

UNIVERSITY OF NAIROBI

**SUPPLIERS SENSITIZATION FORUM HELD ON
MAY 26, 2016 IN CENTRAL CATERING UNIT
(CCU)**

PRESENTED BY

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PROCUREMENT MANAGER**

1.0 INTRODUCTION

I am pleased to come to this forum on sensitization of suppliers on Public Procurement and Asset Disposal Act, 2015. I will specifically highlight on the supplier interface with the University against the background of the new public procurement law.

2.0 THE VITAL ROLE PLAYED BY SUPPLIERS AND CONTRACTORS

Both the Constitution, 2010 and the Public Procurement and Asset Disposal Act, 2015 recognise the important role played by suppliers to Public procuring entities. The rights of suppliers are protected by law. Suppliers and contractors provide goods, services or works to procuring entities which enable them to execute their mandate.

3. THE SUPPLIER/CONTRACTORS INTERFACE AS PER ARTICLE 227 OF THE CONSTITUTION.

Article 227 provide that Public Procurement System must promotes fair, equitable, transparent, competitive & cost-effective procedures

Art. 227(2) - procurement & disposal law to provide for:

- i) Categories of preference in the allocation of resources
- ii) Protection of persons, groups previously disadvantaged by unfair competition or discrimination
- iii) Sanctions against suppliers who have not Performed professionally, per agreements or law
- iv) Sanctions against tax defaulters, corrupt & serious violators of employment laws & practices

4.0 SUPPLIERS/CONTRACTORS INTERFACE AS PER THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT, 2015

- i) **Advertisements** - Invitation to tender is brought to the attention of those who may wish to submit tenders. The procuring entity shall advertise in the dedicated Government tenders portals or its own website, or a notice in at least two daily newspapers of nationwide circulation. In addition Procuring entity can post advertisements at any conspicuous place reserved for this purpose in the premises. The time allowed for tender is (14) days exclusive of the day of the tender notice. Suppliers are supposed to respond to bill of quantities as outlined

in the tender documents and where clarifications is needed it is shared among all suppliers who have bought tender document.

- ii) **Opening of Tenders** - The Vice Chancellor shall appoint a tender opening committee and shall have at least three members; one of the members shall not be directly involved in the processing of the tenders. Any bid withdrawn shall not be eligible for evaluation or consideration in the tender process. Immediately after the deadline/ closing date tender opening committee shall open all the tenders before that deadline. Those submitting tenders or their representatives may attend the opening of tenders. The tender opening committee shall assign an identification number to each tender, initial in each tender against the quotation of the price and any modifications or discounts, where applicable. The tender opening committee shall prepare minutes on the particulars of those persons submitting tenders, or their representatives, who attended the opening of the tenders. To acknowledge that the minutes are true reflection of the proceedings held, each member of the tender opening committee shall, initial each page of the minutes and append his or her

signature indicating their full name and designation.

- iii) **Evaluation of Tenders-** The evaluation committee appointed by the Vice- Chancellor shall evaluate and compare the responsive tenders. The evaluation and comparison shall be done using the criteria set out in the tender documents. Each criterion shall be expressed so that it is applied, in accordance with the procedures, taking into consideration price, quality, time and service for the purpose of evaluation. A procuring entity may, in writing request for clarifications of a tender from tenderer to assist in evaluation and comparison of tenders. A clarification shall not change the terms of the tender.

There shall be no correction of errors, and the tender sum submitted during the tender opening shall be absolute and final. No adjustment in any way by any person or entity. The Evaluation Committee may, after tender evaluation, but prior to award of the tender, conduct due diligence and may include obtaining confidential references from persons with whom the tenderer has had prior engagement. The evaluation committee shall prepare an evaluation report and submit it to the Procurement Manager for his or her review and

recommendation to the Vice- Chancellor. The evaluation shall be carried out within a maximum of 30 days.

- iv) Notification of Award -Successful tender shall be the one who meets any of the following as specified in the tender document.
 - a) The tender with the lowest evaluated price
 - b) Responsive proposal with the highest score
 - c) The tender with the lowest total cost of ownership
 - d) The tender with the highest score where tender is evaluated based on procedures regulated by Act of Parliament which provides guidelines for arriving at applicable professional charges.

All who participated in the tender are notified; both successful and unsuccessful. The successful bidder shall signify in writing the acceptance of the award within timeframe specified in notification of award.

After notification there is an appeal window in case of bidders who were not satisfied with the process. The appeal window is 14 days after which the petition is closed.

The law (Constitution 2010 and the Act 2015) requires fair treatment of suppliers, transparent, equitable, competition

& cost effectiveness in all procurement proceedings. Preferences for local contractors, SME, Youth, Women and Persons with Disabilities conditions for bidding are relaxed to enable them participate. Suppliers are allowed to market rate interest for late payments.

CONCLUSION

The University complies with the law and recognizes rights and obligation of its suppliers and the important role played by them in order to execute its mandate.

It was a pleasure to come and share with you.

THANK YOU