



KENYA PETROLEUM REFINERIES LIMITED

Date: 11th December 2019

Tender No.: KPRL/OT/019.028/2019-2020

Tender Name: PROVISION OF LEGAL COMPLIANCE AUDIT & GOVERNANCE AUDIT

ADDENDUM NO. 2

	Query	Clarification/Response
1.	<p>The tender document seems to suggest that advocates are not qualified to participate in the legal audit process that ordinarily involves consideration of various legal issues and compliance therewith by the procuring entity. By dint of the tender document provisions, are practicing advocates, even those with experience in legal compliance audit services, ineligible for this consultancy assignment? Kindly see requirements number 4, 7 and 8 of the tender document.</p> <p>(a). 4 relates to insistence on Tender Security;</p> <p>(b). 7 insists on being a Governance Auditor, thus excluding lawyers who ordinarily conduct Legal Compliance and Governance Audit consultancy assignments; and</p> <p>(c). 8 insists on a practicing certificate as Governance Auditor, and thus, doesn't indicate with an Advocate's Practicing Certificate for the present year would suffice.</p>	<p>The Mandatory requirements have been amended to provide clarity on the issues raised. Refer to the Amended list of Mandatory requirements.</p> <p>Note: Bidders are encouraged to apply requirements of clause 2.3.3 (i)</p>
2.	<p>The tender document provides for mandatory requirement of a Original Tender Security of KES 100,000.00, which is a requirement generally unknown in consultancy service of this nature. Bare minimum professional indemnity cover recommended by the Law Society of Kenya would ordinarily suffice.</p>	<p>Tender security is needed for safeguarding the tendering process while professional indemnity comes into play after contract award.</p> <p>The Mandatory requirements has been amended by deleting Tender Security and Professional Indemnity Cover</p>

3	In the circumstances, kindly advise us on constitutional and/or statutory provisions which informed these requirements in view of the nature of services to be offered in the consultancy under reference	Items (1) and (2) above have been addressed to satisfy this query.
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Except as indicated above all other terms and conditions of the tender remain the same.



KJ KIVISSI
FOR: CHIEF EXECUTIVE OFFICER

REVISED LIST OF MANDATORY REQUIREMENTS

The Bidder **MUST** meet the following minimum criteria: (These documents must be placed in a separate envelope marked "**MANDATORY REQUIREMENTS**").

- 1) Registration/incorporation certificate
- 2) CR12 or Partnership deed (of minimum 3 partners)
- 3) Valid Tax Compliance Certificate
- 4) Valid Membership of Law Society of Kenya (LSK)
- 5) Current year's practicing license from Law Society of Kenya (LSK)
- 6) Requirements of ICS
 - a) Membership of ICS
 - b) Accreditation with ICS as Governance Auditor
- 7) Current year's practicing license as Governance Auditor
- 8) Duly completed Confidential Business Questionnaire
- 9) Duly completed Declaration Form
- 10) Pagination and continuous numbering of all pages of Bidder's submission

M. J. Kimani