



UNIVERSITY OF KABIANGA
ISO 9001:2015 CERTIFIED

PROCUREMENT AND ASSET DISPOSAL MANUAL

SEPTEMBER, 2021

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FOREWORD

This Manual has been prepared to provide guidance and to address the specific procurement requirements for University of Kabianga which is a public entity. Procurement in public service is guided by the Public Procurement and Asset Disposal Act, 2015 and the Public Procurement and Disposal Regulations, 2020. The Public Procurement Act, being law, must strictly be adhered to in order to ensure fairness, equity, competition and public confidence in the University procurement process. This in return will cushion the University from criminal liability that may arise.

The procurement processes set out in this Manual have made reference to the salient provisions of the Public Procurement and Asset Disposal Act, 2015 and the Public Procurement and Disposal Regulations, 2020 in the University set up. This manual has operationalized the Act and Regulations and therefore should be read together. All the University staff are therefore expected to read and familiarize themselves with the provisions of this manual and ensure adherence.

The Manual shall be reviewed after every three year or from time to time when new procurement procedures, systems and operating methods are introduced

It is hoped that this manual will assist the University to realize quality service get and to get value for money whilst ensuring prudent utilization of the available limited resources

Prof. W. K. Kipng'eno
VICE-CHANCELLOR

EXECUTIVE SUMMARY

The Procurement and Asset Disposal Manual has been prepared to provide guidance, advice and operating instructions on matters relating to procurement within University of Kabianga which is a public entity. Procurement in public service is guided by the Public Procurement and Asset Disposal Act, 2015 and the Public Procurement and Asset Disposal Regulations 2020. The Public Procurement Act, being law, must strictly be adhered to in order to ensure fairness, equity, competition and public confidence in the University procurement process. The Manual has made reference to the salient provisions of the Public Procurement and Asset Disposal Act, 2015 and the Public Procurement and Asset Disposal Regulations 2020. The purpose of the Manual is to establish procedures for procurement of all goods and services and ensure that all goods and services procured are obtained in cost-effective prices, at the required specifications and quality and are delivered in time. The introduction of the Public Procurement and Asset Disposal Regulations, 2020 has resulted in changes which have been captured in the Manual. The Manual has therefore entrenched the changes so that the Manual can be in line with the new regulations. The key changes mainly affect procurement processes and methods (**Details captured in the Manual**). The Procurement Manual deals with the procurement of goods, works, consultancy and services in University of Kabianga. The Manual provides respective policy guidelines and procedures in the procurement process that include the procurement cycle – from need identification until storage and inventory management. The methods of procurement of goods, works and services are enumerated and explained in the Manual. Inventory Management, Disposal of Stores, Equipment and Other Assets, Contract Administration and Management and Professional code of ethics in procurement.

ABBREVIATIONS AND ACRONYMS

DVC (A &F)	Deputy Vice-Chancellor (Administration and Finance
DVC (A & SA)	Deputy Vice-Chancellor (Academic and Student Affairs)
DVC (PR, & D)	Deputy Vice-Chancellor (Planning, Research and Development)
EFT	Electronic Fund Transfer
EOI	Expression of Interest
FA	Framework Agreement
FY	Financial Year
GRN	Goods Received Note
ICT	Information Communication Technology
LPO	Local Purchase order
PP	Procurement Plan
PQ	Prequalification
PPP	Public Private Partnership
PC	Procurement Committee
PE	Procuring Entity
PFM	Public Financial Management
PPDGM	Public Procurement and Disposal General Manual
PPOA	Public Procurement Oversight Authority
PPRA	Public Procurement Regulatory Authority
PPOAB	Public Procurement Oversight Advisory Board
PRN	Purchase Requisition Note
PS	Permanent Secretary
PPOB	Public Procurement Oversight Board
PPAR	Public Procurement Administrative Review
QBS	Quality Based Selection
QBS	Quality Based Selection
QCBS	Quality & Cost Based Selection
RFP	Request for Proposal
RFQ	Request for Quotations
RFQ	Request for Quotations
SBD	Standard Bidding Document
SRN	Stores requisition Notes
TOR	Terms of Reference

VC

Vice-Chancellor

Procurement and Asset Disposal Manual

ISO 9001:2015 Certified Institution

DEFINITION OF TERMS

Act	The Public Procurement and Disposal Act.
Accounting officer	For the university the accounting officer shall mean the Vice-Chancellor.
Assets	Movable and immovable property, tangible and intangible, including immovable property, stores, equipment, land, buildings, animals, inventory, stock, natural resources like wildlife, intellectual rights vested in the state or proprietary rights.
Contract period	Period between contract signing and the end of the defects liability period.
Contract administration	Management of terms of procurement or asset disposal contracts made with contractors or suppliers after tender award by a procuring entity, for the purpose of assuring compliance with obligations.
Contractor	a person who enters into a procurement contract with a procuring entity, and includes the main contractor.
Corruption	Defined as under section 2 of the anti- corruption and economic crimes act 2003 (no. 3 of 2003)
Design competition	A procurement procedure for obtaining competitive tenders for services which are creative in nature and which require that part of the services be carried as part of the tender to facilitate evaluation of the tenders.

Disadvantaged group	Persons denied by mainstream society access to resources and tools that are useful for their survival in a way that disadvantages them or individuals who have been subjected to prejudice or cultural bias because of their identities as members of groups or categories of persons without regard to their individual qualities, and includes enterprises in which a majority of the members or shareholders are youth, women, persons with disability or categories as shall be prescribed.
Disposal	Divestiture of public assets, including intellectual and proprietary rights and goodwill and other rights of a procuring entity-
Electronic reverse auction	The presentation by tenderers, suppliers or contractors of successively lowered bids during a scheduled period of time and the automatic evaluation of bids
E-procurement	Procurement using electronic medium such as the internet or other information and communication technologies
Framework agreement	Pact between a procuring entity and a selected supplier (or suppliers) or contractor (or contractors) identified for a definite term to supply goods works or service whose quantities and delivery schedules are not definable or determinable at the beginning
Framework contract	Pact between a procuring entity and a selected supplier (or suppliers) or contractor (or contractors)

	identified for a definite term to supply goods works or service whose quantities and deliveries are not definable or determinable at the beginning, with a commitment to order a minimum quantity of the required goods, works, or services
Fraudulent practice	Misrepresentation of fact in order to influence a procurement or disposal process or the exercise of a contract to the detriment of the procuring entity or the tenderer or the contractor.
Pre-qualification	Procedure to identify and shortlist tenderers that are qualified, prior to invitation for tenders
Pre-qualification Procedure	Procedure by which candidates are invited to demonstrate their qualifications prior to, and as a condition for, being invited to tender or submit proposals
Procurement	Acquisition by purchase, rental, lease, hire purchase, license, tenancy, franchise, or by any other contractual means of any type of works, assets, services or goods
Procuring agent	An organization established under the act, to carry out procurement or asset disposal activities
Procurement Contract	An agreement concluded between the procuring entity and a contractor (or contractors) resulting from a tendering proceeding.
Public entity	This is government organization/institution/corporation /commission or authority.
Public private partnership	Has the meaning assigned to it under section 2 of the public private partnership act, 2013 (no. 15 of 2013).

Publicize	Has the meaning assigned to it under section 2 of the public Finance management act, 2012 (no. 18 of 2012).
Registration of suppliers	The process of identifying and obtaining a list of prospective providers of a specified category of goods, works or services by a procuring entity for a specified period of time but not exceeding more than Two years, maintaining them for the purpose of inviting them on rotational Basis for subsequent tendering proceedings such as request for quotations or Restricted tendering, that may arise during the period of listing.
Regulations	Regulations made under the act.
Review board	Public procurement administrative review Board established under section 27 of the act.
Reservations	Exclusive preference to procure goods, works, and Services set aside to a defined target group of tenderers within a specified threshold or region
Services	Any objects of procurement or disposal other than works and goods and includes professional, consultancy services, technical services nonprofessional and commercial types of services as well as goods and works which are incidental to but not exceeding the value of those services

1.0 PREAMBLE

1.0 PREAMBLE

University of Kabianga is located in Kericho County in the famous scenic tea-growing highlands in the Southern end of the Mau Forest Region of Kenya. It occupies the grounds formerly held by Kabianga Farmers Agricultural Training Centre. In 2007, the Centre was converted to a Campus of Moi University and later elevated to a Constituent College in 2009. The College was then elevated to a fully-fledged University and awarded a Charter in 2013 with the initial five (5) Schools. Currently, the University has three (3) Campuses, newly reconstituted five (5) Schools comprising of 15 Departments and five (5) Directorates that support the achievement of the core mandate of the University.

1.1 VISION, MISSION, CORE VALUES, PHILOSOPHY AND QUALITY POLICY STATEMENT

1.1.1 VISION:

To be a leading University in scientific innovation for the betterment of humanity

1.1.2 MISSION

To create, preserve and transfer knowledge and technology through quality and entrepreneurial education, research, extension, and partnership with government, industry and non-state actors whilst ensuring a sustainable environment.

1.1.3 CORE VALUES

The core values of the University coined as “METIP” reflects the University Culture and is meant to inspire efficient and effective service delivery across the University. These core values take cognizance of the National values and principles of governance as espoused in Articles 10 and 232 of the Constitution. They are:

- M- Meritocracy
- E- Excellence
- T- Teamwork
- I- Innovation
- P- Professionalism

1.1.4 PHILOSOPHY

The philosophy of the University of Kabianga is to foster intellectual development, excellence, creativity and innovation, academic freedom, equity, integrity, peace and sustainability through relentless search for truth.

1.1.5 QUALITY POLICY STATEMENT

University of Kabianga (UoK) is committed to providing high quality training, research and extension services that meet customer requirements and endeavor to exceed their expectations. In pursuit of this commitment, the University shall comply with all applicable requirements and continually improve on its effectiveness by implementing a Quality Management System (QMS) based on ISO 9001:2015 standard. The University top management shall, on annual basis, review this policy and establish quality objectives for continuing suitability.

1.2 THE UNIVERSITY ORGANIZATIONAL STRUCTURE

University of Kabianga is a corporate organization established by the Universities Act (2012) and it has various bodies for its effective management.

These include: -

- i. Chancellor
- ii. Council
- iii. The University Management Board
- iv. The University Senate
- v. Schools, Institutes, Directorates, Centers and Departmental Boards.

1.2.1 THE CHANCELLOR

Chancellor is the titular head of University of Kabianga.

1.2.2 THE COUNCIL

The Council is the governing body of the University through which it can act, administer property and funds, and receive monies, plant and equipment materials, gifts and grants for its use. The Council is also responsible for the

welfare of staff and students and can enter into association with other Universities and Institutions within Kenya or otherwise as it may deem necessary and appropriate.

The other function of the Council is to appoint staff and conduct disciplinary action against staff and students in consultation with relevant University organs.

The Council shall:

- i. Establish a procurement policy that promotes sustainability, high ethical standards and best practice
- ii. Approve the annual procurement plan aligned with the approved annual budget
- iii. Periodically review implementation of the procurement plan
- iv. Receive a quarterly report on actual expenditure compared to the budget and demand an explanation from Management on any variances
- v. Ensure that the committee responsible for risk monitors risks in the procurement process and that they are addressed in accordance to the organization's risk management policy
- vi. Ensure existence of a clear documented audit trail of procurement activities

1.2.3 THE UNIVERSITY MANAGEMENT BOARD

The Management Board is responsible for implementing Council and Senate decisions. It is also responsible for providing directives and guidelines to the University's sub-systems for the enhancement of the efficient running of the University.

1.2.4 THE SENATE

The Senate is the body responsible for academic matters in the University and the final authority on all such matters.

1.2.5 SCHOOLS, INSTITUTES, DIRECTORATES, CENTERS AND DEPARTMENTAL BOARDS

The schools and Departmental Boards play a major role in academic and administrative functions of the University. The functions of these Boards are clearly stipulated in the University of Kabianga Charter and Statutes and they assist the Deans and Heads of Department in the Management of their Schools and Departments respectively.

1.3 FUNCTIONS OF THE UNIVERSITY

- a) To provide University education aimed at producing mature, competent and conscientious graduates with appropriate skills, ability and desire to contribute to the well-being and development of the people of Kenya, East Africa region and the global community, in accordance with the national philosophy of mutual social responsibility and international conventions.
- b) To provide education for national service, community outreach and development which reflect the national and cultural heritage.
- c) To develop and transmit knowledge and skills through research training at undergraduate and postgraduate levels
- d) To preserve, produce, process, transmit and disseminate knowledge and stimulate the intellectual life and cultural development of Kenya.
- e) To conduct examinations and to grant degrees, diplomas and other awards of the University.
- f) To determine who may teach, what may be taught and how it may be taught in the University.
- g) To play an effective role in the development and expansion of opportunities of Kenyans wishing to continue with their education.
- h) To address emerging issues of national, regional and global importance.

1.4. MANAGEMENT, FUNCTIONS AND STRUCTURE OF THE PROCUREMENT DEPARTMENT

1.4.1 MANAGEMENT OF THE PROCUREMENT DEPARTMENT

The functions of planning, organizing, directing and controlling the procurement activities rest with Head of Procurement Department.

1.4.2. FUNCTIONS OF THE PROCUREMENT DEPARTMENT

The Procurement Department shall have the responsibilities of managing all Procurement and Disposal Activities. The Department shall adhere to professional procurement principles to ensure that quality goods and services are obtained in a timely manner at prices that both minimize University's total cost and provide fairness to all other stakeholders in the procurement cycle.

1.4.3 THE PROCUREMENT DEPARTMENT ORGANIZATIONAL STRUCTURE

Procurement Department is a function that is divided into various sections and designed according to the nature of work. Each section handles a distinct responsibility from other sections in order to create good internal control system, avoid complexity and prevent misuse of funds. It is a good corporate governance strategy.

Diagrammatically, the procurement department organizational structure is depicted is attached on a separate sheet (**Annexure I**)

2.0. THE PROCUREMENT POLICY

2.1. POLICY INTRODUCTION

This Manual provides guidelines to ensure a common approach to procurement processes in the procurement of goods, works and services. The policy and procedures will ensure that the University will comply with best procurement practices, public procurement directives and other Government Guidelines.

Procurement Policy sets out the general principles that shall govern the procurement of goods and services by or on behalf of University of Kabianga and establishes a framework for decision-making with respect to such procurement. Detailed regulations governing how such procurement shall be conducted are contained in this Procurement and Asset Disposal Manual. The purpose of this Manual is to ensure that the University of Kabianga obtains the best value for money in the procurement of goods and services, by requiring the application of a clear and consistent approach to procurement.

2.2 STATEMENT OF POLICY

This policy in the manual shall ensure that the University receives quality goods and services and thus get value for money, whilst ensuring prudent utilization of the available resources in order to support its core mandate.

2.3. PURPOSE OF POLICY

The purpose of the policy in the Manual is to ensure that there is consistency and compliance to regulations and procedures in procurement of goods and services in the University.

The Manual shall ensure that all goods and services procured are obtained in cost-effective prices, at the required specifications and quality and are delivered in time. This will be achieved through the following process:

- a) Procuring quality goods and services from reliable and well-established Suppliers
- b) Effective negotiations with the suppliers to obtain quantity discounts;
- c) Locating, evaluating, and developing economical and supply sources for the group through an elaborate vendor prequalification;
- d) Continuous investigations on new suppliers and market prices, trends, goods and services continuously required by the University;
- e) Procuring prudently by placing emphasis on competition and selection of vendors whose offers conforms to the terms and conditions as well as the technical requirements and specifications stated on purchase requisitions;
- f) Management of stock inventory to provide best service to users;
- g) Minimizing the value of stock held to avoid tying funds unnecessarily;
- h) Providing timely information to user department and the management on procurement status.

2.4. SCOPE

The policy in the Manual applies to the University of Kabianga and her suppliers, customers and any other stakeholder in the supply chain process. It outlines the procurement management procedures and guidelines for use by the University employees and other stakeholders who may be involved in the procurement process.

The Manual is applicable but not limited to the procurement of:

- a) Goods;
- b) Services;
- c) Contracts;
- d) Consultancies.

2.5. OBJECTIVES

The objectives of the policy in the Manual are to:

- I. Provide guidance to the University on best practices in conducting procurement for goods, services, contracts and consultancies, in order to ensure effective use of resources.
- II. Ensure that goods, works and services are obtained through an open, fair, consistent and transparent process that maximizes competition.

2.6. LEGAL AND POLICY FRAMEWORK

This Manual shall ensure that the public procurement procedures and rules in the University are complied with, as guided by the Constitution of Kenya, 2010, PPAD Act and the PPAD Regulations, public procurement directives, Government statutory and guidelines, Universities Act, (2012), relevant laws of Kenya and other legal provisions that include:

- a) The State Corporation Act, (2012)
- b) The Public Audit Act, 2015
- c) The Public Officer Ethics Act, 2003.
- d) The Leadership and Integrity Act, 2012
- e) Anti-corruption and Economics Crimes Act, 2003
- f) The Public Procurement and Asset Disposal Act, 2015
- g) The Public Procurement and Disposal Regulations, 2006.
- h) The Public Procurement and Disposal Regulations, 2020.
- i) Preference and Reservation Regulations, 2011
- j) The Public Procurement and Disposal (Preference and Reservation) (amendments) 2013
- k) The Public Procurement and Disposal (amendments) Regulations, 2013
- l) Public Private Partnerships Act, 2013
- m) Public Private Partnerships Regulations, 2014

- n) Public Private Partnerships (Project Facilitator's Fund) Regulations, 2015
- o) Executive orders, government circulars, University Charter, financial regulations and other enabling statutes of the University.

2.6.1. POLICY AUTHORITY

The governing body of the University is the Council through which the University shall act and: -

- a) Approve the Procurement plan, administer assets of the University in a manner and for purposes which shall promote the best interests of the University
- b) Receive on behalf of the University, donations and/or endowments from persons or other bodies.
- c) The Council shall cause to be kept all proper books and records of all procurement proceedings (Universities Act No 42 of 2012 and PPADA (2015).

2.7 PRINCIPLES, VALUES AND PHILOSOPHY

Procurement processes in the University shall be guided by principles, values and philosophy. These are:-

2.7.1. PRINCIPLES

Procurement in the University is considered as a strategic process and a way of delivering business objectives through a supply chain. Hence a need to set out how sustainability objectives of a procurement function are addressed at the early stage of the procurement process through strategic procurement practices. Thus the University procurement process shall be based on the following major core principles:

a) Transparency

The rules and procedures contained in the University's bidding documents should be clearly stated and should not be ambiguous. This principle helps avoid misinterpretation of the rules of the bidding process and avoid costly

delays due to unnecessary disputes that could arise as a result of unclear or vague statements in the bid documents.

b) Fairness

Prospective suppliers, contractors and consultants should be allowed to compete across a level playing field during the bidding process. Applying fair rules encourages good competition from eligible and competent bidders.

c) Efficiency

Public procurement should be simple, swift, and should produce positive results without protracted delays. Thus, the University ensures that administrative processes, resources, professional capabilities and competent candidates (suppliers, contractors and consultants) are utilized in the best way possible so that costly delays in the procurement process can be minimized or avoided altogether.

d) Economy

Items should be procured in a manner that would ensure the best value for money. For example, goods should be procured from the supplier that offers the lowest responsive offer, taking into account quality of the goods and efficiency of the supplier.

e) Accountability and Ethical Standards.

University's Procurement processes should be credible and is always enforced in a manner that would help deter fraud, collusion and corruption

f) Open and Effective Competition

Open and fair competition leads to reasonable price, quality and is good for the economy; consequently, thus the University procurement process gives equal preference to all prospective bidders. Additionally, procurement requirements are widely disseminated to increase the chances of a good market response leading to the award of competitively priced contracts.

Procurement opportunities is also open to all qualified firms and individuals, and the public should have access to information pertaining to public procurement

2.7.2 PROCUREMENT VALUES

The procurement values are: Integrity, Impartiality, Service, professionalism, Accountability and Ethical considerations.

2.7.3 PROCUREMENT PHILOSOPHY

Procurement at University of Kabianga shall be guided by the philosophy of economy and efficiency, transparency and value for money. This will help to ensure that procurement is made in a timely and cost effective manner, which is done in a transparent manner and minimizes waste while giving the University the highest benefits.

2.7.3.1 Fundamentals

Procurement process in the University shall endeavor to efficiently fulfill the following procurement fundamentals:

- a) Right quality of services/work and goods;
- b) Goods and services made available at the right time;
- c) Goods and services at the right place;
- d) Goods and services in the right quantity subject to the availability of funds
- e) At the right price.

The University shall at all times obtain value for money spent on procurement by ensuring that only those items which are needed are bought, that these items are of good quality, and that they are stored appropriately to preserve their quality. The University will therefore ensure optimum combination of whole life cost and quality (or fitness for purpose). The procurement specifications shall therefore include social, economic and environmental policy considerations.

2.8 MANAGERIAL RESPONSIBILITY

The Vice-Chancellor shall be the Accounting Officer of the University. The Accounting Officer shall authorize all approved procurement and maintain proper records relating to procurement and asset disposal of the University.

The Procurement Officer and Deputy Vice-Chancellor in charge of Administration and Finance (DVC A&F) under the direction of the Vice-Chancellor shall be responsible for administration of assets of the University.

2.9 IMPLEMENTATION

Implementation of this Manual shall be vested in the office of the Vice-Chancellor, Finance Officer and Procurement Officer.

3.0 PROCUREMENT PROCESSES AND METHODS

The Procurement Manual deals with the procurement of goods, works and services in University of Kabianga. The manual provides respective policy guidelines and procedures in the procurement process. The procedures are as provided by the Act and may change from time to time. This manual will thus aid the procurement department and other stakeholders with guidelines on the standards for procurement, disposal and inventory management by ensuring effective and prudent use of resources.

3.1 PROCUREMENT PROCESS

3.1.1 The Procurement Cycle

The complete Procurement Cycle shall include:

- a) Need Identification
- b) Preparation of Procurement Plans
- c) Preparation of procurement specifications and initiation of the procurement process
- d) Preparation of Bid documents
- e) Advertisement/initiation of bids

- f) Receiving and Opening Bids
- g) Evaluation of Bids
- h) Adjudication and Contract Award
- i) Notification of Contract Award
- j) Negotiations (where applicable)
- k) Preparation and Signing of Procurement Contract
- l) Contract Administration
- m) Receipt, Inspection and Acceptance of goods, works, services and consulting services
- n) Storage and Inventory Management.

3.1.2 Need Identification

The procurement process begins with the identification of a purchasing requirement which is either from internal or external source. It may be a new item required by the users or a re-order.

3.1.3 Procurement Planning

The accounting officer shall prepare an annual procurement plan which is realistic in the format set up in the regulations 2020 (see Appendix) within the approved budget prior to commencement of the new financial year as part of the annual budget preparation process section 53 sub 2 of the PPDA 15. The procurement plan should be linked to the budget i.e.

The Procurement Plan will define the work to be carried out, cost estimates of the proposed goods/works/services, procurement method to be followed, and it should also lay out a logical sequence of the procurement process.

Departmental procurement plans shall be prepared at the beginning of every financial year; this will inform the University budget. The Departmental procurement plans will be based on

- a) Strategic plan
- b) Departmental priorities
- c) Departmental work plans

The Procurement Officer shall inform the user departments to submit departmental procurement plan three months to the beginning of the financial year in the standard prescribed format.

The plans will be consolidated into one overall procurement plan in liaison with the user departments and it should cover goods, equipment, civil works, and consultancy services for the current financial year.

The University shall indicate in its procurement plan a minimum twenty percent (20%) budgetary allocation for preferences and reservations for resident tenderers of the county, pursuant to section 33(2)(g) of the Act.

The following are the contents of the procurement plan; -

- a) Item description of goods, works and services as per the standard format
- b) The date when the services or goods would be required
- c) The best procurement method that should be used.
- d) Clear specification in form of terms of reference for the item required so as to inform the scheduling of the procurement process
- e) An indication of the rules applicable to the procurement: in the case where a procurement is not subject to the Public Procurement and Disposal Act and Regulations but to specific rules dictated by an international agreement as in the case of a Donor funded procurement
- f) An indication of the shelf life for any goods that may be perishable or degradable
- g) An indication of the resources available for managing the procurement workload
- h) Details of any committed or planned procurement expenditure under existing multi-year contracts
- i) The estimated cost for procurement of items which shall include insurance, clearing and forwarding, demurrage charges, warehousing, advertisement and all other incidental costs where applicable
- j) a schedule of the planned delivery, implementation or completion dates for all goods, works, or services required;
- k) an indication and justification whether it shall be procured within a single-year period or under a multi-year arrangement
- i. Any other relevant information.

i. Annual Procurement Plan, Preparation and Publication

The University intends to use an e-procurement system, it shall prepare its annual procurement plan through the system and upload it in the State Portal.

The University shall configure the approval process for annual procurement plans into the e-procurement system to allow for the preparing and publishing of departments or consolidated procurement plans.

The e-procurement system shall be interactive and have the capability to enable bidders participating in a procurement proceeding to request or seek information or clarification.

ii. Annual Procurement Plan (APP) Format (See Annexure 1: Procurement Plan)

1. Procurement planning begins with Submission of requests with detailed specifications from user department to initiate the procurement process
2. The user department shall submit the requisition above to the accounting officer for approval which shall be accompanied by the following, as applicable:
 - a. Feasibility studies and or surveys and reports;
 - b. Specifications, bills of quantities, technical drawings, or terms of reference;
 - c. Environmental and social impact assessment reports;
 - d. Reasonable expected date of delivery; and
 - e. Any other necessary information pertaining to the procurement.
3. When estimating the value of the goods, works or services, the accounting officer shall ensure that the estimate is realistic and based on up-to-date information on economic and market conditions.
4. Where a contract is complex and or specialized the accounting officer may invite independent experts to undertake a peer review based on this regulation and a report submitted to him.
5. Where a peer review has been undertaken under sub-regulation (4) above, the user department shall take into account the recommendations of the peer review report before submitting their requisition to the Accounting Officer for approval.
6. The procurement requisition shall be approved by the procurement officer prior to the initiation of procurement proceedings.

Approved procurement requisitions shall be submitted to the head of the procurement function of a procuring entity to process procurement.

3.1.4 Role of the user Department

The following are the roles of the User Department:

- a) Initiating procurement and asset disposal requirements and forward them to the head of procurement function
- b) Participating in the evaluation of tenders, proposals and quotations
- c) Managing, monitoring and reporting any departure from the terms and conditions of the contract to the head of procurement function
- d) Forwarding details of any required amendments or variations to contracts including extensions to the head of procurement function for consideration and action
- e) Maintaining and archiving copies of records of contract management
- f) Preparing any reports required to the head of procurement function for submission to the accounting officer
- g) Undertaking conformity assessments of supplied goods, works and services with the specifications of the contract documents
- h) Preparing and submitting technical specifications for goods, works and services to the procurement function
- i) Preparing departmental procurement and asset disposal plans and submit to the procurement function
- j) Making clarifications on tenders, requests for quotations and any other matter through the head of procurement function as may be required
- k) Carrying out any other functions and duties as provided for under the Act or these Regulations.

3.1.5 Registration of Suppliers, Preparation of Bid Documents and Advertisement of Tenders

i. Registration of Suppliers

The Procurement Officer shall update the list of registered suppliers, contractors and consultants in various specific categories of goods, works or services according to its procurement needs at least every six months as a requirement under section 57(2) of the Act and in accordance with section 71 of the Act and When updating the list, a procuring Officer shall notify the new vendors of their admission into the list. This can be done by a way of invitation of registration of suppliers.

The University shall evaluate the list of registered suppliers after every two years leading to a fresh registration of suppliers. When conducting its registration, the University shall publish an invitation to candidates to submit applications to be registered and the invitation may include the following:

- a) The name, address and contact details of the University
- b) Instructions on obtaining the registration documents
- c) Instructions on location and deadline for submission of applications for registration.

The notice for registration of suppliers shall not apply to the youth, women and persons with disabilities registered by the National Treasury.

The University shall allow the candidates for registration at least fourteen days to prepare and submit their applications to be registered and shall also promptly respond to all requests for any clarification relating to the registration document where such requests are received before the deadline for submission.

The University shall, in writing, record the results of its evaluation of applications for registration using the evaluation criteria stipulated in the registration documents

The registration of suppliers with the University shall be done at no cost and shall contain proof of the following eligibility criteria as prescribed in the PPADA 2015, which includes capability criteria that defines necessary qualifications, experience, resources, equipment and facilities to provide what is being procured.

ii. Preference and Reservations

- a) The university shall endeavor to provide 30% of all the annual procurement to the special groups.
- b) An enterprise registered by the National Treasury as a target group benefitting from the preference and reservation scheme shall be entitled to such benefits for a period of two years, which may be renewed biennially for up to a maximum period of ten years.
- c) An advertisement relating to an open tender under a preference and reservations scheme shall state that such tender is open to small and micro enterprises and to disadvantaged groups registered with the National Treasury or regions, as appropriate. Procurement of goods, works and services under these Regulations shall be competitive in accordance with the provisions of section 157(3)(b) of the Act.
- d) A procuring entity shall make use of existing framework contracts or framework agreements with disadvantaged groups, small, micro and medium enterprises to provide an efficient, cost effective and flexible means to procure goods, works and services that are required repeatedly or continuously over a set period of time.
- e) Subject to the availability of funds and after proper certification of the goods, services or works have been done, a procuring entity shall make prompt payments for all performed contracts including enterprises owned by youth, women or persons with disabilities and shall make payment within sixty days from the date of receipt of the invoice.
- f) Where delay of payments for goods, works and services performed are likely to happen, a procuring entity may facilitate invoice discounting arrangements with a financial institution for the purpose of advancing credit to the affected enterprises stated in paragraph
- g) The application of the preference and reservation scheme by the university shall be monitored by the Authority and the National Treasury pursuant to sections 9(1)(e) and 157(17)(d) of the Act respectively and a report on the implementation of the preference and reservation scheme shall be shared with the Authority within fourteen days after the end of the reporting period with a copy submitted to the National Treasury.

- h) The threshold for exclusive preferences shall be set at KShs. One Billion for works with locally available materials and KShs. 500 million for goods and services
- i) The margin of preferences shall be;
 - i. 20% margin on the price for companies offering goods manufactured in Kenya with more than 50% Kenyan Shareholding
 - ii. 15% margin for those offering goods manufactured in Kenya
 - iii. 10% margin for companies with more than 50% Kenyan shareholding
 - iv. 8% margin for Kenyan citizens shareholding between 20-50%²¹²¹
 - v. 6% margin for Kenyan citizens shareholding between 5-19%

3.1.6 Preparation of Bid Documents

The University shall issue standard procurement and asset disposal documents based on the formats as prescribed by PPRA as well as PPADA 2015. The tender documents shall contain sufficient information to allow fair competition among those who may wish to submit tenders and shall be in a format that is accessible to people with special needs.

The procurement section in consultation with the user and other relevant departments shall on behalf of the Vice-Chancellor of the University prepare the tender documents clearly indicating the technical and financial evaluation criteria to be applied which shall be quantifiable, measurable and objective.

A tender document will contain the following information; -

- a) The relevant drawings and bills of quantities for works shall be disclosed and the projects total estimated cost evaluated only on the basis of criteria disclosed. A bidder shall not be disqualified on the basis of quotation above or below a certain percentage of engineer's estimates.
- b) The general and specific conditions to which the contract will be subject, including any requirement that performance security be provided before the contract is entered into.
- c) The tender number assigned to the procurement proceedings by the procuring entity

- d) Instructions for the preparation and submission of tenders including the forms for tenders
- e) The number of copies to be submitted with the original tender and any requirement that tender security be provided and the form and amount of any such security
- f) Any requirement that evidence be provided of the qualifications of the person submitting the tender.
- g) The procuring entity facilitation and the submission of tender documents by the tenderer through either soft or hard copy, but it will be the onus of the tenderer to ensure the adequate submission of said documents
- h) The procurement function ensuring that where necessary, the preferences and reservations of the tender are clearly spelt out in the bidding documents.
- i) An explanation of where and when tenders shall be submitted, a statement that the tenders will be opened immediately after the deadline for submitting them and an explanation of where the tenders will be opened.
- j) A statement that those submitting tenders or their representatives may attend the opening of tenders.
- k) A statement of the period during which tenders must remain valid.
- l) The procedures and criteria to be used to evaluate and compare the tenders.
- m) A statement that the Vice-Chancellor of UoK may, at any time terminate the procurement proceedings without entering into a contract in accordance with section 60 of the PPADA 2015
- n) Anything else required, under this Act or the regulations, to be set out in the tender documents.
- o) The University may charge a fee not exceeding one thousand shillings (Kshs 1000) for hard copies of a tender document or as maybe set by the Cabinet Secretary from time to time. The University shall not charge a fee under where the tender document is: —
 - i. Obtained electronically;
 - ii. An invitation for expression of interest;
 - iii. A registration of suppliers;
 - iv. A pre-qualification document.

- p) Where the University charges a fee for a tender document, it shall permit potential tenderers to inspect the document, prior to paying the fee for the document.

iii. Advertisement/Initiation of Bids

The University shall maintain and continuously update and publicize its tenders through the University of Kabianga website, e-Citizen, Public Procurement Regulatory Authority platforms, public notice boards and any other official government publications. Tenders may also be advertised in the daily newspapers with a wide circulation in Kenya.

iv. Modification of Tender Documents

The university may amend the tender documents at any time before the deadline for submitting tenders by issuing an addendum without materially altering the substance of the original tender to each person to whom the University provided copies of the tender documents as the PPADA Act

v. Receiving and Opening Bids

Receiving of Bids

A tender document and the envelope, in which it is sealed in shall bear the tender number assigned to the procurement or asset disposal proceedings by the University. This shall be submitted before the deadline for submitting tenders and any tender submitted after the deadline shall not be accepted by the University.

The University shall ensure that the place or site where tenders shall be submitted is open and accessible and shall provide, in that place or site, a tender box including an electronic tender box that complies with the prescribed requirements in regulations and each delivered tender shall be placed unopened in the tender box.

If a tender or part of a tender document cannot fit in the tender box it shall be received in the manner set out in the tender documents or the invitation to tender or, if no such manner is set out, in the manner determined by the University and it shall acknowledge receipt of the tender documents.

The Vice-Chancellor of the University shall appoint a tender opening committee specifically for the procurement in accordance with the following requirements: -

Opening Bids

The Vice-Chancellor shall appoint a tender opening committee in accordance with the following requirements and such other requirements as may be prescribed: -

- a) The committee shall have at least three members.
- b) At least one of the members shall not be directly involved in the processing or evaluation of the tenders.

Immediately after the deadline for submitting tenders, the tender opening committee shall open all tenders received 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 and record the number of pages received.

As each tender is opened, the following shall be read out loud and recorded in a document to be called the tender opening register: -

- a) The name of the person submitting the tender.
- b) The total price, where applicable including any modifications or discounts received before the deadline for submitting tenders except as may be prescribed. However, the total price of the tender may not be read out where a tender consists of numerous items that are quoted for separately; and also where a tender is preceded by a technical evaluation and such tender is not technically responsive.
- c) If applicable, what has been given as tender security.

During the tender opening each member of the tender opening committee shall: -

- a) Sign each tender on one or more pages as determined by the tender opening committee; and

- b) Initial, in each tender, against the quotation of the price and any modifications or discounts, where applicable.
- c) The tender opening committee shall prepare tender opening minutes which shall set out a record of the procedure followed in opening the tenders; and 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 as well as initial to the final page of the minutes indicating their full name and designation.
- d) No tenderer shall be disqualified by the during opening of tenders
- e) A person who causes the physical loss of tender documents provided for under this section commits an offence.

vi. Evaluation Committee and Evaluation of Bids

1. Evaluation Committee

The Vice-Chancellor shall appoint evaluation committee members from within the members of staff, with the relevant expertise. An ad hoc evaluation committee shall be established for each procurement activity within the threshold specified in the matrix under the Second Schedule except for low value procurements with the purpose of carrying out the technical and financial evaluation of the tenders or proposals.

2. Membership of the Evaluation Committee

The committee shall comprise of between 3 and 5 members appointed on rotational basis as follows:

- i. Members of staff who are heads of user departments and 2 other departments or their representatives;
- ii. Technical consultants for complex procurement items
- iii. The procurement officer shall be the secretary in attendance
- iv. The VC shall designate one of the members of the evaluation committee as the chairperson.

- v. The quorum for the conduct of business of the evaluation committee shall be at least three persons including the chairperson

A member of an evaluation committee should have the following qualifications-;

- i. Knowledge of the overall operations of the procuring entity.
- ii. Knowledge of the technical aspects of the procurement such as engineering, architecture, medical and pharmaceutical sciences, agriculture, information and communications technology and software development;
- iii. Knowledge of the accounting and financial principles to secure accurate financial evaluation.

3. Roles of the Evaluation Committee

- a) Deal with the technical and financial aspects of procurement as well as the negotiation of the process including evaluation of bids, proposals for prequalification, registration lists, Expression of Interest and any other roles assigned to it.
- b) Complete the procurement process for which it was appointed and no new committee shall be appointed on the same issue unless the one handling the issue has been procedurally disbanded.
- c) Adopt a process that shall ensure the evaluation process utilized adheres to Articles 201 (d) and 227 (1) of the Constitution.
- d) The evaluation committee may invite external technical experts who are not employees of the organization to assist in matters that need specific technical expertise.
- e) The evaluation committee shall prepare an evaluation report containing a summary of the evaluation and comparison of tenders and shall submit the report to the Procurement Officer for his or her review and issuing of a professional opinion to the accounting officer for action.
- f) Disciplinary measures can be instituted to any member of the evaluation adhoc committee who contravenes any provisions of the PPADA 2015, this will be in accordance with the University's disciplinary measures and the provisions of this PPADA 2015.

The role of the secretary of the ad hoc evaluation committee shall be: -

- i. to provide technical input in terms of compliance with the Act and these Regulations
- ii. to avail all the relevant documents to the evaluation committee;
- iii. to facilitate official communication with tenderers, where clarification is required
- iv. to provide logistical support to the evaluation committee
- v. to provide secretariat services to evaluation committee

4. Preliminary Evaluation

Upon opening of tenders, the evaluation committee shall first conduct a preliminary evaluation to determine whether: -

- a) A tenderer complies with all the eligibility requirements provided for under section 55 of the Act;
- (b) The tender has been submitted in the required format and serialized in accordance with section 74(1)(i) of the Act;
- (c) Any tender security submitted is in the required form, amount and validity period, where applicable;
- (d) The tender has been duly signed by the person lawfully authorized to do so through the power of attorney;
- (e) The required number of copies of the tender have been submitted;
- (f) The tender is valid for the period required;
- (g) Any required samples have been submitted;
- (h) All required documents and information have been submitted

Any errors in the submitted tender arising from a miscalculation of unit price, quantity, subtotal and total bid price shall be considered as a major deviation that affects the substance of the tender and shall lead to disqualification of the tender as non-responsive.

5. Evaluation of Bids

The evaluation and comparison of tender shall be done using the procedures and criteria set out in the tender documents. The tenders for professional services shall have regard to the provisions of the PPADA 2015 and statutory instruments issued by the relevant professional associations regarding regulation of fees chargeable for services rendered.

The following evaluation requirements shall apply with respect to the procedures and criteria as set out in the tender documents; -

- a) The criteria shall, to the extent possible, be objective and quantifiable
- b) 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.
- c) The evaluation shall be carried out within a maximum period of thirty days.
- d) The evaluation committee shall prepare an evaluation report containing a summary of the evaluation and comparison of tenders. The evaluation report shall be signed by each member of evaluation committee on each page of the report and append his or her signature as well as their full name and designation and submit to the Procurement Officer for his or her review and issuing of a professional opinion to the accounting officer to approve or dissent.

6. Negotiations (Where Applicable)

The accounting officer shall appoint an adhoc evaluation committee pursuant to section 46 of the PPADA2015 to negotiate with a person for the supply of goods, works or non-consultancy services being provided.

Negotiation does not apply for all procurement methods (refer to the PPADA 2015).

vii. Notification of Contract Award

Before the expiry of the period during which tenders must remain valid, the accounting officer shall notify in writing the person submitting the successful tender that his tender has been accepted. The successful bidder shall signify in writing the acceptance of the award, within the time frame specified in the notification of award.

The accounting officer shall also notify in writing all other persons submitting tenders that their tenders were not successful, disclosing the successful tenderer as appropriate and reasons thereof.

viii. Preparation and Signing of Procurement Contract.

After the ensuing 14 days of appeal period given in the notification the accounting officer shall invite the contractors to sign the contract within the Kenyan laws. At that point the bid security shall be returned to the bidder in exchange for the performance security or as prescribed.

3.2 Methods of Procurement of Goods, Works and Services

The choice of procurement method takes into account the estimated value of procurement. This will include consideration of the desirable level of competition. Market knowledge is necessary to ensure that the level of competition is adequately appreciated hence the procurement method must be decided upon at an early stage of a project as this will help the entire development process and create a solid place to start from. It is the responsibility of the procurement unit to ensure the selection of the most appropriate method for guaranteeing value for money.

3.2.1 Open Tender

Open tendering procedure can be used for procurement of goods, works, and services, set out in the Public Procurement and Asset Disposal Act of 2015.

Guideline/ procedure for open tendering

Open tendering shall be adopted for procurement of goods, works and services as indicated and prescribed in the threshold. The tables below provide a synthesis of the thresholds and authorizations applying for the Open Tender Procurement Method. Annexure 2 is the threshold Matrix shows limits of monies to determine the procurement method to be used.

Open tender method is the most preferred method; however, you can apply alternative method with consideration of the resources put in versus the value to be achieved. See annex attached for the threshold matrix.

a. Advertisement

The University will advertise its tenders in at least two newspapers of general nationwide circulation, in the dedicated government tenders' portals or in its own website.

3.2.2 Invitation of Bids

Two possibilities exist in this case:

- a) Invitation from the list of pre-qualified bidders established where a pre-qualification stage has been conducted or
- b) Invitation through the publication of an announcement or advertisement of tendering proceedings in the case of **open tendering** where no pre-qualification has been conducted.

The content of the invitation to tender notice will always be made sufficient enough to inform all the prospective bidders on the procurement requirements, key specifications and conditions of execution so as to allow each and every bidder make an informed decision in order to be responsive and competitive. The following is a minimum prescription of what should be contained in the tender documents: -

- a) The name, address and contact details of the University.
- b) The tender unique sequential code assigned to the procurement proceedings by the University.
- c) The nature of the procurement requirement, including a description, the quantity of goods, works or services and the location and timetable for delivery or performance of the contract.
- d) An indication of the procurement method being used.
- e) A statement that those submitting tenders or their representatives may attend the opening of tenders.
- f) A statement of any key technical requirements, qualification requirements and evaluation criteria, and/or any applications of preference margins.
- g) Instructions on obtaining the bidding documents, including any price payable and the language of the documents.
- h) Instructions on the location and deadline for submission of bids.

i. Submission and Receipt of Tenders

Bidders shall submit their tenders in accordance with the instructions given in the tender documents. The submission and receipt of tenders is strictly regulated in order to ensure fairness and equal treatment of all the bidders as

well as securing the bids to avoid any collusion. The following criteria must be verified when receiving a tender:

- a) A tender must be in writing, it must be signed by an authorized officer of the bidder and it must be sealed in an envelope.
- b) A tender and the envelope is sealed and it must bear the tender number assigned by the University and any other reference as specified in the bidding documents.
- c) A tender must be submitted before or on the deadline for submitting tenders and any tender received after that deadline shall be returned unopened or marked **“late”** and stored unopened. It will be important for the tender documents to state how late tenders shall be treated but whatever the case they shall be **rejected**.
- d) If a tender delivered by post is inadvertently opened, the fact of that accidental opening must be recorded on the envelope by the person who opened the tender and then the tender has to be resealed and placed in the tender box immediately.

3.2.3 Two-Stage Tendering

The University may engage in procurement by means of two-stage tendering when, due to complexity and inadequate knowledge on its part or advancements in technology, it is not feasible for the procuring entity to formulate detailed specifications for the goods or works or non-consultancy services in order to obtain the most satisfactory solution to its procurement needs.

Tenderers are called upon to submit, in the first stage of the two-stage tendering proceedings, initial tenders containing their proposals without a tender price. The specifications developed shall meet the requirements specified in this Act. While developing the specifications, experts may be engaged.

In the second stage, the University shall invite tenderers whose tenders were retained to submit final tenders with prices with respect to a single set of specifications and in formulating those specifications, the University may modify any aspect, originally set forth in the tendering document. Any such modification or addition shall be communicated to tenderers in the invitation to submit final tenders and a tenderer not wishing to submit a final tender may withdraw from the tendering proceedings without forfeiting any tender security that they may have been required to provide. The final tenders shall be evaluated and compared in order to ascertain the successful tenderer.

3.2.4 Direct Procurement

This method may be used as allowed under the PPADA 2015 as long as the purpose is not to avoid competition.

The following are the conditions for the use of direct procurement method: -

- a) The goods, works or services are available only from a particular supplier or contractor, or a particular supplier or contractor has exclusive rights in respect of the goods, works or services, and no reasonable alternative or substitute exists.
- b) Due to war, invasion, disorder, natural disaster or there is an urgent need for the goods, works or services, and engaging in tendering proceedings or any other method of procurement would therefore be impractical, provided that the circumstances giving rise to the urgency were neither foreseeable by the procuring entity nor the result of dilatory conduct on its part.
- c) Owing to a catastrophic event, there is an urgent need for the goods, works or services, making it impractical to use other methods of procurement because of the time involved in using those methods;
- d) The University, having procured goods, equipment, technology or services from a supplier or contractor, determines that additional supplies shall be procured from that supplier or contractor for reasons of standardization or because of the need for compatibility with existing goods, equipment, technology or services, taking into account the effectiveness of the original procurement in meeting the needs of the procuring entity, the limited size of the proposed procurement

in relation to the original procurement, the reasonableness of the price and the unsuitability of alternatives to the goods or services in question.

- e) For the acquiring of goods, works or services provided by a public entity provided that the acquisition price is fair and reasonable and compares well with known prices of goods, works or services in the circumstances

i. Procedure for direct procurement

- a) A tender document which shall be the basis of tender preparation by tenderer and subsequent negotiations.
- b) An *ad hoc* evaluation committee appointed pursuant to section 46 of the PPADA 2015 to negotiate with a person for the supply of goods, works or non-consultancy services being provided.
- c) Appropriate approvals under the PPADA 2015 have been granted.
- d) The resulting contract is put in writing and signed by both parties.

A person who contravenes the provisions above commits an offence.

3.2.5 Request for Quotations

This method can be used to solicit for suppliers as follows;

The procurement officer shall float quotations to identified potential suppliers from the approved list of registered suppliers on rotational basis. This procedure shall apply where:

- a) The estimated value of the goods, works or non-consultancy services being procured is less than or equal to the prescribed maximum value for using requests for quotations as prescribed in Regulations;
- b) The procurement is for goods, works or non-consultancy services that are readily available in the market.
- c) The procurement is for goods, works or services for which there is an established market.

In the procurement of goods and services the University shall use a request for quotations which shall contain the following information.

- a) Quotation number and date
- b) Name and address of the procuring entity
- c) Name and address of supplier invited to quote

- d) Date and time of submission of the quotation
- e) Particulars of the item including item no, specifications, unit of issue, quantity required
- f) Part to be completed by the supplier including unit price, delivery time, discount, brand, country of origin and remarks
- g) Space for supplier's signature
- h) Space for official use with
- i) Instructions and conditions for the procurement

i. Procedure for request for quotations

- a) In deciding the supplier to be invited to quote the University shall ensure a fair and equal rotation amongst the persons on the approved registered list.
- b) Quotation forms shall be dispatched or picked by suppliers from the office where the supplier shall sign upon receiving. The supplier shall duly fill in the quotation form, sign and stamp and submit in a sealed envelope as per the required date, indicating the quotation number as provided in the instructions.
- c) The request for quotations shall be given to as many persons as necessary to ensure effective competition.
- d) The suppliers shall be given adequate time to prepare and submit their quotations. In this regard **seven to fourteen days** is recommended.
- e) Request for quotations after being received by the University shall be opened by at least three responsible officers one from the procurement unit, one from the user department and one from Internal Audit department
- f) At least three persons shall submit their quotations for the evaluation to proceed.
- g) The officers opening the quotations shall also be responsible for the evaluation and recommendation of contract award.
- h) Quotation with the lowest price that meets the requirements set out in the request for quotations shall be awarded.
- i) Where the procurement department is of the view that the successful quotation is higher than the prevailing market price, the procurement unit shall reject the quotations and repeat the process afresh issuing the quotations to other persons in the registered list of suppliers.

3.2.6 Restricted Tendering Method

The Restricted Tender Procurement Method may be used as an alternative procurement method other than open tendering only as allowed by the Act and the Regulations. The procurement method must be provided for in the procurement plan and approved by the Vice-Chancellor. At least 10 bidders shall be invited to bid; the selection of these bidders shall be made from a list of pre-qualified candidates maintained by the University or by another procuring entity. The selection shall not be discriminative.

An accounting officer of University of Kabianga may engage in procurement by means of restricted tendering in such a manner as/ or may be prescribed

- a) Where the procurement is complex and there is a need to restrict bidding to pre-qualified candidates.
- b) If there is evidence to the effect that there are only a few known suppliers of the whole market of the goods works or services.
- c) An advertisement is place where applicable on the procurement website regarding the intention to procure through limited tender.
- d) Where the time and cost required examining and evaluating a large number of tenders would be disproportionate to the value of the goods, works or services to be procured.

3.2.7 Request for Proposal

The University may use a request for proposals for procurement of services or a combination of goods and services, where the services to be processed are advisory or otherwise of a predominantly intellectual nature. Request for proposals would thus be used in the procurement of consultancy services.

Proposals shall be invited from only the persons who have been shortlisted as qualified to submit their tenders within a period as prescribed. Interested persons may be invited to submit expression of interest as prescribed.

The notice inviting expressions of interest shall set out the following: -

- a) The name and address of the procuring entity

- b) A brief description of the consultancy services being procured and, if applicable, the goods being procured.
- c) Eligibility and the qualifications necessary to be invited to submit a proposal and an explanation of where and when expressions of interest shall be submitted.
- d) The notice inviting expression of interest prepared by a procuring entity pursuant to section 119 of the Act shall give a minimum period of seven days for tenderers to submit their expressions of interest

Notice of inviting expressions of interest shall be advertised in the dedicated government's advertising tenders' portal and University website, or in at least one daily newspaper of nation-wide circulation and shall give a minimum of seven days for tenderers to submit their expression of interest. Alternatively, invite expression of interest, or utilize the register provided.

i. Opening of EOI and TOR

- a) The opening of expression of interest shall be carried out in accordance with the Act 2015 and Regulations 2020 as outlined in earlier on opening of bids
- b) the professional fees and rates chargeable shall be guided by the rates approved by the respective professional bodies, where applicable and guided by the provisions of section 124 of the PPAD Act 2015, where the University of Kabianga shall provide a basis or an estimate to facilitate a bidder to comply with the provisions of this regulation
- c) Technical proposals shall be opened first before the opening of financial proposals where the tender document requires submission of separate technical and financial bids

ii. The Terms of Reference Prepared by a Procuring Entity Shall Set Out:

- a. the background including the reasons necessitating the procurement
- b. the objects to be achieved by the procurement
- c. the output and deliverables expected from the person to be awarded the tender
- d. the qualifications necessary for a person to be awarded the tender
- e. Duration of the assignment; and any other relevant information as may be required in the tender document.

3.2.8 Low-Value Procurement Method

This method is used to procure low value items which are not procured on a regular or frequent basis and are not covered in framework agreement; the estimated value of the goods, works or non-consultancy services being procured are less than or equal to the maximum value per financial year for that low-value procurement procedure as may be prescribed. For all entities the threshold for this method is 50,000 per item per financial year.

This method is applicable where:

- a) The University does not see any benefit accruing to it in terms of time or cost implications by using any other procurement method.
- b) The procedure is not used to avoid competition.
- c) The procedure has been recommended by the head of procurement function after conducting a market survey and approved by the Vice-Chancellor or such person delegated in writing by the Vice-Chancellor.
- d) The procurement is made through direct shopping from a reputable outlet or provider identified by the procuring entity.

i. Procedure for low value procurement

- a) The Vice-Chancellor may only delegate the procurement by use of this method to the head of procurement function to procure the goods, works or services from a reputable outlet or provider through direct shopping or using credit cards or direct funds transfer to that outlet.
- b) The procurement done shall be supported by the original invoice and Kenya Revenue Authority Electronic Tax Receipt (KRA ETR Receipt) duly signed by the person undertaking the low value procurement of goods, works or services.
- c) The goods procured shall be taken on charge by the officer responsible for the stores after the user department has confirmed the quantity and quality of the goods, works or services, before they are issued to the respective user department.

3.2.9 Force Account

The University may use force account by making recourse to the state or public officers and using public assets, equipment and labor which are competitive. This is a method in which the University implements rehabilitative or developmental work by utilizing its internal resources rather than contracting the work to an external entity. Here the University may be required to procure raw materials for use in this method.

The university may also use this method to complete the works where the contractors either abandoned or delayed completion of works/services and the cost of retendering is uneconomical, in such instances the University shall terminate the existing contract in accordance with section 153 of the PPADA 2015.

i. Instances for use of force account method.

- a) Quantities of work involved are small and scattered or in remote locations for which qualified construction firms are unlikely to tender at reasonable price and the quantities of works cannot be defined in advance.
- b) Unforeseen and urgent work is required to be carried out without disrupting on-going operations.
- c) The University is to complete works delayed by the contractor after the written warnings did not yield any tangible results.

ii. Procedure for use of force account

- a) The University shall identify and include the activity in the annual procurement plan.
- b) The Vice-Chancellor shall grant approval for the use of force account.
- c) Preparation of relevant bills of quantities, cost estimates and technical drawings where applicable.
- d) The procurement of the materials/services to be used as inputs under force account method shall be in accordance with the provisions of the Act and the Regulations
- e) The University must satisfy itself that it is uneconomical to outsource the good or works or services.

- f) The University shall establish that the work/services is urgent and may be carried out without any interruptions on ongoing operations using available state or public officers' skills, equipment, materials and labour.

In situations where the project or works has been delayed or abandoned, the user department shall prepare a detailed proposal which contains the following:

- a) Scope of works or services;
- b) Status of the project;
- c) Justification for use of force account method;
- d) List of materials and bills of quantities to be procured;
- e) Available state or public officers' capacity and competencies to undertake the assignment; and
- f) Cost analysis of fees/rates using approved government rates.
- g) The proposal shall be submitted to the head of procurement function for review and recommendation to accounting officer for approval.
- h) Upon approval, the user department and procurement function shall commence implementation in accordance with the Act.
- i) The head of user department shall be Vice-Chancellor's representative in the project.

3.2.10 Framework Agreement

The University may enter into a framework agreement through open tender where the procurement value is within the thresholds prescribed under Regulations to the PPADA 2015 and the required quantity of goods, works or non-consultancy services cannot be determined at the time of entering into the agreement. Here a minimum of seven alternative vendors are included for each category of goods, services or works required.

i. Conditions for use of framework agreement method

The University may enter into a framework agreement for the supply of goods, works or services where: -

- a) The quantities and delivery schedules are not definable or determinable at the beginning.
- b) The need for the subject matter of procurement is expected to arise on a repeated basis over a definite period of time.
- c) Framework agreement method shall not be used in such a way as to prevent, restrict or distort competition.
- d) Contract shall not be awarded under the framework agreement where there is evidence demonstrating that the prices of goods, works or services are above the indicative market prices or material corporate governance issues have been detected.
- e) The University shall not procure using a framework agreement of another procuring entity

ii. Procedure for framework agreement

The University may enter into a framework agreement through open tender using an invitation to tender which shall specify

- a) That the procuring entity intends to establish a framework agreement.
- b) The number of suppliers or contractors which shall not be less than seven alternative vendors;
- c) The duration of the framework agreement which shall not exceed three years.
- d) The evaluation criteria and the relative weighting that it gives to each of the criteria.
- e) An estimate of the total volume or scope of work or quantity of purchases expected to be made for the duration of the framework agreement, as appropriate.
- f) An ad hoc evaluation committee shall be appointed by the accounting officer in accordance with section 46 of the PPADA 2015.
- g) The bids submitted shall be evaluated in accordance with the provisions of the PPADA 2015 and Regulations.
- h) The evaluation committee shall apply the evaluation criteria set out in the bid documents when evaluating the bids and the evaluation report shall be submitted to the head of the procurement.

- i) The head of the procurement function shall prepare a professional opinion and submit it to the accounting officer for consideration prior to the approval and award of the framework agreement.
- j) The head of the procurement function shall prepare and submit to the accounting officer with a copy to the internal auditor quarterly reports detailing an analysis of items procured through framework contracts and these reports shall include an analysis of pattern of usage, procurement costs in relation to the prevailing market rates and any recommendations.

- k) The Vice-Chancellor shall enter into a framework agreement in accordance to section 114 of the Act.

The University may award a contract under a framework agreement either through:

- a) Call-off orders where the price has been determined in the contract by applying the terms specified without reopening competition or
- b) Inviting mini-competition amongst the suppliers under the framework agreement.

L) Where an accounting officer awards a contract under framework agreement through the provisions of the following procedures shall be followed:

- a) for each contract to be awarded, the University shall invite in writing the suppliers or contractors that have entered into the framework agreement to participate in the mini-competition
- b) The University shall give a minimum of three days for bidders to submit their financial bids
- c) suppliers or contractors shall submit their financial bids in writing
- d) The University shall keep the content of the financial bids confidential until the deadline for receiving tenders has expired
- e) The University shall award the contract to the tenderer that has submitted the lowest evaluated price on the basis of the award criteria set out in the framework agreement.

iii. Procedure for ordering in framework agreement

1. The University is not required to advertise or invite quotations from persons not shortlisted under the framework agreement where a framework agreement has been entered into by the University
2. Individual orders shall include all the details required to establish the full cost or price for the delivery of goods, works or services.
3. Call-off orders shall be within the specific requirements issued within the period of performance in a format provided by the Authority.
4. Orders may be placed by using electronic means or as specified in the framework agreement.
5. The University shall ensure the prices or quantities for all the orders do not exceed any ceiling amount stated in the contract.
6. Orders placed on the basis of a contract under the framework agreements shall contain the following information:
 - i. date of order
 - ii. agreement number and order number
 - iii. for goods and services, contract item number and description, quantity, and unit price
 - iv. delivery or performance schedule
 - v. place of delivery or performance (including the details of the consignee, where applicable)
 - vi. any packaging, packing, and shipping instructions
 - vii. method of payment
 - viii. any other information as may be deemed necessary from time to time by the University
7. The requirement of the performance security shall be included in the bid documents and determined by a University in accordance with value of the orders made

3.2.11 Electronic Reverse Auction

Reverse is an electronic auction where suppliers bid online against each for contracts in which buyer puts up a request for a required good or service.

Sellers then place bids for the amount they are willing to be paid for the good or service, and at the end of the auction the seller with the lowest amount wins.

i. Conditions for Use of Reverse Auction

The University must possess the following in order to use the reverse Auction method.

- a) A procurement portal;
- b) Appropriate secure software with electronic procurement capabilities and functionalities approved by the Authority.

ii. Procedure for Reverse Auction

The University shall: -

- a) Invite all registered suppliers in the specific category to compete;
- b) Advertise its requirements on its website including the period of time and goods specifications;
- c) Make visible the prices of bidders within the prescribed time shall be visible to other bidders without revealing the bidder's identity.
- d) Pre-qualified supplier shall not revise its bid upwards within the prescribed time.

3.2.12 Competitive Negotiations

This method of procurement may be used for procurement of goods, works and non-consultancy services where: -

- a) There is an urgent need that can be met by several known suppliers.
- b) The lowest evaluated price is in excess of available budget without compromising the quality of the subject of procurement.
- c) There are a few known vendors.
- d) There is a tie in the lowest evaluated price by the tenderers'.
- e) There is a tie in the combined technical score.

i. Procedure for competitive negotiations

- a) An ad hoc negotiation committee appointed will comprise of at least five senior and technical officers of a procuring entity to negotiate with the bidder with the highest score on the recommendation of the head of the procurement function.

- b) Tenders shall be evaluated by the negotiation committee constituted in the initial phase of the proceedings.
- c) The accounting officer of a procuring entity shall request the identified vendors to revise their bids by submitting the best and final offer within a period not exceeding seven days.
- d) The revised prices shall not compromise the quality or specifications of the original tender.
- e) The members of staff conducting the negotiation under prepare a report of the negotiation and submit it to the head of procurement function for professional opinion and onward submission to the accounting officer for approval.
- f) The report prepared shall form part of the procurement records.

3.3.13 Classified methods

This method will be used when the Accounting officer/ Vice-Chancellor is dealing with classified items.

ii. Procedure for using the classified method

- a) A list of the classified items shall be submitted to the Cabinet secretary by the 30th July of each financial year by the Vice-Chancellor. This will also include:
 - i. The justification for use of classified procurement and asset disposal for each category
 - ii. The description and quantity of each item required
 - iii. The estimated cost of each item
 - iv. The budgetary provision
 - v. The proposed procurement and asset disposal methods for each item and the justification for use of the method
 - vi. A report detailing the selection criteria for suppliers
 - b) The Vice-Chancellor shall appoint a special committee to handle the procurement and disposal of its classified items.
 - c) The Vice-Chancellor shall submit the names of the nominated members of the special committee to the respective Cabinet Secretary or governing body of that procuring entity for approval.
 - d) The head of the procurement function shall be the secretary
- The special committee shall be responsible for—
- i. developing the specifications of classified items

- ii. coordinating the process of sourcing and identification of suppliers
 - iii. establishing and updating a list of registered and prequalified suppliers for the supply of classified items
 - iv. conducting market surveys of the classified items to be procured
 - v. conducting the evaluation, inspection, acceptance and negotiations
 - vi. managing and implementing all contracts of a classified nature
 - vii. Preparing reports and recommendations for the procurement and disposal activities and maintaining and archiving all records and relevant documentation.
- e) The Vice-Chancellor shall submit quarterly reports on the procurement and disposal activities of that procuring entity to the Cabinet Secretary and the Authority.
- f) Where a procurement or disposal need arises which was not included in the approved list, the Vice-Chancellor shall submit a supplementary classified list to the Cabinet Secretary.

3.2.12 Classified Methods

This method will be used when the Accounting officer/ Vice-Chancellor is dealing with classified items.

i. Procedure for Using the Classified Method

- g) A list of the classified items shall be submitted to the Cabinet secretary by the 30th July of each financial year by the Vice-Chancellor. This will also include:
- vii. The justification for use of classified procurement and asset disposal for each category
 - viii. The description and quantity of each item required
 - ix. The estimated cost of each item
 - x. The budgetary provision
 - xi. The proposed procurement and asset disposal methods for each item and the justification for use of the method
 - xii. A report detailing the selection criteria for suppliers

- h) The Vice-Chancellor shall appoint a special committee to handle the procurement and disposal of its classified items.
- i) The Vice-Chancellor shall submit the names of the nominated members of the special committee to the respective Cabinet Secretary or governing body of that procuring entity for approval.
- j) The head of the procurement function shall be the secretary
The special committee shall be responsible for—
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 - iii. establishing and updating a list of registered and prequalified suppliers for the supply of classified items
 - iv. conducting market surveys of the classified items to be procured
 - v. conducting the evaluation, inspection, acceptance and negotiations
 - vi. managing and implementing all contracts of a classified nature
 - vii. preparing reports and recommendations for the procurement and disposal activities and maintaining and archiving all records and relevant documentation.
- k) The Vice-Chancellor shall submit quarterly reports on the procurement and disposal activities of that procuring entity to the Cabinet Secretary and the Authority.
- l) Where a procurement or disposal need arises which was not included in the approved list, the Vice-Chancellor shall submit a supplementary classified list to the Cabinet Secretary.

3.2.14 Community Participation

It involves community for delivery of services, consider economic benefit, value for money, project sustainability, creation of employment. This method involves two approaches namely: direct community participation and organized community participation.

i. Conditions for use of Community participation method

Where this method is used the university shall ensure that:

- a) the project is aligned to the procuring entity's mandate and strategic plan
- b) the project has positive socio-economic outcomes with the community as its main beneficiary
- c) the project requires community involvement in part or in whole for its success and its continued implementation
- d) the project is included in the annual procurement plan for that procuring entity
- e) the project proposal prepared is in line with its strategic plan and which shall include:
 - i. Setting out the key result areas and the specific roles of the target community; and
 - ii. The objectives, estimated budget and the target community beneficiaries.

ii. Procedure for use of the Community Participation Method

- a) organise a meeting of the beneficiary community, whereby:
 - i. the community shall be informed of the activity, the scope of their participation and the benefit to the community in return
 - ii. through its representatives, the procuring entity shall explain to the community the document containing obligations of both sides, the appropriate payment, the period after which participants shall be paid, payment modalities and any other details related to goods, works or non-consultancy services execution; and
 - iii. the procuring entity shall establish a list of community members committed to participate in the procurement proceedings and those members shall affix their signatures or fingerprints as evidence for their commitment;
- b) require the community to elect or nominate their representative in all communication and transaction processes and that procuring entity shall identify a contact person and where there is a change to the representatives each party shall communicate the change to the other

- c) avail technical equipment needed for the execution and shall inform the community of any equipment they shall bring for the execution of the community project, where applicable
- d) use its public officers or hire a consultant to technically assist the community for the supervision of works execution, if needed;
- e) with the help of supervisors, assist every participant to sign on daily basis in the register or on a card prepared for that purpose, as appropriate;
- f) before execution of the community project, require every participant to provide his or her full identification, and if necessary, her or his bank account where the payment may be deposited;
- g) where a procuring entity is unable to organize the community participation, delegate to another public entity capable of managing that activity; and
- h) ensure that a project management committee composed of at least five volunteer members is elected or nominated by the beneficiary community who shall—
 - i. participate in the preparation, management and implementation of the project
 - ii. monitor the implementation of the project; and
 - iii. report to the accounting officer of the procuring entity
- i) The accounting officer/ VC shall appoint a project supervisor, who may be the head of the user department, or a consultant where a procuring entity does not have the internal capacity to supervise the project.
- j) The above procedure shall apply to both direct community participation and organized community participation

iv. Procedure for use of the Direct Community Participation Method

- a) Where a procuring entity intends to use direct community participation approach that procuring entity shall transfer the project funds in tranches to the community project management and implementation committee.
- b) The community project management and implementation committee shall:

- i. procure goods, works or non-consultancy services at the prevailing market prices
 - ii. And negotiate for goods, works or non-consultancy services to get value for money.
- c) In addition, the community project management and implementation committee may also procure goods, works or non-consultancy services through a competitive process within market prices.
- d) The University shall be represented in the community project management and implementation committee by the head of the user department or his or her representative appointed in writing, who shall also be the secretary of the committee.
- e) The project funds transferred shall be transferred to a bank account opened in the name of the community project and which shall be operated by the following three signatories, with the secretary being a mandatory signatory:
 - i. Chairperson
 - ii. treasurer; and
 - iii. Secretary, who shall be the representative of the accounting officer.
- f) The community project management and implementation committee shall prepare monthly reports during project implementation and a final report after the completion of the project to the University.

v. Procedure for Use of the Direct Community Based Service Provider

- a) Where the University intends to use the services of a community based service providers the Vice-Chancellor shall ensure that Regulations 108 and 110 have been complied with before any award of the tender.
- b) The head of the procurement function shall prepare a request for quotation or proposal or tender to source and identify the service provider competitively.
- c) A notice shall be posted on the University's website in at least two conspicuous public places and on the notice board of the University within the community project implementation area. The notice shall include:

- i. a brief description of goods, works or non-consultancy services
 - ii. the technical specifications
 - iii. scope of work
 - iv. deadline for submission of bids
 - v. the terms and conditions of the contract
 - vi. Any other necessary information.
- d) The University may use a predetermined rates approach in which the community service providers shall ballot for the goods, works or non-consultancy services to determine the successful bidder where the goods, works or non-consultancy services are not of a complex or specialised nature.
- e) A community based service provider under paragraph shall be:
 - i. registered in Kenya
 - ii. have an office or members who are residents within the community where the community project is being implemented
 - iii. have a bank account opened in their name
 - iv. Have a physical address.
- f) The community based service provider shall prepare a monthly report during project implementation and a final report after the completion of the project to the procuring entity.
- g) For purposes of this regulation “a community based service provider” shall be composed of organized community members intending to act as a service provider or contractor for a project or its components which includes community service organizations, community based organizations or registered organized community group

4.0 INVENTORY MANAGEMENT

4.1 RECEIVING AND INSPECTION OF GOODS, WORKS AND SERVICES

The receiving and inspection of goods is an important aspect of the procurement process as it ensures compliance with the requirements and conditions of the tender awards and it is the final step of the Procurement Cycle.

Goods or services will be received based on a purchase order, service order or signed contract by ensuring that annual consolidated inventory of assets is maintained as per the annual consolidate inventory of assets.

It is at that stage that the University will ensure that the contracts or LPOs have been duly enforced by the supplier or contractor and itself, and that the deliveries correspond to the contracts terms, especially with respect to:

- a) Timing
- b) Standards and Specifications of the contracts
- c) Quantities
- d) Place
- e) Price, Value and Costs
- f) Quality.

i. Guidelines in asset management

The guidelines shall include the date of acquisition, value and life-cycle of assets and any other information deemed necessary.

- a) While managing assets and inventory, the Procurement function through the Vice-Chancellor shall:
- b) Ensure that funds are not tied up in inventory, stores and assets by procuring excessive items beyond the procuring entity's consumption capacity to avoid storage costs.
- c) Be responsible for custody, care, control and use of government inventories under him or her.
- d) Ensure that there is adequate, safe and secure storage space and facilities commensurate with the needs of the University.

- e) Be responsible for the management of inventory, stores and assets in compliance with the guidelines issued by the Authority and the National Treasury.
- f) In the event of any loss of stores, conduct an investigation to establish the cause of the losses and take appropriate action in line with the prevailing.

ii. Responsibilities of officer in charge of stores.

- a) Ensure that the store-rooms are kept clean, properly ventilated and in good condition and that the stores are well arranged and easy to access;
- b) Inspect the store-rooms regularly and report to the head of the procurement function in case of any loss, leakage, damage or deterioration;
- c) Report half-yearly in writing to the head of the procurement function of any obsolete or unserviceable stores;
- d) Examine frequently the locks of doors and fastenings of windows and ensure that the store-rooms do not remain unattended when open for any purpose and shall be solely responsible for the keys of all store-rooms and buildings and shall not delegate the duty of locking up the rooms to any unauthorized person;
- e) Apply good storage and preservation practices for all store items;
- f) Ensure damaged and expired stores for condemnation are kept separately from undamaged and unexpired stores;
- g) Ensure all stores of a highly inflammable or explosive nature are kept in a separate store-room;
- h) Ensure issues are made on first in first out basis;
- i) Ensure that stores are not allowed to expire through a lapse of the shelf life
- j) Ensure bin cards are properly kept for each item of stores and placed on or near the respective item;
- k) Be responsible for the safe custody of all empty cases, drums, tins and packing materials that may be of any value and quantity records in respect of such items are kept.

iii. Procurement and maintenance of motor vehicles, plant, equipment and related spare parts.

- a) Motor vehicles, plant, equipment and related spare parts to be procured shall be new and meet the minimum standards set.
- b) All motor vehicles, plant, equipment and related spare parts shall be procured competitively from manufacturers, authorized local or international dealers or reputable local suppliers or dealers in accordance with the Act and these Regulations.
- c) The University shall utilize its own workshop or garage to repair and maintain motor vehicles, plant or equipment.
- d) The officer in charge of transport shall prepare a maintenance report for all repairs undertaken.

iv. Maintenance of ICT equipment and related accessories.

- a) The person in charge of ICT to prepare a schedule of requirements and specifications for ICT equipment for use by the University prior to initiating procurement process with a copy to PPRA.
- b) Such items to be sourced competitively.

v. Inspection and Acceptance Committee

The University shall establish an ad hoc inspection and acceptance committee composed of a chairman and at least two other members appointed by the Vice-Chancellor on the recommendation of the procurement Officer.

The Inspection and Acceptance Committee plays a central role in the procurement process by ensuring that the goods, services or works completed are of the right quality, quantity and are delivered at the right time.

Through the Inspection and Acceptance Committee the University ensures that all goods, works and services are subject to inspection and verification as appropriate, prior to their acceptance.

The Committee will always carry all necessary verifications and tests to ensure that the goods, works and services delivered are compliant to the bidding document's specifications and to the proposal of the bidders.

Verifications may comprise of the following checks:

- a) The correct quantity has been received
- b) The goods, works or services meet the technical standards defined in the contract (installation, testing and commissioning, where necessary)
- c) The goods, works or services have been delivered or completed on time, or that any delay has been noted
- d) All required deliverables have been submitted
- e) All required manuals or documentation have been received
- f) Issue interim or completion certificates or goods received notes as appropriate and in accordance with the contract.

The inspection and acceptance committee responsible for inspecting the goods, works or services shall issue interim completion acceptance certificates or goods received notes, as appropriate and in accordance with the contract.

4.1.2 Receiving Goods

Goods or materials must be received into the Central Stores from external suppliers. Goods which are bulky that may not be received in the stores must be delivered to a relevant site. These goods/materials must be accompanied by the relevant documents relating to the particular procurement. In particular, the delivery note should indicate the order number, quantity of goods delivered, item description, point of delivery, and any other instructions.

4.1.3 Inspection of Goods

Before materials are accepted into the store, they must be inspected for quality and quantity against the order specifications and, where relevant, the sample. The Inspection and Acceptance Committee established in accordance with section 17(1) of the regulations read with Section 48 of PPADA 2015, may be required to carry out an inspection before goods are received. If goods are technical in nature, the user shall be called upon to check the technical aspect before final acceptance. In case of defects or quality shortfalls the items shall be rejected and the supplier informed to take back the same.

An ad-hoc inspection committee shall inspect goods and services immediately after delivery.

A goods-inward register shall be kept and entered daily as and when consignments arrive. The register shall provide the following information:

- a) Date and time of arrival of consignment;
- b) Consignor;
- c) Method of transport;
- d) Vehicle number;
- e) Brief description of the goods;
- f) Order/contract number.

i. Treatment of Partial Supplies

The partial delivery of supplies should be duly recorded and should permit tracking all partial deliveries and accumulated deliveries in order to manage the contract.

If the partial delivery is not envisaged in the bidding documents and contract, it will be treated as follows:

- a) Record and accept the partial supplies delivered as meeting the necessary standards and establish a prorata delivery and acceptance certificate that will lead to a prorata payment;
- b) Reject the supplies delivered on the basis of partial delivery and treat it as a breach of contract, where appropriate.

ii. Inspection and Acceptance Procedure through Low Value

Under the Low Value Procurement Method, the inspection is carried out by the Store Officer. The functions of a stores officer include; -

- a) Verify that the User has endorsed the Goods, Works or Service Received Note.
- b) Inspect, verify and ascertain that goods, works, services have been delivered to the Procuring Entity in accordance with the terms and specifications of the Purchase Requisition.
- c) Verify that the quantities delivered are consistent with the quantities indicated on Local Purchase Order and the vendor's claim.

- d) Verify whether the delivery is partial or complete.
- e) Ensure that the Procuring Entity does not receive less quantity than contracted for or receive goods, works, services that are of different specifications than was contracted for.
- f) Approve the Goods, Services, Works Received Notes.
- g) Undertake any other functions and duties as necessary to assess the acceptance of goods, works and services or as may be prescribed in Circulars issued by the PPRA.

4.2 INVENTORY CONTROL, STORES MANAGEMENT AND DISTRIBUTION

Inventory management is an extremely critical function for smooth fulfillment of orders received by the University. The objectives inventory management include preventing wastage and loss, continuing utilization of supplies, and obtaining a fair return of value upon disposal of supplies.

In order to achieve those objectives, sound inspection, testing, warehousing, and inventory practices should be applied and effective means of transferring and disposing of property should be employed.

The stores officer should amongst other things ensure that: -

- a) All stores purchased are actually received and taken on charge (labeled and registered)
- b) Arrange for occasional visits of inspection to the stores, at least twice in each calendar year by himself or by a representative in order to ensure that Storekeepers carry out their duties.
- c) That stores is not allowed to suffer deterioration from any preventable cause.
- d) That overstocking of any particular item is avoided.
- e) That adequate firefighting appliances as approved by the relevant fire authority are installed in the store premises, are maintained in good working order and are readily available for emergencies, and that watchmen and staff are instructed in their use.
- f) Safe custody of all empty cases, drums, tins and packing materials that may be of any value. Quantity records in respect of such items should be kept.
- g) Ensure that the store-rooms are kept clean, properly ventilated and in good condition and that the stores are well arranged and easy to access.

- h) Inspect the store regularly and report to the Head of the Procurement Unit any case of loss, leakage, damage or deterioration;
- i) Report half-yearly in writing to the Head of the Procurement Unit of any obsolete or unserviceable stores;
- j) Ensure materials are kept in safe custody and in good condition
- k) Ensures that issues are made from old consignments of stores before issuing new consignments. In case it is the Health Unit stores, special care should be taken to ensure that drugs are not allowed to expire through lapse of time. Such drugs should be frequently reviewed.
- l) Ensures that the stores ledger is properly kept for each item of stores

4.2.1 STORES MANAGEMENT AND STOCK CONTROL

For purposes of stock replenishment, inventories may be considered to be composed of active inventory which is that portion carried to satisfy average expected demand, and safety stock which is that portion carried for protection against stock depletion occurring when demand exceeds average expected demand, or when lead time is longer than anticipated.

In establishing active stores levels, consideration should be given to the average demand of individual items, space availability, procurement costs, and inventory carrying costs while for safety stock levels, consideration should be given to demand and lead time fluctuations, essentiality of items, and the additional costs required to achieve additional availability

The following must be considered for effective stock control:

- a) Stock Control** - This is maintenance of stocks at the appropriate levels to satisfy customer requirements at the minimum costs.
- b) Lead Time** - This is the length of time from the notification of non-availability of an item to the time the item is purchased and is in the store.
- c) Reserve (Buffer Stock)** - Extra stocks for critical items to take care of increased demand or lengthened lead time. It is calculated and specially approved.

- d) **Dues-in** - These are orders which have been placed but the deliveries have not been made.
- e) **Dues-out** - These are items which have been requisitioned for but cannot be issued because there are no stocks in the store or any other reason.
- f) **Re-order level** - This is the quantity of stock for a particular item when action to place a new order is taken.
- g) **Minimum stock level** - This is the quantity of stock below which stocks should not be allowed to fall before a new delivery is received to replenish the stocks.
- h) **Maximum stock level** - This is the highest quantity of stock which is expected to be achieved when a new delivery for replenishment of stocks is received.
- i) **Provisioning period** - This is the duration to be considered to be covered by the new order to be placed. It shall be arrived at taking into considering the average monthly issue rate (MIR) and lead time.
- j) **Contingency reserves** These are special extra stocks which may be authorized from time to time to meet such unexpected calamities as epidemics, draughts, floods and other natural disasters and specific situations for the University. These must always be maintained as approval and no issues should be made from them without a written approval by the Vice-Chancellor.

4.2.2 CATEGORIES OF STORES

a) Permanent stores

Permanent items are those items which have a long life and also are expensive. When in use they are expected to be maintained and when they become unserviceable they are also expected to have salvage value and they should be disposed of in accordance with the provisions of the PPADA 2015 and the Regulations. For the purpose of this manual permanent items are those items with a value of Ksh 5,000 plus and an expected life of over 2 years.

When permanent items are issued from the stores after they are procured and inspected and accepted by IAC the officer to who they are issued is to enter them into an office inventory, use them and take care of them up to the time of their disposal. The stores staff shall also keep a master inventory of all such items and the items shall only be written off the records on disposal.

b) Consumable Items

Consumable items are those items whose nature changes in use or are consumed and are therefore issued only once and they are not to be entered into any inventory. Such items shall include stationery, foodstuff, drugs, fuel etc.

c) Expendable items

All other items which are procured and cannot be classified as permanent or consumable shall be placed in a class of their own i.e. expendable items. The management of expendable items is similar to that of permanent items. Such items include tools, cutlery, bulbs, tube lights, rulers, staplers, lamps etc. This category of stores does not need to be controlled from the stores and therefore there is no permanent record for them in the stores.

4.2.3 MANAGEMENT OF UNIVERSITY PROPERTY UNDER EMPLOYEES CUSTODY

University employees are personally responsible for the proper use and care of University property in their custody or subject to their control. Employees using University property, whether specifically assigned to them or not, are responsible for that property. They should be diligent in caring for equipment in their possession and provide reasonable safeguards to secure it. If University property is lost, stolen, misplaced or damaged due to an employee's negligence or carelessness, may be surcharged.

4.2.4 LAYOUT AND ORGANIZATION OF STORES

The University stores should be organized for easy access to the storage and retrieval of items. The layout should facilitate the implementation of a simple item location system to properly record the identification, description and location of all stored items. The Stores should have isles and catalogues for ease

of movement and identification of material location. The stores should be well ventilated, lit and free of obstructions.

5.0 DISPOSAL OF STORES, EQUIPMENT AND OTHER ASSETS

5.1 INTRODUCTION

Disposal is a critical element of the stores, equipment and other assets management of the University. When any equipment is obsolete, its keeping through maintenance costs, storage, parking, insurance, etc., may well exceed the returns that can be derived from that piece of equipment and the investment of additional monies. Disposing is thus a function that is necessary to guarantee that public monies are not applied to useless or obsolete equipment and assets and that when stores are disposed off, they are sold at the best achievable value in the market.

5.2 DISPOSAL PROCEDURES

- a) The head of user departments shall identify obsolete and unserviceable items and capture them in the annual departmental disposal plan
- b) The user department shall submit their annual disposal plans to head of procurement within thirty days after the close of the financial year for consolidation into an annual disposal plan which shall be approved by the accounting officer.
- c) The consolidated annual disposal plan shall be submitted through the Vice-Chancellor to the Cabinet Secretary for the state department for approval.
- d) Once the consolidated disposal plan has been approved the head of the procurement function shall process the disposal through the disposal committee of the procuring entity.
- a) The Vice-Chancellor shall establish a disposal committee as and when prescribed for the purpose of disposal of obsolete, unserviceable, obsolescent or surplus stores, equipment or assets. The chairperson who shall be a head of department; The head of finance function; At least three heads of user departments, of whom one shall be the head of the user department disposing off the stores or equipment; Head of the

procurement function as secretary or his or her designate. Where necessary, the disposal committee may co-opt a relevant technical expert. The quorum for the disposal committee shall be three members including the chairperson. The functions of the disposal committee shall be:

- i. To conduct board of a survey of items for disposal.
 - ii. To verify the condition and the location of the items identified for disposal.
 - iii. To determine the current market value of the items for disposal.
 - iv. To set up a reserve price based on (c) above, where a technical advice is not required.
 - v. To verify the justification and procedure for disposal.
 - vi. To seek technical expertise where necessary to ascertain the value and the condition of the items; and
 - vii. To prepare a disposal report and submit it to accounting officer, with specific recommendations on the items to be disposed or those not to be disposed and the reasons thereof.
- e) The disposal committee shall consider the proposed items and recommend the reserve price where technical advice is not required and recommend the appropriate disposal method to the accounting officer.
- f) The Vice-Chancellor of the University shall consider and take into account the recommendations of the disposal committee and approve or reject it within fourteen days after receiving the recommendation of the disposal committee.
- g) If the accounting officer approves the recommendations of the disposal committee, the head of procurement function shall initiate the disposal process, however If an accounting officer rejects the recommendations of the disposal committee, he or she shall return the report to the disposal committee with his or her recommendations for further consideration.
- h) The disposal committee shall submit a report to the Vice-Chancellor with recommendations on the best mode of disposal. Based on the disposal committees' report the reserve price as well as prices set will be made known to the prospective bidders including a reserve price where applicable.

- i) Where there is no responsive bidder the Vice-Chancellor shall have powers based on the recommendations of disposal committee to revise the reserve price to ensure expeditious disposal of assets and set it forth in the disposal documents so as to be known by any prospective buyer of the boarded items
- j) For the disposal of a building or land, the University shall obtain the approval of the National Treasury and shall submit a disposal report after disposing of a building or land to the National Treasury
- k) The Vice-Chancellor shall prepare a quarterly report on the implementation of the annual asset disposal plan and submit it to the Cabinet Secretary.
- l) The University shall ensure that the disposal method is approved by the accounting officer.
- m) Despite the provisions of section 165(1) of the Act, an accounting officer of a procuring entity may use additional methods of disposal as may be gazetted by the Cabinet Secretary from time to time.

5.3 DISPOSAL PLAN

A disposal plan is a document that defines how a University decides when stores, equipment and other asset should be disposed off, and the activities associated with the process. The Accounting officer shall ensure that an annual disposal plan is prepared of items declared as unserviceable, surplus or obsolete, obsolescence stores, asset or equipment as set out under section 53(4) of the Act. The annual disposal plan shall be prepared by the Procurement Officer in consultation with the user department and the disposal committee.

The head or the user department shall be responsible for identifying any items which are due for disposal and where possible assemble them together. The lists of all items identified for disposal shall be submitted to the procurement Officer and shall form the basis of the annual disposal plan.

5.3.1 CONTENTS OF THE DISPOSAL PLAN

The University should design a disposal form which shall contain the following information:

- a) Item description
- b) Units quantity purchase
- c) Date purchase
- d) Unit price
- e) Total Purchase Price
- f) General condition
- g) Disposal Committee's Recommendation
- h) Estimated current price
- i) Justification for disposal
- j) lifespan of item for boarding
- k) reference number to the assets register or records of the stores
- l) envisaged disposal method
- m) time schedule
- n) an indication whether the disposal is to be managed by the procuring entity or any special agency or hired expert
- o) the cost of managing the disposal process

In addition to the above the disposal plan shall be flexible to accommodate emerging issues in the disposal process.

5.4 METHODS OF DISPOSAL

5.4.1 PUBLIC TENDER

This method should be properly approved by the Vice-Chancellor. This method of disposal can be conducted, as in the case of procurement, by open tendering. Sale by public tender shall be conducted in accordance with the rules and procedures of open tender envisaged under sections 74 to 87 of the Act. Where an accounting officer has advertised for disposal through an open tender method and has not attracted successful bidders, that accounting officer shall dispose off the items within six months through a public auction

5.4.2 PUBLIC AUCTION

This involves engaging a registered auctioneer through a competitive process to undertake disposal by sale through public auction. Where this method is engaged, the Auctioneer is given the instructions in writing which relate to the sale through public Auction. The instructions include the following: -

- i. Timeframe for sale
 - ii. Target revenue,
 - iii. Condition and location of assets
 - iv. Reserve price
 - v. End-user restrictions.
 - vi. The instruction forms a formal agreement or contract with the auctioneer and constitutes the authority for the auctioneer to undertake the sale in accordance with the Universities requirements. The approval must be done by the Vice-Chancellor.
- a) University of Kabianga shall invite bids through the publication of an announcement of auction sale inviting all potential bidders to participate in the sale. The notice period for sale by public auction method shall be a minimum of fourteen days. An auction notice shall include the following:
- i. the name, address and contact details of a procuring entity
 - ii. the nature of the disposal requirement, including the description and quantity of stores, assets and equipment
 - iii. the location and timetable for disposing of the stores, assets and equipment
 - iv. A statement of any key eligibility requirements to participate in the auction sale, such as official identification paper for individuals, company registration, cash or bank draft, evidence of qualification to dispose of the stores, assets or equipment in the context of public health and safety and environmental protection
 - v. instructions on the location and time of the auction
 - vi. The name and address of the auctioneer contracted.
- b) Bidders who provided auction deposits shall be given auction bidding numbers which they shall be stating when announcing their bids.

- c) Public auction shall be conducted professionally with all the participating bidders being given fair chances to bid up to the time the highest bidder is determined and the participating bidders shall obtain copies of the public auction list.
- d) The auctioneer shall have staff who shall keep the record of the winning bidders and shall register the second highest bidder per item or lot. The University of Kabianga shall also have its own staff who shall also keep the same record of the winning bidders and shall register the second highest bidder per item or lot.
- e) At the end of the public auction the two lists of winners shall be tallied and signed by the representatives of the auctioneer and University of Kabianga
- f) The successful bidders in the public auction shall be given a period of at least fourteen days from the date of the public auction to pay for the items and take possession of them and remove them from the University's premises.
- g) Where the successful bidder fails to meet the above requirements, the bidder shall forfeit the bid deposit and the items may be offered to the second highest bidder.

5.4.3 TRANSFER TO ANOTHER PROCUREMENT ENTITY

This method is applicable where an asset may have no use for the University but may be of value to another government entity. The Vice-Chancellor may, on the recommendation of the disposal committee, transfer assets, equipment or stores to another public entity with or without financial adjustments. The recommendation of the disposal committee shall include:

- a) A justification for the transfer of assets, equipment or stores to another procuring entity,
- b) The transferred documents shall be endorsed by the accounting officers of both the transferring procuring entity and receiving procuring entity. Both procuring entities shall maintain records of the items transferred.
- c) An accounting officer of a procuring entity that is receiving the items may pay an agreed amount of money to the transferring procuring entity or may receive the items free of charge

Other methods of disposal include the following as envisaged in the PPADA 2015:-

Destruction, dumping or burying where stores are harmful to human health such as expired food, chemicals, etc. in consultation with NEMA and Environmental Management and Coordination Act, 1999

- a) Trade- in
- b) Waste Disposal management
- c) As may be prescribed

For consumables or perishable items, the chairman of disposal committee or head of department in consultation with the Finance and Internal Audit departments shall decide on the most appropriate disposal action. All other immovable property of the University shall not be sold or otherwise be disposed off without the authority of the University Council.

Disposable items whose estimated salvage value is above Ksh.500, 000.00 will only occur after the Vice-Chancellor has approved the recommendation of the Disposal Evaluation Committee upon professional advice of the senior procurement Officer.

5.4.4 DISPOSAL DOCUMENTS AND PROCEEDINGS

- a) The University of Kabianga shall use standard asset disposal documents and formats issued by the PPADA attached in Appendix 3 and in accordance with section 70(1) of the Act.
- b) An accounting officer of a procuring entity shall ensure the disposal document prepared contains sufficient information to allow fair competition among those who may wish to submit tenders.
- c) In all asset disposal proceedings, University of Kabianga shall allow a potential bidder to inspect the disposal document prior to obtaining the document;
- d) The University of Kabianga may charge a fee for obtaining the disposal document not exceeding one thousand shillings or as may be directed by the Cabinet Secretary from time to time but shall not charge a fee where disposal document is obtained electronically;
- e) The disposal document shall set out the following:

- i. a statement of any key technical requirements;
- ii. qualification requirements and evaluation criteria;
- iii. assets or equipment with implication on public health and safety, and environmental protection;
- iv. application of a margin of preference and reservations;
- v. instructions on obtaining the disposal bidding document, including any price payable and the language of the document;
- vi. instructions on any pre-bid conference, site visits, access to stores, assets and equipment for potential bidders to assess the conditions, specifications and value;
- vii. instructions on the location
- viii. deadline for submission of bids

5.4.5 DISPOSAL TO EMPLOYEES

The University of Kabianga may dispose of unserviceable, obsolete stores, assets and equipment to an employee or a member of a board or committee where—

- (a) The time and cost required to dispose to any other person is disproportionate to the value of the unserviceable, obsolete stores and equipment to be disposed;
- (b) The employee is in possession of the stores item or equipment to be disposed and may be given the first priority to purchase the same;
- (c) Assets, stores and equipment are to be disposed of by taking into consideration the net book value or minimum acceptable price set by the technical expert under section 164(3) of the Act, where applicable, at the time of disposal based on government policy.
- d. Employees of a University of Kabianga are allowed to participate in disposal processes through public tender and auction provided the employee is not directly involved in the disposal proceeding.

6.0 CONTRACT ADMINISTRATION AND MANAGEMENT

Contract Administration involves the activities performed by the University of Kabianga after a contract has been awarded to determine how well the contractor is performing to meet the requirements of the contract.

It encompasses all dealings between the University and the contractor from the time the contract is awarded until the work has been completed and accepted or the contract terminated, payment has been made, and disputes have been resolved. As such, contract administration constitutes of a primary part of the procurement process that assures the University gets value for money, the focus here is on obtaining goods, works and services of requisite quality and on time and within the stipulated budget.

- a) The Procurement Officer shall be responsible for assisting the Vice-Chancellor to confirm that the right quality and quantity of goods, works and services have been delivered to University.
- b) The University shall publish and publicize all procurement contracts at its notice boards and websites within fourteen days after signing the contract.
- c) The University shall submit monthly reports to PPRA of all contracts awarded

6.1. COMPLEX AND SPECIALIZED CONTRACT IMPLEMENTATION TEAM

For every complex and specialized procurement contract, the Vice-Chancellor shall appoint a contract implementation team which shall include members from the procurement function, the user department, the relevant technical department and a consultant where applicable.

i. Contract review reports

- The University shall have contract management plan to provide for review meetings.

- The contract implementation team shall prepare status reports arising from periodic review meetings.

The contract implementation team shall also maintain a risk register

6.2 RESPONSIBILITIES OF CONTRACT IMPLEMENTATION TEAM

Contract administration starts with developing a clear, concise performance based statements of work to the extent possible, and preparing a contract administration plan that cost effectively measures the contractor's performance and provides documentation to pay accordingly, thus the following are the responsibilities of the contract implementation team.

- a) Monitors the performance of the contractor to ensure that all delivery or performance obligations are met or appropriate action taken by the University in the event of obligations not being met.
- b) Ensures that the contractor submits all required documentation as specified in the tendering documents, the contract and as required by law;
- c) Ensures that the University meets all its payment and other obligations on time and in accordance with the contract.
- d) Ensures that there is right quality and within the time frame, where required.
- e) Review any contract variation requests and make recommendations to the respective tender awarding authority for considerations and such reviews for variation shall be clearly justified by the technical department in writing backed by supporting evidence and submitted to the Procurement Officer for processing. The contract implementation team shall review contract variation for complex contract while the evaluation committee shall review contract variation for other contracts that are not complex.
- f) Manage handover or acceptance procedures as prescribed.
- g) Make recommendations for contract termination, where appropriate.
- h) Ensures that the contract is complete prior to closing the contract file including all handover procedures, transfers of title if need be and that the final retention payment has been made.
- i) Ensures that all contract administration records are complete, up to date, filed and archived as required.
- j) Ensures that the contractor acts in accordance with the provisions of the contract.

- k) Ensures discharge of performance guarantee where required.
- l) Besides the above functions the head of Procurement shall prepare monthly progress reports of all procurement contracts of the University and submit them to the VC and to the Authority within fourteen days after the end of every month in the format provided by the Authority

i. Advance payment and letters of credit

- a) The advance payment shall be specified in the contract
- b) shall be in the form of bank guarantee shall be on demand
- c) The bank guarantee shall not be allowed to lapse unless the contractor has done a commensurate work or has supplied goods of equivalent value to the guarantee.
- d) The contractor shall confirm in writing that the advance payment shall only be used for purposes of the contract.
- e) The University may apply for and open a letter of credit in international transactions

6.3 INTEREST ON OVERDUE AMOUNTS AND LIQUIDATED DAMAGES

This shall be deducted from invoices pending payment or performance security. Where damages are more than performance security then the contract shall be cancelled and the contractor held liable.

6.4 PERFORMANCE SECURITY

This shall be applicable for:

- a) Contracts above KShs. 5 million.
- b) Personal indemnity covers for consultants in place of performance security
- c) Notification

6.5 TERMINATION OF CONTRACT

Upon the request of the procurement management unit, the VC may approve the request for termination of contract. A contract document shall specify the grounds on which the contract may be terminated.

6.4 CONTRACT CLOSE OUT

The VC shall close out a procurement contract immediately after completion.

The close out shall involve the following: -

- a) The head of procurement shall issue a certificate to the contractor confirming delivery and acceptance of goods, works and services, where the contract is not complex and specialized.
- b) Where contract under a above is complex and specialized, the technical department will issue a certificate to the VC confirming the quality and quantity of such goods, works and services.
- c) Further guidelines for the receipt of goods, works and services shall be as prescribed.

7.0 PROFESSIONAL CODE OF ETHICS IN PROCUREMENT

Public procurement in Kenya is governed by the Public Procurement and Disposal Act (PPD Act) its attendant Regulations (PPD Regulations), Kenya Institute of Supplies Management (KISM) code of ethics, Public Officers Ethics Act, instructions issued by the Public Procurement Regulatory Authority (PPRA) and chapter six of the Constitution of Kenya (2010).

PPRA is responsible for ensuring that the procurement procedures established under the Act are complied with. The Code of Ethics is designed to help Procurement Professionals and other employees of UOK to comply with the Act as well as the Regulations and also to adopt good practices and ethical standards.

7.1 GENERAL PRINCIPLES

- a) The University shall not commence procurement proceedings without confirming that budgets will be available.
- b) The University shall ensure the use of well-prepared standard tender documents with complete information and give equal opportunity to all interested bidders.

- c) When preparing tender documents or request for proposals, the University will avoid inclusion of conditions which are unfair, discriminatory or unreasonable.
- d) The University shall ensure that its procurement achieves value for money in terms of cost, quality, quantity and timeliness of the delivered works, goods or services.
- e) Information given by the University shall to those participating in public procurement should be true, accurate and fair and never designed to mislead.
- f) The University shall ensure that all instructions to vendors are given in writing by authorized officers.

7.1.1 VICE-CHANCELLOR

- a) The VC shall ensure availability of funds to meet the commitments under procurement contracts. They must ensure that procurement bills are paid in a timely manner and avoid accumulation of pending bills.
- b) They are responsible for appointing procurement committees such as evaluation committees, inspection and acceptance committees and disposal committees.
- c) They shall allow the committees to perform their assignments without undue influence or interference from their offices or any other quarters.
- d) They are responsible for ensuring observance of the Code of Ethics by their employees.

7.1.2 EMPLOYEES OF THE UNIVERSITY

- a) All employees shall observe the Code of Ethics with commitment and shall appreciate its importance and the value and the necessity of integrity.
- b) Employees of the University shall maintain the highest standards of integrity and professionalism in their operations.
- c) All employees shall comply both with the letter and spirit of the law applicable to the public procurement system and Public Procurement Code of Ethics for Procuring Entities.

- d) All employees shall reject any procurement practice which might be deemed improper.
- e) Employees shall not solicit or accept bribes or be involved in corrupt or fraudulent practices.
- f) All employees shall be accountable for their actions in the procurement process.
- g) All employees shall not allow patronage or nepotism.
- h) All employees shall prevent theft of state revenues and assets or diversions of the same.
- i) Stores, equipment and assets bought or acquired by a procuring entity shall not be used for personal benefit.
- j) All types of conflict of interest as described in Section 43 of the Act shall be avoided.
- k) All employees in public procurement shall serve, support and cooperate with one another and also accord mutual respect and courtesy without compromising their independent and mutually distinct roles.
- l) Information received from participants in public procurement shall not be disclosed to unauthorized persons and shall not be used for personal gain.
- m) Business gifts other than items of very small value such as business diaries and calendars shall not be accepted.
- n) Only modest hospitality within the policy of the procuring entity may be accepted. However, care must be taken that such hospitality is not deemed to influence the making of any business decisions.
- o) Members of evaluation committees shall confirm availability of funds before award of any procurement contract.
- p) No employee shall knowingly lie or mislead or shall obstruct or hinder another person carrying out a duty or function or exercising a power relating to procurement in accordance with the PPADA 2015.

- q) No employee shall unduly influence or exert pressure on any member of a committee or any other employee of the University to take a particular action which favours or tends to favour a particular bidder.
- r) No employee shall open any sealed bid, including such bids as may be submitted through an electronic system and any document required to be sealed, or divulge their contents prior to the appointed time for the public opening of the bid or documents.
- s) Employees undertaking evaluation shall perform their work diligently and expeditiously, strictly applying the stated evaluation criteria, without discrimination.

7.2 OFFENCES

A public officer of a procuring entity shall not —

- a. fail to maintain procurement, inventory and asset disposal records as provided under section 68 of the Act and these Regulations
- b. vary or amend a procurement or asset disposal contract contrary to section 139 of the Act
- c. procure goods, works, or services at unreasonably inflated prices beyond the indicative market survey
- d. breach the rules on specific procurement requirements or skewed or tailored technical specifications as provided under section 60 of the Act;
- e. fail to safeguard and manage inventory, stores and assets of a procuring entity as provided under section 162 of the Act; or
- f. Inappropriately dispose of public assets without adhering to Part XIV of the Act.

7.3 SANCTIONS AND REVOCATION

A person who contravenes any provisions or the code of ethics prepared by the Authority under section 181 of the Act commits an offence and shall be liable upon conviction—

- a) if the person is a natural person, to a fine not exceeding four million or to imprisonment for a term not exceeding ten years or both
- b) if the person is a body corporate to a fine not exceeding ten million
- c) Where a person is convicted for any offence under the Act and these Regulations, the assets or resources lost may be recovered.

- d) Where a public officer or a state officer unreasonably fails to comply with specified timelines or fails to implement preference and reservation schemes or any other administrative obligation under these Regulations, that person may be subjected to disciplinary measures in accordance with the Act, these Regulations or prevailing service Regulations.

8.0 IMPLEMENTATION

Implementation of this Manual shall be vested in the office of the Vice-Chancellor and Finance Officer.

9.0 MONITORING AND EVALUATION

The University shall develop and maintain strategies and mechanisms for monitoring and evaluation of this Manual. The University shall undertake regular checks on implementation of the Manual and use the information for planning, developing and proposing areas for improvement in procurement activities.

10.0 EFFECTIVE DATE OF THE MANUAL

This Manual shall take effect from the date it is approved and will be implemented from the date of approval.

11.0 REVIEW OF THE MANUAL

The Manual shall be reviewed after every three (3) years and/or when need arises.

WKK/ek
7th September, 2021

APPENDICES

Appendix 1: Annual Procurement Plan

Procurement Plan (PP) Sample

S/N O.	ITEM/SER VICE DESCRIPTI ON	UNIT OF MEASUR E	UNI T PRI CE	RECURRE NT BUDGET Y 2019/20 20	PROC METHOD	1st QUARTER		2nd QUARTER		3rd QUARTER		4th QUARTER	
						JULY-SEPT		OCT-DEC		JAN- MARCH		APRIL- JUNE	
						QTY	T.C	QTY	T.C	QT Y	T.C	QT Y	T.C
	TOTALS			XXXXXX X			XXX X		XXX X		XXX X		XXX X

Appendix 2: Threshold Matrix

Goods	Works	Services
Maximum is the budget allocation	Maximum is the budget allocation	Maximum is the budget allocation
No Minimum or over ksh 1.5 m	No Minimum or Ksh 3m	No Minimum or ksh 4m for class B procuring entities

Appendix 3: Annual Consolidated Inventory of Assets

KENYA INSTITUTE OF SUPPLIES MANAGEMENT CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR SUPPLIES PRACTITIONERS

The need for a code of ethics and conduct

A code of conduct is necessary for the following reasons:

- i. Our work performance and standards can only be of manifestly acceptable quality and appreciable level if good rules of ethical conduct are not only obeyed but also seen in practice.
- ii. Discipline can only be instilled in our behavior through a codified procedure. The surest way of disciplining errant members of a group is through a code of rules and conduct
- iii. A group of profession can only stand the test of time, defend itself and spread its influence if its members are ethically upright and steadfast in doing the right things, at the right time, in the right place, in the right way and at the right level of performance
- iv. The overall need for a code of conduct is that it will bring respect, enhance recognition for and uphold discipline and harmony within the profession.

Principles of ethical behavior

In carrying out their duties and responsibilities appertaining to work and the profession, members of KISM shall:

- i. Be loyal to the employing organization (i.e. the employer)
- ii. Do justice to those with whom they deal with and interact •
- iii. Be faithful to their profession.
- iv. Abstain from temptations and acts that are harmful to themselves and members of the society or community.
- v. Do the right thing at the right time, in the right place, in the right way and at the right level of Performance.

Standards of procurement practice

a) Personal conduct

- i. Avoid unethical behavior (intentions or actions) that may portray you as unreliable or a person of questionable character in your relationships and communication with others
- ii. Appear respectable and professionally articulate in your approach to issues, work ethics and dealings with others
- iii. Avoid traps or situations from which you may find difficult to come out should conditions change

b) Responsibilities to the Employers

- i. Be loyal to your employer; follow lawful instructions using reasonable care and only the authority granted.
- ii. Refrain from soliciting or accepting money, loans, credits, or personal percentages and the acceptance of gifts, entertainment, favors, or services from present or prospective suppliers that might influence procurement decisions.

- iii. Avoid any private business or professional activity that would create a conflict of interest between personal interest and the interests of the employer.
- iv. In meetings where the subject of discussion includes item or items in which you have an interest you are under an obligation to declare or disclose such interest and exclude yourself from deliberations or voting in the meeting.
- v. Handle all confidential information including trade secrets belonging to the employer with due diligence and care and never disclose such information to unauthorized personnel without express permission or authority.

c) Relationships with your colleagues at work

- i. Promote positive supplier relationships through courtesy and impartiality in all phases of the purchasing cycle.
- ii. Avoid agreements or contracts that are protective and stifle competition in the supply of goods and services.
- iii. Do not reveal confidential information of a supplier to another when dealing with procurement issues; give suppliers equal opportunities.
- iv. Neither accepts gifts nor favors that will cause negative discrimination in the award of business contracts, nor accept advances that will compromise your professional integrity.

d) Respect for state laws:

- i. Know and obey state laws and regulations governing the procurement activities in your country, local authority, company or organization.
- ii. Avoid activities that are criminal in the eyes of the law of the land in the course of purchasing, handling and distribution of goods and services even if it is an instruction from your employer.

e) Responsibility to the environment:

- i. When buying practice "green purchasing" i.e. Do not purchase items or materials that you know are harmful to environment or operatives.
- ii. Emphasize safe methods of packaging distribution and use of purchased stores to prevent harming members of the community.

f) Responsibilities to the disadvantaged groups and small business:

- i. Give opportunities to the less fortunate members of the society so that they can develop business and earn a living as a way of alleviating poverty in the community.
- ii. Encourage small traders to grow by giving them an opportunity to vie for business in your organization and thus encourage competition and discourage monopoly tendencies in the supply markets.

g) Responsibilities to the profession:

- i. Defend the supplies and procurement profession at all times without fear, bias or favoring unethical behavior.
- ii. Enhance the proficiency and good standing of the procurement profession by continuous acquisition of knowledge and the highest standard of ethical behavior.
- iii. Encourage publicity of literature that promotes the improvement and growth of the profession.

h) International purchasing activities:

- Conduct international purchasing activities in accordance with the laws, customs and practices of foreign land.

- Obey international treaties, conventions, and rules of international standards when entering supply contracts for goods and services sourced abroad.

i) Intentions and appearance of unethical behavior:

- i. Dining and drinking with suppliers regularly
- ii. Fixing appointments with suppliers at odd hours in the office
- iii. Drunkenness during office hours and in public.
- iv. Accepting lifts in suppliers' cars.
- v. Being dis-respective to colleagues, employer and members of the public.

1.2 PUBLIC OFFICERS' ETHICS ACT

Performance of duties, general

- i. A public officer shall, to the best of his ability, carry out his duties and ensure that the services that he provides are provided efficiently and honestly.
- ii. Professionalism

A public officer shall—

- i. Carry out his duties in a way that maintains public confidence in the integrity of his office;
- ii. To the extent appropriate to his office, seek to improve the standards of performance and level of professionalism in his organization.
- iii. Observe official working hours and not be absent without proper authorization or reasonable cause.
- iv. Maintain an appropriate standard of dress and personal hygiene
- v. Discharge any professional responsibilities in a professional manner.

Rule of law

- I. A public officer shall carry out his duties in accordance with the law.

- II. In carrying out his duties, a public officer shall not violate the rights and freedoms of any person under Part V of the Constitution.

Conflict of interest

- i. A public officer shall use his best efforts to avoid being in a position in which his personal interests conflict with his official duties.
- ii. Without limiting the generality of subsection (1), a public officer shall not hold shares or have any other interest in a corporation, partnership or other body, directly or through another person, if holding those shares or having that interest would result in the public officer's personal interests conflicting with his official duties.

1.3 THE ROLES AND RESPONSIBILITIES OF KENYA INSTITUTE OF SUPPLIES MANAGEMENT

- i. Promote ethical practices in procurement and supplies management both in the private and public sector by providing the very highest quality products and services possible, while showing leadership in this area.
- ii. Enhance integrity and professionalism among our members and stakeholders in the procurement profession by offering training in supply chain management and promoting high standards of skills
- iii. Promote and represent the profession of purchasing and supply management through active involvement in the various forums impacting on procurement.
- iv. Develop improved methods of purchasing and supply and promote their use in all organizations' through trainings and seminars
- v. Promote and develop the value of membership of the Institute in-order to increase individual and corporate membership levels.
- vi. Offer a forum on which supplies management profession can meet, share, experiences and discuss issues affecting the profession in practice
- vii. Encourage publication of supplies management literature in the region and thus promote awareness and learning in this field.
- viii. Offer consultancy services to client organizations ix. Encourage training for those interested in the profession and certify members who qualify

through a well-designed program of study and recognizable experiences and contribute to the profession

Appendix 4: Disposal plan

ANNUAL ASSET DISPOSAL PLAN

Financial Year:

University of Kabianga:

NO	Item Description	Qty	Unit of Issue	Date of	Purchase Price	Estimated current value	Justification for disposal	Item Life span	Ref. No to the asset register	Disposal Method	Cost of managing disposal	Dates for completing key disposal activities										
												Disposal Initiation	Bid Documents	Invitation To	Bid Opening/	Accounting officer	Award / Letter of	Notification of	Contract Signed	Disposal	Notice to PPRA (if	Disposal to
1.																						
2.																						
3.																						
4.																						
5.																						
6.																						
7.																						
8.																						
9.																						
10.																						
11.																						

Prepared by: Head of Procurement: Sign..... Date.....

Approved by: Accounting Officer: Sign..... Date.....

Appendix 5: Threshold Matrix

Procurement Method	Maximum or minimum level of expenditure allowed for the use of a particular procurement method			Segregation of duties for different officers and committees in the procurement cycle under section 45 of Part V of the Act			
	Goods	Works	Services	Person responsible for procurement initiation	Body responsible for the awarding the contract	Person responsible for signing the Contract	Verification of receipt of goods, services or works 150/151 where applicable
International Open tender	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement	Head of the User Department in consultation with accounting officer	Accounting Officer	Accounting Officer	Accounting officer or his or her appointee in writing

International Open tender	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement.	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement	Head of the User Department in consultation with accounting officer	Accounting Officer	Accounting Officer Accounting officer or his or her appointee in writing	
National Open tender	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement	Head of the User Department in consultation with accounting officer	Accounting Officer	Accounting Officer his or her appointee.	
Restricted tender under	No minimum. Maximum level of expenditure shall be determined by	No minimum. Maximum level of expenditure shall be determined by	No minimum. Maximum level of expenditure	Head of the User Department in consultation	Accounting Officer	Accounting Officer or his or her	

	the funds allocated in the budget for the particular procurement.	the funds allocated in the budget for the particular procurement.	re shall be determined by the funds allocated in the budget for the particular procurement	n with accounting officer		appointee in writing	
Restricted tender under	The Maximum level of expenditure shall be KES. 30,000,000 above this threshold use open tender						
		The Maximum level of expenditure shall be KES. 30,000,000 above this threshold use open tender	The Maximum level of expenditure shall be KES. 20,000,000 above this threshold use open tender	Head of the User Department in consultation with accounting officer	Accounting Officer	Accounting Officer	Accounting officer or his or her appointee in writing
	No minimum	No minimum	No minimum				
Request for proposals	No minimum. Maximum level of expenditure	No minimum. Maximum level of expenditure	No minimum. Maximum	Head of the User Department	Accounting Officer	Accounting Officer	Accounting officer

	shall be determined by the funds allocated in the budget for the particular procurement	shall be determined by the funds allocated in the budget for the particular procurement	level of expenditure shall be determined by the funds allocated in the budget for the particular procurement	t in consultation with accounting officer			or his or her appointee in writing
Direct Procurement under	No minimum or maximum expenditure under this method provided the conditions under this section are met	No minimum or maximum expenditure under this method provided the conditions under this section are met	No minimum or maximum expenditure under this method provided the conditions under this section are met	Head of the User Department in consultation with accounting officer	Accounting Officer	Accounting Officer	Accounting officer or his or her appointee in writing
Request for quotation s)	Maximum level of expenditure under this method is KES. 3,000,000 per request for quotation	Maximum level of expenditure under this method is KES. 5,000,000 per request for quotation	Maximum level of expenditure under this method is KES. 3,000,000	Head of the User Department in consultation with accounting officer	Accounting Officer or delegate person in writing by the Accounti	Accounting Officer or delegated person in	Accounting officer or his or her appointee in writing

			per request for quotation		ng officer	writing by the Accounting officer	
Low value procurement(s)	Maximum level of expenditure under this method is KES. 50,000 per item per financial year	Maximum level of expenditure under this method is KES. 100,000 per item per financial year	Maximum level of expenditure under this method is KES. 50,000 per item per financial year	Head of the User Department in consultation with accounting officer	A person delegated in writing by the Accounting officer	A person delegated in writing by the Accounting officer	Accounting officer or his or her appointee in writing
	There is no minimum expenditure for the use of this method	There is no minimum expenditure for the use of this method	There is no minimum expenditure for the use of this method	There is no minimum expenditure for the use of this method			
Competitive negotiation.	No minimum or maximum expenditure under this method provided the conditions under this section are met	No minimum or maximum expenditure under this method provided the conditions under this section are met	No minimum or maximum expenditure under this method provided the conditions under this	Head of the User Department in consultation with accounting officer	Accounting Officer	Accounting Officer	Accounting officer or his or her appointee in writing

			section are met				
Electronic reverse auction	No minimum or maximum expenditure under this method provided the conditions under this section are met	No minimum or maximum expenditure under this method provided the conditions under this section are met	No minimum or maximum expenditure under this method provided the conditions under this section are met	Head of the User Department in consultation with accounting officer Accounting Officer	Accounting Officer	Accounting Officer	Accounting officer or his or her appointee in writing
Force account	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement provided the conditions under this section are met.	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement provided the conditions under this section are met.	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement provided the conditions	Head of the User Department in consultation with accounting officer	Accounting Officer	Accounting Officer	Accounting officer or his or her appointee in writing

			under this section are met				
Two stage tendering	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement provided the conditions under this section are met	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement provided the conditions under this section are met	No minimum. Maximum level of expenditure shall be determined by the funds allocated in the budget for the particular procurement provided the conditions under this section are met	Head of the User Department in consultation with accounting officer	Accounting Officer	Accounting Officer	Accounting officer or his or her appointee in writing
Design competition	No minimum or maximum expenditure under this method provided the conditions under this section are met	No minimum or maximum expenditure under this method provided the conditions under this section are met	No minimum or maximum expenditure under this method provided the conditions under this section are met	Head of the User Department in consultation with accounting officer	Accounting Officer	Accounting Officer	Accounting officer or his or her appointee in writing

			section are met				
Framework agreement	No minimum or maximum expenditure under this method provided the conditions under this section are met	No minimum or maximum expenditure under this method provided the conditions under this section are met	No minimum or maximum expenditure under this method provided the conditions under this section are met	Head of the User Department in consultation with accounting officer	Accounting Officer	Accounting Officer	Accounting officer or his or her appointee in writing
Community Participation	No Minimum Maximum Kshs 10,000.000.00	No Minimum Maximum Kshs 30,000.000.00	No Minimum Maximum Kshs 5,000.000. 00	Head of user Department in consultation with accounting officer	Accounting Officer	Accounting Officer	Accounting officer or his or her appointee in writing

Appendix 6: Annual Consolidated Inventory of Assets

INVENTORY OF ASSET ANNUAL CONSOLIDATED INVENTORY OF ASSETS

Name of Public Entity					
Location of Public Entity					
S/No	Department	Asset Description	Location/Site	Quantity/Size	Status

Prepared by:

Name:
Designation: Date.....

Approved by:

Name:
Designation: Date.....

Appendix 7: Inspection and Acceptance Certificate



UNIVERSITY OF KABIANGA
ISO 9001:2015 CERTIFIED
INSPECTION AND ACCEPTANCE COMMITTEE (IAC)
PROCUREMENT AND INSPECTION CERTIFICATE

We the undersigned, being members of the IAC appointed by the Vice-Chancellor through letter Ref: _____ dated: _____

Confirm that we have performed the assignment diligently and issued this acceptance certificate for the procurement object indicated below:
Contract Title and No.:

Date of Contract: _____

Supplier/Contractor: _____

Value of Contract: _____

Particulars of the: _____

Contract items: _____ (list as necessary) _____

Contract delivery due date: _____

Actual delivery date: _____

Procuring Entity: _____

Contract Manager: _____

Signed:

Name: _____	Signature: _____
Name: _____	Signature: _____
Name: _____	Signature: _____
Name: _____	Signature: _____
Name: _____	Signature: _____

Procurement and Asset Disposal Manual

ISO 9001:2015 Certified Institution

Appendix 8: Report on rejection form



UNIVERSITY OF KABIANGA
ISO 9001:2015 CERTIFIED

INSPECTION AND ACCEPTANCE COMMITTEE (IAC)
REPORT ON PROCUREMENT INSPECTION OF (GOODS, WORKS AND
CONSULTANCY SERVICES

We the undersigned being members of the IAC appointed by the Vice-Chancellor through letter Ref: _____ Dated: _____

Confirm that we have performed the assignment and are unable to issue an acceptance certificate due to reasons stated in the attached report for the procurement object indicated below:

Contract Name: _____

Contract Title and No.: _____

Date of Contract: _____

Supplier/Contractor: _____

Value of Contract: _____

Particulars of the contract: _____

Contract items: _____ (list as necessary) _____

Contract completion/delivery due date: _____

Actual completion/delivery date: _____

Procuring Entity: _____

Contract Manager: _____

Procurement and Asset Disposal Manual

ISO 9001:2015 Certified Institution

Appendix 9: Procurement code of ethics

1. Avoid the intent and appearance of unethical or compromising practice in relationships, actions, and communications.
2. Demonstrate loyalty to the University by diligently following all lawful instructions while using professional judgment, reasonable care, and exercising only the authority granted.
3. Conduct all purchasing activities in accordance with the laws, while remaining alert to and advising the University regarding the legal ramifications of the purchasing decisions.
4. Refrain from any private or professional activity that would create a conflict between personal interests and the interests of the University.
5. Identify and strive to eliminate participation of any individual in operational situations where a conflict of interest may be involved.
6. Never solicit or accept money, loans, credits, or prejudicial discounts, and avoid the acceptance of gifts, entertainment, favors, or services from present or potential suppliers which might influence or appear to influence purchasing decisions;
7. Promote positive supplier relationships through impartiality in all phases of the purchasing process.
8. Display the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the public being served.
9. Provide an environment where all business concerns, large or small, majority- or minority-owned, are afforded an equal opportunity to compete for University of business.
10. Enhance the proficiency and stature of the purchasing profession by adhering to the highest standards of ethical behavior.
11. Ensure full compliance with laws and regulations, by adhering to the laws of the Kenya by applying the standards inherent to PPRA.
12. Enhance the proficiency and stature of the profession, by fostering the highest standards of professional competence amongst those for whom I am responsible for while optimizing the responsible use of resources which I have influence over for the benefit of the University.

Appendix 10: Annual Procurement Plan

No	Item description	Unit	Qty	Procurement Method	Source of Funds	Estimated Cost Kshs. '000	Time Process	Invite/Advertise Tender	Bid opening	Bid evaluation	Tender award	Notification of Award	Contract Signing	Total time to contract signature	Date for completion of con
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1.							Planned Days								
							actual Days								
							Variance								
2.							Planned Days								
							actual Days								
							Variance								
3.															
4.															
	TOTAL														

Prepared by:

Head of the Procurement Function: Sign Date

Countersigned by:

Accounting Officer: Sign..... Date.....

Approved by:

Council: SignDate

Guidance Notes on Preparing the Procurement Plan as per Column

1. Represents a number at the University's discretion.
2. Description of the goods being procured. This should be comprehensive but not go to the level of specifications.
3. Unit of purchase or issue.
4. Quantity should be expressed in universally acceptable terms, for instance, number (No.), kilograms (Kg), tones, etc.
5. Procurement method –the methods are limited to only open tender, direct, restricted, request for quotation, low value, community participation, design competition, electronic reverse auction, force account, competitive negotiations and request for proposals.
6. Source of funds –could either be from the Government of Kenya or a donor.
7. Estimated cost –represents the total cost at which the goods are estimated to be procured. The cost should be established through market surveys.
8. Time process –represents the planned dates for execution of the various activities, planned days those activities are expected to take and actual dates taken in each specified activity. The variance should be filled after the activities are concluded (variance = planned days –actual days).
9. Invite/advertise tender –this is the date when tenders are advertised in the newspapers or when bidders are invited to collect tender documents under the restricted procurement method.
10. Tender opening –this is the date when tender documents are opened.
11. Tender evaluation –is the process used to identify the most preferred bidder technically and financially. This process should not take more than 30 calendar days.

12. Accounting officer approval to award –this is the date that the accounting officer awards the subject procurement.
13. Notification of award –this is the date that notification of award letter is sent to the preferred bidder.
14. Signing of contract –this is the date on which the contract is signed between the PE and the supplier/contractor.
15. Total time to contract signature –this is the number of days taken between issuance on notification of award and signing of the contract.
16. Time for completion of contract –this is the time in days to be taken before the contract is completed.

Appendix 11: Request for Quotation

REQUEST FOR QUOTATION

UNIVERSITY OF KABIANGA

UOK/F/PRO/006

REQUEST FOR QUOTATION

From: University of Kabianga
Procurement Department.

P.O.Box 2030-20200, Kericho.
Tel: 020-2688419 Fax: 051-8003970.

Email:
quotations@kabianga.ac.ke/purchasing@kabianga.ac.ke

To Dispatch date: signed and stamped by the HOD

Supplier's Name and Address.....

Quotation No.....

You are invited to submit quotation on material/service listed below:

- Note:
- a) **THIS IS NOT AN ORDER.** Read the conditions and instructions on the reverse before quoting
 - b) This quotation should be submitted by: (Date) at(time)
 - c) Your quotation should include all costs to undertake the assignment and taxes.
 - d) Return one copy and retain the other for your record.

CODE NO	ITEM DESCRIPTION	Unit of measure	QTY REQ	UNIT PRICE (KSH)	Total price (Unit price x Qty)	DAYS TO DELIVER	COUNTRY OF ORIGIN	REMARK
1.								
2.								
3.								
4.								
5.								
6.								
7.								

FOR OFFICIAL USE

Supplier's Name Signature& stamp.....

Opened by.....Designation.....Date.....

Checkedby.....Designation.....Date.....Time.....

CONDITIONS

1. The general conditions of contract with the government of Kenya apply to this transaction. This form properly submitted constitutes the entire agreement
2. The offer shall remain firm for 30 days from the closing date unless otherwise stipulated by the seller.

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3. The buyer shall not be bound to accept the lowest or any other offer, and reserves the right to accept the offer after evaluating the eligibility and technical specifications .
4. Samples of offer when required will be provided free and if not destroyed during tests will be returned at the seller's expense.

INSTRUCTIONS

1. All entries must be typed or written ink. Mistakes must not be erased but should be crossed out and correction be made initialed by the person signing the quotation
2. Quote on each item separately, and in units as specified.
3. This form must be signed by a competent person and preferably it should also be rubber stamped
4. Each quotation should be submitted separately in a sealed envelope with the quotation number endorsed on the out side. Descriptive literature or samples of the items offered may be forwarded with the quotation.
5. If you do not wish to quote, please endorse the reason of this form and return it, otherwise your name may be deleted from the buyer's mailing list for the items listed hereon

Appendix 12: Summary of procurement proceedings

	Procurement Stage	Indicators		Information on Indicators (fill as appropriate)	
1.	Invitation and Tender opening	Tender Invitation/advertisement date			
		Tender closing/opening date			
		Number of bidding document issued			
		Number of bids received			
		Names of tender opening committee members			
		Number of bidders present			
2.	Tender evaluation	Evaluation committee	Names of the tender evaluation committee members		
			Specify consultants/ external experts involved in evaluation if any	Name	
				Profession	
				Organization	
		Number of bids evaluated			
		An extract of the evaluation criteria*			
		Number of bids passed preliminary evaluation stage			
		Number of bids passed technical			

		evaluation stage	
		Name of the recommended/successful bidder and the price	
		Date evaluation was concluded	
		Date evaluation report was forwarded/submitted to the head of procurement function	
3.	procurement professional opinion	Date the professional opinion was issued	
4.	Tender Award	Date of approval / rejection of the award	
5.	Notification of award	Date the notification to award a tender was sent out	
6.	Contract execution	Date the contract was signed	

Prepared by: Head of Procurement Function: SignDate.....

Appendix 13: Professional Opinion

PART A –BASIC INFORMATION	
1.	Name of Procuring Entity
2.	Item Description:.....
3.	Tender No.:
4.	Date Tenders Invited:.....
5.	Date Tenders Opened:.....
6.	Members of Tender Opening Committee and Bidders Present (Annex list, if many)
7.	No. of Tenderers Issued with Tenders Documents (where applicable).....
8.	No. of Bids received:.....
9.	Method of Procurement Applied/used (specify provision of law):.....
10.	Names of Appointed Evaluation Committee Members (specify names, designation, section/org, memo/Letter reference number and date)-annex appointment letter
PART B –LEGAL & PRACTICAL ASPECTS OF THE TENDER	
1.	A brief background statement of the procurement/asset disposal proceeding from planning to tender evaluation.
2.	State whether due diligence was conducted on the successful bidder (if applicable) and give brief statement of the outcome thereof

3.	State whether the award is appropriate for the method of procurement/asset disposal applied citing specific provision of law and tender document			
4.	State whether the recommended price for standard goods, services and works are within the indicative market prices;			
5.	State how evaluation criteria set forth in tender document was applied and whether or not the Tender Evaluation Committee members adhered to the law in bid evaluation			
6.	Confirm if adequate funds are set aside (budgeted) for the procurement/asset disposal.			
PART C –RECOMMENDATION TO ACCOUNTING OFFICER FOR APPROVAL/ REJECTION				
1.	Give opinion whether procurement law and practice was applied in the proceeding leading to the recommendation of the evaluation committee and whether or not Accounting Officer may consider approval/rejection of the recommendations of the evaluation report.			
2.	Where the recommended bid price is in excess of available budget state:- (a)where applicable, if change of scope would/would not materially alter the substance of the tender and would be consistent with the provisions of the tender documents; (b)whether there is need to result to use competitive negotiations			
3.	Any other relevant information			
4.	Name of Procurement Professional	Designation	Signature	Date

Appendix 14: Registration of disadvantaged group

REGISTRATION OF DISADVANTAGED GROUP

REGISTRATION FORM FOR ENTERPRISES OWNED BY WOMEN, YOUTH
AND PERSONS WITH DISABILITY TO SUPPLY GOODS, WORKS AND SERVICES TO THE
UNIVERSITY OF KABIANGA

ACCESS TO GOVERNMENT PROCUREMENT OPPORTUNITIES (AGPO)

The registration of suppliers is aimed at building a profile for each supplier regarding information on general particulars of the company. You are advised that it is a serious offence to give false information on this form.

PART I: DETAILS OF THE APPLICANT

1. Name of Applicant
2. Physical Address
3. Postal Address:
4. Postal Code:
5. E-mail:
6. Mobile Phone No.
7. Are you applying for youth, women or persons with disabilities?
.....
8. Contact Person.....

Overview of the Enterprise

Type of ownership (please tick one)[	[Sole Proprietor][Partnership] Limited Company][Others Specify]		
Number of employees	[0-5][6-25][26-49]50-59][100-250]		
Initial Investment (Ksh)			
Total annual sales for the previous year (turn over KES)			
Experience in the sector in years			
Ownership Details: 1(a) Sole proprietor or name of registered business, where applicable			
Name in Full	Age		
Identity/Passport No			
1(b). Partnership Details			
Name	Nationality	ID/Passport No	% Shares
1(c). Registered Company			
State the nominal and issued capital of the company			
Nominal Ksh..... Issued			

Ksh.....			
Directors' Details			
Name	Nationality	ID/Passport No.	% Shares
Bank Account Name:			
2. Branch of the Bank:			
3. Bank Account Number:			
4. VAT Registration Number:			
5. IFMIS Number, where applicable:.....			
6. Type of business: SECTOR (TICK ONE)			
AGRIBUSINESS	TRADE	HOSPITALITY & ENTERTAINMENT	
MANUFACTURING	SERVICES	ICT	
CONSTRUCTION	OTHERS	SPECIFY	
Title:			
Signature: Date.....			

PART 12: LIST OF ATTACHMENTS

The following attachments are essential for appraisal and you are required to ensure that they are all attached, failure to which your application may be rejected:

1. Copy of certificate of incorporation/registration;
2. PIN Certificate;

3. VAT Registration Certificate;
4. Valid Tax Compliance/ Exemption Certificate;
5. Original Bank Statement/Bank reference of not more than three months from date of applying;
6. Copy of certificate of registration with relevant regulatory bodies (for persons with disabilities registration with National Council for Persons with Disability);
7. Business/Company profile;
8. Evidence of having paid then on-refundable fee for the Application Form;
9. Copies of Annual Return Forms, filed by Limited Companies, the Business Names for business names (sole trader and partnerships), and a stamped receipt which bears the Accounts Stamp from the Registrar of Companies/Societies; CR12; Partnership Deed;
10. Certificate of Registration in a target group issued by the National Treasury;
11. National IDs/ Passports.