumstances of the particular assignment.

SECTION I- LETTER OF INVITATION

To: Eligible Individual Consultants

Date 3<sup>rd</sup> June 2020

Dear Sir/Madam,

1.1 The – National Environment Management Authority invites proposals for the following consultancy services – **Geo-portals and web map applications**. More details of the services are provided in the terms of reference herein.

1.2 The request for proposal (RFP) includes the following documents;

- Section I - Letter of invitation
- Section II - Information to Consultants
- Section III - Terms of reference
- Section IV - Technical proposal
- Section V - Financial proposal
- Section VI - Standard Forms

1.3 On receipt of this RFP please inform us

- (a) that you have received the letter of invitation; and
- (b) whether or not you will submit a proposal for the assignment

Yours sincerely.

**Ag. Director General.**

Issued by the Public Procurement Oversight Authority: January, 2007

SECTION II - INFORMATION TO CONSULTANTS

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## **SECTION II**

## **- INFORMATION TO CONSULTANTS**

### **2.1 Introduction**

2.1.1 The National Environment Management Authority will select an individual consultant among those invited to submit proposals or those who respond to the invitation for proposals in accordance with the method of selection detailed under this section and consistent with the regulations.

2.1.2 The consultants are invited to submit a **technical proposal and a financial proposal** for consulting services required for the assignment stated in the letter of invitation (Section I)

2.1.3 In the assignment where the procuring entity intends to apply standard conditions of engagement and scales of fees for professional services, which scale of fees will have been approved by a relevant authority, a technical proposal only may be invited and submitted by the consultants. In such a case the highest ranked individual consultant in the technical proposals shall be invited to negotiate a contract on the basis of the set scale of fees. The technical proposals will be the basis for contract negotiations and ultimately for a signed contract with the selected individual consultant.

2.1.4 The consultants must familiarize themselves with local conditions as regards the assignment and take them into account in preparing their proposals. To obtain adequate information on the assignment and on the local conditions, consultants are encouraged to liaise with the procuring entity regarding any information that they may require before submitting a proposal.

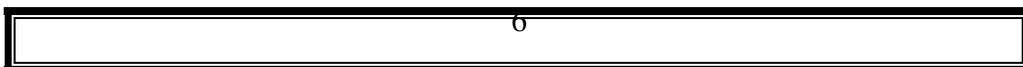
2.1.5 The client will provide the inputs and services specified in the special conditions of contract needed to assist the individual consultant to carry out the assignment.

2.1.6 The cost of preparing the proposal and negotiating the contract including any visit to the procuring entity are not reimbursable as a direct cost of the assignment. The procuring entity is not bound to accept any of the proposals submitted.

2.1.7 The procuring entity's employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the tender.

### **2.2 Clarification and amendment to the RFP documents**

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2.2.1 Individual consultant may request clarification of any of the RFP documents not later than Seven (4) days before the deadline for the submission of the proposals. Any request for clarification must be sent in writing by post, fax or email to the procuring entity's address indicated in the special conditions of contract. The procuring entity will respond by post, fax or email to such requests and will send written copies of the response (including an explanation of the query but without identifying the source of inquiry) to all individual consultants invited to submit proposals.

2.2.2 At any time before the deadline for submission of the proposals, the procuring entity may for any reason, either at its own initiative or in response to a clarification requested by an intended individual consultant amend the RFP. Any amendment shall be issued in writing, fax or email to all invited individual consultants and will be binding on them. The procuring entity may at its discretion extend the deadline for the submission of the proposals.

2.2.3 Clarification of tenders shall be requested by the tenderer to be received by the procuring entity not later than 4 days prior to the deadline for submission of tenders.

2.2.4 The procuring entity shall reply to and clarifications sought by the tenderer within 2 days of receiving the request to enable the tenderer to make timely submission of its tender.

### **2.3 Preparation of proposals**

2.3.1 The individual consultant's proposal shall be written in English language.

2.3.2 In preparing the Technical proposal, the individual consultants are expected to examine the documents consisting the RFP in detail. Material deficiencies in providing the information requested may result in rejection of a proposal.

2.3.3 While preparing the Technical proposal, the individual consultant must give particulars attention to the following:

- (a) If an individual consultant considers that he/she does not have all the expertise required for the assignment he/she may suggest in the proposals other individual(s) who will assist in the assignment but they will not be party to the contract for the purpose of the performance of the assignment. An individual consultant will not



propose other individual consultants invited to submit proposals for the assignment. Any individual consultant in contravention of this requirement shall automatically be disqualified.

- (b) For all the staff who will be involved in the exercise of the proposals to consultant must indicate their responsibility in the assignment and also the staff time as necessary.
- (c) The curriculum vitae (CV) of the staff proposed must be submitted with the proposal.

2.3.4 The Technical proposal shall provide the following information;

- (a) The individual consultants CV and a brief of any recent experience of assignment of a similar nature. For each assignment the brief should indicate the profiles of staff involved, contract amount and the individual consultants involvement.
- (b) Any comments or suggestions on the Terms of Reference and a list of service and facilities requested to be provided by the procuring entity.
- (c) A description of the methodology and work plan for performing the proposed assignment.
- (d) Any additional information requested in the special conditions of contract.

2.3.5 The Technical proposal shall be separate from the Financial proposal and shall not include any Financial information.

## 2.4 **Financial proposal**

2.4.1 In preparing the financial proposal, the individual consultants are expected to take into account the time required in completing the assignment as outlined in the RFP documents. The financial proposal will therefore be quoted in fees per day or month. The financial proposal may also include other costs as necessary, which will be considered as reimbursable.

2.4.2 The Financial proposal should include the payable taxes.

2.4.3 The fees shall be expressed in Kenya Shillings.

2.4.4 The Financial proposal must remain valid for 90 days after the submission date. During this period the individual consultant is expected to keep

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available at his own cost any staff proposed for the assignment. The procuring entity will make best efforts to complete negotiations within this period. If the procuring entity wishes to extend the validity period of the proposals, the consultants who do not agree, have the right not to extend the validity of their proposals.

2.4.5 The financial proposal must comply with the law governing the profession of the consultant.

## **2.5 Submission, Receipt and opening of proposals**

2.5.1 The technical proposal and the financial proposal (if required) shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the individual consultants. Any such corrections must be initialed by the individual consultant.

2.5.2 For each proposal the individual consultants shall prepare the proposals in the number of copies indicated in the special conditions of contract. Each Technical proposal and financial proposal shall be marked "**ORIGINAL**" or "**COPY**" as appropriate. If there are any discrepancies between the original and the copies of the proposal, the original shall govern.

2.5.3 The original and all copies of the Technical proposal shall be placed in a sealed envelope clearly marked "**TECHNICAL PROPOSAL**", and the original and all copies of the financial proposal in a sealed envelope duly marked "**FINANCIAL PROPOSAL**". Both envelopes shall be placed in an outer envelope and sealed. This outer envelope shall bear the procuring entities address and other information indicated in the appendix to the instructions to consultants and clearly marked "**DO NOT OPEN before (Thursday, 11<sup>th</sup> June 2020 at 11.00AM)**".

2.5.4 The completed Technical and Financial proposals must be delivered at the submission address on or before the time and date of the submission of the proposals indicated in the appendix to the instructions to consultants. Any proposals received later than the closing date for submission of proposals shall be rejected and returned to the individual consultant unopened. For this purpose the inner envelope containing the technical and financial proposals will bear the address of the individual consultant submitting the proposals.

2.5.5 After the deadline for submission of proposals the outer envelope and the technical proposals shall be opened immediately by the opening

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committee. The financial proposals shall be marked with the individual consultants number allocated at the time of opening the outer envelope and the technical proposals but shall remain sealed and in the custody of a responsible officer of the procuring entity up to the time set for opening them.

## 2.6 Evaluation of the Proposal (General)

2.6.1 From the time the proposals are opened to the time of the contract award, if any individual consultant wishes to contact the procuring entity on any matter relating to his/her proposal, he/ she should do so in writing at the address indicated in the appendix to the instructions to consultants. Any effort by an individual consultant to influence the procuring entity's staff in the evaluation of proposals companion proposals or awards of contract may result in the rejection of the individual consultant proposal.

2.6.2 The proposal evaluation committee shall have no access to the Financial Proposal, which in any case will remain sealed, until the technical evaluation is concluded or finalized.

## 2.7 Evaluation of Technical Proposals

2.7.1 The evaluation committee appointed by the procuring entity to evaluate the proposals shall carry out the evaluation of technical proposals following the criteria set out in the terms of reference based on the following points criteria.

### **Evaluation Criteria for Consulting Services for Geo-portal and Web applications**

#### Mandatory Requirements

NO	Requirement(s)	Yes/No
1	PIN Certificate	
2	Valid Tax Compliance Certificate	
3	Provision of services on Credit	
4	At least Bachelor's Degree in Geospatial Sciences, Computer Science, Information Communication Technology (ICT) or any other related field by the consultant.	

### Technical Evaluation Criteria

	Criteria	Max. Score	Actual Score
<b>Consultant Academic qualifications and years of experience in the Market</b>			
	<ul style="list-style-type: none"> <li>• Relevant Bachelor and Master's degree Bachelor's: <b>5 Marks</b></li> <li>• Relevant Bachelor's degree <b>3 Marks</b></li> </ul>	5	
<b>Consultant years of Experience</b>			
	<ul style="list-style-type: none"> <li>• 5 years and above of relevant work experience: <b>5 Marks</b></li> <li>• 3 Years of relevant work experience: <b>3 Marks</b></li> <li>• Below 3 years of relevant work experience: <b>1 Mark</b></li> </ul>	5	
<b>Evidence of Similar and Relevant Works Done</b>			
	<p>Evidence of completion certificate/Recommendation Letter for successful delivery of similar works</p> <ul style="list-style-type: none"> <li>• Completion certificate from three or more similar work: <b>15 Marks</b></li> </ul> <p>(5 marks each)</p>	15	
<b>Membership to Relevant Professional Body</b>			
	<p>Evidence of active Membership to relevant professional body (E.g. Membership Certificate to relevant professional association) Evidence of active membership from relevant body attached: <b>5 Marks</b></p>	5	
<b>Sub-Total</b>		<b>30</b>	
<b>Adequacy of the Methodology in Responding to the Terms of Reference</b>			
	<p>Methodology for implementing the assignment based on TOR's</p> <ol style="list-style-type: none"> <li>i. Geo-portal Development</li> <li>ii. Training of Selected staff</li> <li>iii. Deployment of the Geoportal</li> </ol> <p><b>Each 10marks</b></p>	30	

	<p>Work-plan appropriateness for delivery of the Terms of Reference. Clearly capture:</p> <ul style="list-style-type: none"> <li>• Geo-portal Development &amp; Deployment <ul style="list-style-type: none"> <li>- Clearly explained procedure/process</li> <li>- Clearly defined inputs and outputs</li> <li>- Adequacy of proposed timelines</li> </ul> <b>(20 Marks)</b> </li> <li>• Training of Selected staff <ul style="list-style-type: none"> <li>-Clarity of meeting the specific training need.</li> </ul> <b>( 10marks)</b> </li> </ul>	30	
	<p>Consultant's understanding of the scope of work and interpretation of Terms of reference</p> <ul style="list-style-type: none"> <li>- Clarity of scope of work</li> </ul> <b>(10 Marks)</b>	10	
	<b>Total for approach and methodology</b>	<b>70</b>	
	<b>GRAND TOTAL</b>	<b>100</b>	

**N/B.1 The pass mark to proceed to financial criteria is 70 points.**

**2. The Technical score will be weighed at 80 points.**

2.7.2 Any proposal which will be examined and found not to comply with all the requirements for submission of the proposals will be declared non responsive. All the proposals found to have complied with all the requirements for submission of proposal shall be declared responsive by the evaluation committee.

2.7.3 Each responsive proposal will be given a technical score (ST). any technical proposal which fails to achieve the total minimum score indicated in the appendix to the information to tenderers shall be rejected at this stage and will not proceed to the next stage of evaluation. The respective financial proposal will be returned to the individual consultant unopened.

## 2.8 Opening and Evaluation of Financial Proposals

2.8.1 After completion of the evaluation of Technical proposals the procuring entity shall notify the individual consultants whose proposal did not meet the minimum technical score or were declared non responsive to the RFP and terms of reference. The notification will indicate that their financial proposals shall not be opened and will be returned to them unopened after the completion of the selection process and contract award. At the same time, the procuring entity shall simultaneously notify the consultants who have secured the minimum technical score that they have passed the technical qualifications and inform them the date and time set by the procuring entity for opening their financial proposal. They will also be invited to attend the opening ceremony if they wish to do so.

2.8.2 The financial proposals shall be opened by the procuring entity in the presence of the individual consultants who choose to attend the opening. The name of the individual consultant, the technical score and the proposed fees shall be read out aloud and recorded. The evaluation committee shall prepare minutes of the opening of the financial proposals.

2.8.3 The formulae for determining the financial score (SF) unless an alternative formula is indicated in the appendix to the information to tenderers shall be as follows:

$S_f = 100 \times \frac{f_m}{f}$  where  
Sf is the financial score  
Fm is the lowest fees quoted and  
F is the fees of the proposal under consideration.

The lowest fees quoted will be allocated the maximum score of 100/(**weighted at 20 points**).

2.8.4 The individual consultants proposals will be ranked according to their combined technical score (st) and financial score (sf) using the weights indicated in the appendix to the instructions to consultants. Unless otherwise stated in the appendix to the instructions to consultants the formula for the combined scores shall be as follows;

$S = ST \times T\% + SF \times P\%$

Where

S, is the total combined scores of technical and financial scores

St is the technical score

Sf is the financial score

T is the weight given to the technical proposal and

P is the weight given to the financial proposal

Note  $P + T$  will be equal to 100%

The individual consultant achieving the highest combined technical and financial score will be invited for negotiations.

## **2.9 Negotiations**

2.9.1 Negotiations will be held at the same address indicated in the appendix to the information to consultants. The purpose of the negotiations is for the procuring entity and the individual consultant to reach agreements on all points regarding the assignment and sign a contract.

2.9.2 The negotiations will include a discussion on the technical proposals, the proposed methodology and work plan, staff and any suggestions made by the individual consultant to improve the Terms of reference. The agreed work plan and Terms of reference will be incorporated in the description of the service or assignment and form part of the contract.

2.9.3 The negotiations will be concluded with a review of the draft contract. If negotiations fail, the procuring entity will invite the individual consultant whose proposal achieved the second highest score to negotiate a contract.

## **2.10 Award of Contract**

2.10.1 The contract will be awarded before commencement of negotiations. After negotiations are completed the procuring entity will promptly notify the other individual consultants that they were unsuccessful and return the financial proposals of the individual consultants who did not pass technical evaluation.

2.10.2 The selected individual consultant is expected to commence the assignment on the date indicated in the appendix to the information to consultants or any other date agreed with the procuring entity.

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## **2.11 Confidentiality**

2.11.1 Information relating to evaluation of proposals and recommendations of contract award shall not be disclosed to the individual consultants who submitted the proposal or to other persons not officially concerned with the process, until the winning individual consultant has been notified that he/she has been awarded the contract.

## **SECTION III - TERMS OF REFERENCE (TOR's) FOR THE CONSULTANCY**

### **Background**

The Kenya's Vision 2030 aims to transform Kenya into a newly industrializing, middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment. The economic pillar aims at providing prosperity of all Kenyans through an economic development Programme aimed at achieving an average Gross Domestic Product (GDP) growth rate of 10 % per annum the next 22 years (from 2008). In order to achieve this 10% growth, manufacturing is one of the target sectors and in order to attract foreign and domestic investments to spur this growth, three special economic zones (SEZ's) namely in Lamu, Mombasa and Kisumu were envisaged in vision 2030. Again, manufacturing is one of the presidents "Big 4 Agenda" and therefore a lot of developments is expected in these SEZ's.

In the recent past especially in Nairobi under the Nairobi Regeneration, a lot of buildings and developments were brought down for encroaching the riparian lands with majority of the developers not knowing the extent of riparian land from the main wetlands mainly rivers. It is in view of this that National Environment Management Authority (NEMA) and the National Land Commission (NLC) are undertaking mapping of riparian lands within the special economic zones (SEZ's) so that investors don't suffer losses from demolitions resulting from encroachment of riparian lands. It is therefore for this reason that NEMA is looking for a Consultant to develop an interactive Geoportal that will host this data as per the following terms of reference;

### **Terms of Reference (TOR's)**

- i. Develop geo-portal that would host all the Mapping data that NEMA & NLC have compiled with the following capabilities/features;
  - Various basemap choices (e.g. OpenStreetMap)
  - Simple, interactive geo-portal where members of public can input GPS coordinates of their plots and see plot location with respect to riparian lands in the SEZs
  - The geo-portal should allow uploading of geospatial dataset formats like Kml, Shapefile, gpx among others
  - The geoportal should generate a simple one-page A4 paper size Map and report of the uploaded plot or parcel of land

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- Any other capabilities/features that the consultant may deem useful based on the intended use of the portal.
- ii. Undertake Training of selected staff and develop user manual/guide of the geo-portal
- iii. Deployment of the geo-portal at NEMA's IT Infrastructure for public use/consumption

### **Deliverables**

The following are the deliverables from this consultancy;

- i. Fully Functional Geo-Portal
- ii. Training Report
- iii. Portal User Guide
- iv. Project Report

### **Qualifications of the Consultant**

The National Environment Management Authority hereby calls for interested qualified firms or individuals forming a consortium with experience in development of Geo-portals, web maps or web map applications

The firm/Consortium/Consultant should comprise of qualified and experienced persons in Geographic Information Systems (GIS), Geomatic or Geospatial Engineering, Surveying and Mapping, Environmental Planning, Environmental Science, Land/Environmental Law, Information Technology, Computer Science amongst other relevant field of expertise.

### **Professional Capability**

The firm/Consortium/Consultant shall submit adequate information to demonstrate their technical capacity in terms of qualification and experience of the staff to cover the relevant disciplines included. The information which should be in brief summaries should contain:

- a) Statements of qualifications, competence and relevant experience of key personnel proposed for the assignment.
- b) Statements of any specific experience of the consultant in development of Geo-portals
- c) Any other relevant information in support of professional capability

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Minimum required experience of the professional staff proposed for the project shall be:

- Ten (10) years' experience in the relevant area of specialization for the lead consultant
- Eight (8) years' experience in relevant area of discipline for other key experts
- Five (5) years' experience in relevant area of discipline for any other proposed assistant.

### **Consultancy Team Capability Evaluation**

The team's professional capability to undertake the assignment shall be evaluated on the basis of the following criteria.

#### **i. Lead Consultant;**

This position will entail both management and co-ordination skills as well as technical skills. The Lead Consultant must possess a postgraduate degree in the relevant area of specialization. Must have done at national level, a web-based system and must be in a senior management position. Valid membership to a relevant professional body shall be added advantage.

#### **ii. Key Experts;**

The key experts must possess a degree in the relevant field of specialization. Must have done at least two relevant consultancies or be in middle level position in a relevant institution. All the key experts in the consultancy team must be relevant and detailed explanation of their role in the project clearly be shown including their experience in such an undertaking.

### **Consultancy Period**

This consultancy should not take more than 90 days from the date of signing of the contract.

## **SECTION IV - TECHNICAL PROPOSAL (TP)**

### **Notes on the Preparation of Technical Proposal**

The technical proposal shall be prepared and submitted by the consultants.

It shall contain the following:-

- (a) Submission letter
- (b) Particulars of the consultant including Curriculum vitae (CV)
- (c) Comments and suggestions of the consultant on the terms of reference, personnel, facility and other requirements to be provided by the procuring entity.
- (d) Description of the methodology and work plan for performing the assignment
- (e) Any proposed staff to assist in the assignment (f) Consultancy services activities times schedule.

*(to be prepared by the consultant as appropriate)*

## **SECTION V- FINANCIAL PROPOSAL (FP)**

### **Notes on the Preparation Financial Proposal**

The financial proposal shall be prepared and submitted by the consultants. It shall contain the following.

- (a) Submission letter indicating total fees
- (b) Summary of costs
- (c) Breakdown of fees per activity
- (d) Breakdown of reimbursable costs/expenses per activity
- (e) Miscellaneous expenses

*(to be prepared by the consultant as appropriate)*

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**SECTION VI - STANDARD CONTRACT FORM**

**INDIVIDUAL PROFESSIONAL CONSULTANTS  
(Lump-sum payment)**

The contract form shall be completed by the procuring entity after the award of the contract and negotiation of the contract. It will be signed by both parties pursuant to the information to consultant's clause 2.10.2

**SECTION VI - STANDARD CONTRACT FORM**

**1. STANDARD CONTRACT FORM**

**INDIVIDUAL PROFESSIONAL CONSULTANTS (lump-sum payments)**

This Agreement, [hereinafter called "the Contract"] is entered into this \_\_\_\_\_  
\_\_\_\_\_ [insert starting date of assignment], by and between.

\_\_\_\_\_[insert Client's name] of [or whose registered office is situated at] [insert  
Client's address] (hereinafter called "the Client") of the one part AND

\_\_\_\_\_ [insert Consultant's name] of  
[or whose registered office is situated at] \_\_\_\_\_  
\_\_\_\_\_ [insert Consultants address ] (hereinafter called "the Consultant") of the  
other part.

WHEREAS the Client wishes to have the Consultant perform the services  
[hereinafter referred to as "the Services", and

WHEREAS the Consultant is willing to perform the said Services,

NOW THEREFORE THE PARTIES hereby agree as follows:-

1. **Services** (i) The Consultant shall perform the Services

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specified in Appendix A, "Terms of Reference and Scope of Service, "which is made an integral part Of this Contract.

- (ii) The Consultant shall provide the personnel listed Appendix B, "Consultant's Personnel," to perform the Services.
- (iii) The Consultant shall submit to the Client the reports in the form and within the time periods specified in Appendix C, " Consultant's Reporting Obligations."

*(Appendices A, B, and C to be prepared as appropriate)*

2. **Term** The Consultant shall perform the Services during the period commencing on \_\_\_\_\_ [insert starting date] and through to \_\_\_\_\_ [insert completion date], or any other period(s) as may be subsequently agreed by the parties in writing.

3. **Payment** A. **Ceiling**  
For Services rendered pursuant to Appendix A, the Client shall pay the Consultant an amount not to Exceed \_\_\_\_\_ [insert amount]. This amount \_\_\_\_\_ has been established based on the understanding that it includes all the Consultant's costs and profits as well as any tax obligation that may be imposed on the Consultant.

B. **Schedule of Payments**  
The schedule of payments is specified below  
(Modify in order to reflect the output required as described in Appendix C.)

Kshs. \_\_\_\_\_  
upon the Client's receipt of the  
Draft report, acceptable to the Client; and

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receipt of the Kshs. \_\_\_\_\_ upon the Client's  
Final report, acceptable to the Client.

Kshs. \_\_\_\_\_ Total

C. Payment Conditions

Payment shall be made in Kenya Shillings unless otherwise specified not later than thirty (30) days following submission by the Consultant of invoices in duplicate to the Coordinator designated in Clause 4 here below. If the Client has delayed payments beyond thirty (30) days after the due date hereof, simple interest shall be paid to the Consultant for each day of delay at a rate three Percentage points above the prevailing Central Bank of Kenya's average rate for base lending.

4. **Project Administration** A. Coordinator  
The Client designates \_\_\_\_\_

[insert name] as Client's Coordinator; the Coordinator will be responsible for the Coordination of activities under this Contract, for acceptance and approval of the reports and of other deliverables, by the Client and for receiving and approving invoices for payment.

B. Reports

The reports listed in Appendix C, "Consultant's Reporting Obligations," shall be submitted in the Course of the assignment and will constitute the basis for the payments to be made under paragraph 3.

5 **Performance** The Consultant undertakes to perform the Services

- Standards** with the highest standards of professional and ethical competence and integrity. The Consultant shall promptly replace any employees assigned under this Contract that the Client considers unsatisfactory.
6. **Confidentiality** The Consultant shall not, during the term of this Contract and within two years after its expiration Disclose any proprietary or confidential Information relating to the Services, this Contract Or the Client's business or operations without the Prior written consent of the Client.
7. **Ownership of Material** Any studies, reports or other material, graphic, software or otherwise prepared by the Consultant for the Client under the Contract shall belong to and remain the property of the Client. The Consultant may retain a copy of such documents and software.
8. **Consultant Not to be Engaged in certain Activities** The Consultant agrees that during the term of this Contract and after its termination the Consultant and any entity affiliated with the Consultant shall be disqualified from providing goods, works or services (other than the Services and any continuation thereof) for any project resulting from or closely related to the Services.
9. **Insurance** The Consultant will be responsible for taking out any appropriate insurance coverage.
10. **Assignment** The Consultant shall not assign this Contract or sub-contract any portion of it without the Client's prior written consent.
11. **Law Governing Contract and** The Contract shall be governed by the laws of Kenya and the language of the Contract shall be

**Language** English language

12. **Dispute Resolution** Any dispute arising out of the Contract which cannot be amicably settled between the parties shall be referred by either party to the arbitration and final decision of a person to be agreed between the parties. Failing agreement to concur in the appointment of an Arbitrator, the Arbitrator shall be appointed by the chairman of the Chartered Institute of Arbitrators, Kenya branch, On the request of the applying party.

For the Client

For the Consultant

Full name \_\_\_\_\_  
name \_\_\_\_\_

Full

Title \_\_\_\_\_

Title

Signature \_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_  
Date \_\_\_\_\_

Date \_\_\_\_\_

2. **REQUEST FOR REVIEW  
FORM**

**FORM RB 1**

**REPUBLIC OF KENYA  
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

APPLICATION NO.....OF.....20.....

BETWEEN

.....APPLICANT

AND

.....RESPONDENT (*Procuring Entity*)

Request for review of the decision of the..... (*Name of the Procuring Entity*) of

.....dated the...day of .....20.....in the matter of Tender No.....of

.....20...

**REQUEST FOR REVIEW**

I/We.....,the above named Applicant(s),

of address: Physical address.....Fax No.....Tel. No.....Email

....., hereby request the Public Procurement Administrative Review

Board to review the whole/part of the above mentioned decision on the

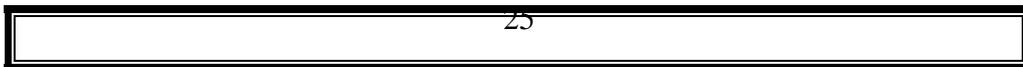
following grounds , namely:-

1.

2.

etc.

Issued by the Public Procurement Oversight Authority: January, 2007



By this memorandum, the Applicant requests the Board for an order/orders that: -

1.

2.

etc

SIGNED .....(Applicant)

Dated on.....day of ...../...20...

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**FOR OFFICIAL USE ONLY**

Lodged with the Secretary Public Procurement Administrative Review Board on ..... day of

.....20.....

SIGNED

Board Secretary