



TENDER NOTICE

SUPPLY AND DELIVERY OF COMPRESSED MEDICAL OXYGEN CYLINDERS

Amref Health Africa in Kenya

TENDER NO. AMREF 19/11/2021/019

LOT NUMBER ONE (1)

Table of Contents

PART A: TECHNICAL REQUIREMENTS	3
SECTION 1: Invitation to Tender.....	3
SECTION 2: Instructions to Tenderers.....	4
SECTION 3: Eligibility Requirements and Technical Specifications.....	6
SECTION 4: Confidential Business Questionnaire.....	10
SECTION 5: Tender security form	11
SECTION 6: Manufacturer's Authorization Form	12
SECTION 7 References.....	13
SECTION 8 Delivery schedule of goods.....	14
PART B: FINANCIAL REQUIREMENTS.....	15
SECTION 1 Price schedule	15
SECTION 2 Delivery leadtime	15
DECLARATION	16
DELIVERY COMMITMENT FORM	17
ANNEX 1 Evaluation Criteria.....	18
ANNEX 2 Stages of Tender and Evaluation Criteria.....	19

PART A: TECHNICAL REQUIREMENTS

SECTION 1: Invitation to Tender

1. Amref Health Africa invites sealed bids from eligible candidates for supply and delivery of compressed medical oxygen cylinders in lots as listed below;

LOT NO.	ITEM DESCRIPTION	QUANTITY	UNIT OF MEASURE
1	Supply and delivery of refillable compressed medical oxygen cylinders (8,500 L) (detailed specifications in the tender document)	12,372	Cylinders
2	Supply and delivery of refillable compressed medical oxygen cylinders (3,400L) (detailed specifications in the tender document)	6,186	Cylinders
3	Supply and delivery of refillable compressed medical oxygen cylinders (1,360L) (detailed specifications in the tender document)	2,062	Cylinders

2. **This tender document is only for Lot Number One (1).**
3. Interested eligible bidders may obtain further information from the **Amref Health Africa website** www.amref.org
4. Complete sets of tender documents can be downloaded from Amref Health Africa website; <http://amref.org/ways-to-give/tenders/> by interested bidders upon payment of non-refundable fee of Ksh.2,000**PER LOT**. The payment should be made through the following Bank account(s): **Kenya Commercial Bank, Kipande House Branch, Account No: 1111429243 OR National Bank of Kenya, Wilson Branch, Account No: 01020058235400.**
5. Candidates will then attach the original banking/deposit slip to the tender documents as proof of purchase. Candidates interested in buying both lots **Must** pay for the lots separately and attach the original banking/deposit slips respectively.
6. Completed tender documents for preliminary and technical requirements are to be enclosed in a plain envelope (**each LOT in a separate envelope**) marked with the tender reference number and tender name. **The financial bid MUST be in a separate envelope marked with the tender reference number, tender name, vendors name and vendors contact details. The financial bid will only be opened for those bidders who will have qualified in the technical evaluation). Please note that only one complete tender document per lot is required (Do not provide additional copies per lot).**
7. Tenders must be delivered to the address below not later than **Friday 3rd December 2021 at 12.00 noon** and must be accompanied by a tender security of **Kshs 12,292,819.00** in the Currency specified in the tender document in the form of a bank guarantee from a reputable bank and must be delivered with the Tender Documents in the technical bid, **(bid bonds from insurance companies will NOT be accepted)**. The tender security validity period from date of closing tender should also be indicated.
8. Tenders should be dropped at the **Amref Health Africa-KCO Big Tender Box** at the **Main Reception**. Tenders will be opened at 12 noon on the closing date in the presence of the Tenderers' representatives who choose to attend at the Amref Health Africa Large Lecture room.

Electronic bidding will not be permitted. **No bids will be accepted after 12 noon on the closing day.**

9. Prices quoted should be inclusive of VAT and all other applicable taxes and must be in Kenya Shillings and shall remain valid for 90 days from the closing date of the tender. The prices in your financial quotation should be broken down as follows: (Do not key in your financial quotation in this section)
- (i) Unit price
 - (ii) 16% VAT
 - (iii) Other applicable taxes
 - (iv) Transport Cost
 - (v) TOTAL Cost

NOTE: Global Fund grants are tax exempt. Bidders will be required to submit quotations inclusive of 16% VAT. Payment(s) to the successful bidder(s) shall be made in total exclusive of VAT and tax exemption certificate will be issued accordingly. Successful applicants shall be required to submit proforma invoice and valid tax compliance certificate upon receipt of LPO for processing of specific VAT exemption certificate.

SECTION 2: Instructions to Tenderers

2.1 Eligible Tenderers.

- 2.1.1 This Invitation for Tender is open to all eligible tenderers.
- 2.1.2 Tenderers shall not be under a declaration of ineligibility for corrupt or fraudulent practices.

2.2 Cost of tendering.

- 2.2.1 The tenderer shall bear all costs associated with the preparation and submission of its bid. Amref Health Africa or its agents, will under no circumstance be responsible or liable for those costs regardless of the conduct or outcome of the tendering process.

2.3 Specific Instructions

- 2.3.1 Bidders must quote for all items and quantities as indicated per Lot in order to qualify for evaluation.
- 2.3.2 The final bound tender document must be serially paginated (All pages in the document from top page (immediately after top cover) to the last page (one before back cover) including table of content, separators, brochures, bank deposit slip and any other attachments) in a continuous ascending order from the first page to the last in this format; 1,2,3.....n where n is the last page.
- 2.3.3 Bids will be evaluated on a Lot by Lot basis.

2.4 Amendment of documents

- 2.4.1 At any time prior to the deadline for submission of tenders, Amref Health Africa for any reasons, whether at its initiative or in response to a clarification requested by a prospective tenderer, may modify the tender documents by amendments.
- 2.4.2 All prospective candidates that have received the tender documents will be notified of the amendment in writing or by post and will be binding on them.
- 2.4.3 In order to allow prospective tenderers reasonable time in which to take the amendment into account in preparing their tenders, Amref Health Africa at its discretion may extend the deadline for the submission of tenders.

2.5 Tender Prices and Currencies

- 2.5.1 The tenderer shall indicate on the appropriate Price Schedule, the unit prices inclusive of all taxes and the total tender price of the items proposed to be purchased under the contract.
- 2.5.2 Prices quoted by the tenderer shall be fixed during the tender validity period and not subjected to variation on any account. A tender submitted with an adjustable price quotation will be treated as non-responsive and will be rejected.
- 2.5.3 The price quoted shall be in Kenya Shillings.

2.6 Validity of Tenders

- 2.6.1 Tenders shall remain valid for 90 days after date of tender opening prescribed by Amref Health Africa, pursuant to paragraph 2.10. Tender valid for a shorter period shall be rejected by Amref Health Africa as non-responsive.
- 2.6.2 In exceptional circumstances, Amref Health Africa may solicit the tenderers consent to an extension of the period of validity. The request and the responses thereto shall be made in writing. The tenderer may refuse the request. A tenderer granting the request will not be required nor permitted to modify its tender.

2.7 Sealing and Marking of tenders

- 2.7.1 The tenderer shall seal the tender and mark it with the number and name of the tender and **“DO NOT OPEN BEFORE 12 noon on Friday 3rd December 2021”**

2.8 Deadline for Submission of Tenders

- 2.8.1 Tenders must be received by Amref Health Africa at the address specified not later than **12 noon, on Friday 3rd December 2021.**

2.9 Modification of Tenders

- 2.9.1 The tenderer may modify or withdraw its tender after the tender’s submission provided that written notice of the modification, including substitution of withdrawal of the tenders, is received by Amref Health Africa prior to the deadline prescribed for submission of tenders.
- 2.9.2 The tenderer modification or withdrawal notice shall be prepared, sealed, marked, and dispatched in accordance with the provisions of paragraph 2.10:1. A withdrawal notice may be sent by email but followed by a signed confirmation copy, postmarked no later than the deadline for submission of tender
- 2.9.3 No tenderer may be contacted after the deadline for submission of tenders.

2.10 Withdrawals of tender

- 2.10.1 No tender may be withdrawn in the interval between the deadline for submission of tenders and the expiration of the period of tender validity specified by the tenderer.
- 2.10.2 A bidder who withdraws its tender after the deadline for submission will forfeit its bid security deposit

2.11 Opening of tenders

- 2.11.1 Amref Health Africa will open all tenders in the presence of tenderers’ representatives who choose to attend at **12 noon, on Friday 3rd December 2021.** and in the location specified in the tender. The tenderers or representatives who are present shall sign a register evidencing their attendance.
- 2.11.2 The tenderers’ names, tender modifications or withdrawals, and the presence or absence of requisite tender security and such other details as Amref Health Africa, at its discretion may consider appropriate, will be announced at the opening.
- 2.11.3 Amref Health Africa will prepare a tender opening report.

2.12 Clarification of tenders

- 2.12.1 To assist in the examination, evaluation and comparison of tenders Amref Health Africa, at its discretion, may ask the tenderer for a clarification of its tender. The request for clarification and the response shall be in writing, and no change in the prices or Substance of the tender shall be sought, offered, or permitted.

- 2.12:2 Any effort by the tenderer to influence Amref Health Africa in the tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderers' tender.

2.13 Evaluation and Comparison of tenders

- 2.13:1 Amref Health Africa will examine the tenders to determine whether they are complete, whether any computation errors have been made, whether required securities/tender purchase have been furnished, whether documents have been properly signed and whether the tenders are generally in order. After examination a tender that will be determined to be substantially non-responsive, will be rejected by Amref Health Africa.
- 2.13:2 Amref Health Africa will evaluate and compare the tenders, which have been determined to be substantially responsive.
- 2.13:3 Amref Health Africa will notify bidders who will be required to provide samples in good time with specific sample submission details following **finalization of the preliminary evaluation**.
- 2.13:4 Amref Health Africa will ensure that the submitted samples are catalogued accordingly and correspond to the assigned bid number(s). The tenderers should ensure that all their samples have been captured correctly.

2.14 Notification of Award

- 2.14:1 Prior to the expiration of the period of tender validity, Amref Health Africa will notify the successful tenderer in writing that the tender has been accepted.
- 2.14:2 Simultaneously the other tenderers shall be notified that their tenders have been unsuccessful.

2.15 Appeal Period

- 2.15:1 Any vendor/service provider who wishes to appeal against the outcome of the tender shall do so in writing within 3 days of the date of the notification/regret letter. Any letter received after the third day shall not be responded to and shall be treated as null and void. Amref Health Africa shall have dispensed with this procurement.

2.16 Contacting Amref Health Africa

- 2.16:1 No tenderer shall contact Amref Health Africa on any matter relating to its tender, from the time of the tender opening to the time the contract is awarded.
- 2.16:2 Any effort by a tenderer to influence Amref Health Africa in its decisions on tender evaluation, tender evaluation committee, or contract award will result in the rejection of the tenderer's tender.

2.17 Leadtime and delivery details

- 2.17:1 The supplier should be able to deliver the items in the Lot(s) they have quoted for as specified in this tender document.
- 2.17:2 The supplier should include delivery schedule with lead times.
- 2.17:3 On arrival the supplies should be free from damage. The supplier shall be liable for all losses due to insufficient or unsuitable packing and delivery arrangements, and shall be liable for the cost of returning any unacceptable supplies.
- 2.17:4 The supplies must be free from objectionable matter and any substances that would represent a hazard to health.

SECTION 3: Eligibility Requirements and Technical Specifications

LOT 1: Supply and delivery of refillable compressed medical oxygen cylinders (8,500 L)

A: Preliminary Evaluation Criteria

Bids will be evaluated based on the below criteria.

Bids **lacking any of the documents** below will be considered as non-responsive and therefore will be eliminated at this stage.

PRELIMINARY EVALUATION OF MANDATORY REQUIREMENTS				
Mandatory Requirements				
No.	Particulars	Marks	Compliant	Non-compliant
1.	Copy of Certificate of Incorporation/Certificate of Registration	1 or 0		
2.	Copy of valid KRA Tax Compliance certificate	1 or 0		
3.	Must attach original deposit/banking slip as proof of purchase of tender documents (If applying for more than one LOT, provide specific original banking slip for each LOT)	1 or 0		
4.	Must provide a copy of Valid business Trading License relevant to this tender	1 or 0		
5.	Must provide Manufacturer's certificate (if bidding as the manufacturer) or Manufacturer's authorization certificate (if not the manufacturer)	1 or 0		
6.	Must provide tender security from a reputable bank amounting to Kshs 12,292,819.00 (Original Tender security must be attached for each Lot purchased)	1 or 0		
7.	Must submit copies of 3 audited financial reports (2017, 2018 and 2019) and each must be signed and dated by the auditor and the firms Directors	1 or 0		
8.	Must provide complete certified bank statements for 6 months (May 2021 – October 2021) (signed and stamped by the bank <u>on each and every page</u>)	1 or 0		
9.	ENSURE that all pages are sequentially paginated in the format 1, 2,3 starting with 1 on top page (<i>see details of pagination and binding on sections 2.3.2 and 2.3.3 of the tender document</i>).	1 or 0		

Note: All the above documents numbered 1 to 9 should be packaged and arranged in that order under the preliminary evaluation criteria section of the tender document.

B: Technical Evaluation Criteria

	Requirement	Max Score	Score
Description	<ul style="list-style-type: none">Refillable cylinders for compressed oxygen gas for medical use.The cylinder fitted with a primary valve stem: Bullnose type (5/8 inch BSP (F) / BS 341 valve)Cylinder fitted with valve guard.	20 or 0	
Cylinder	<table><tr><td>Material and construction</td><td>Seamless cylinders made of steel, aluminium/alloy,</td></tr></table>		
Material and construction	Seamless cylinders made of steel, aluminium/alloy,		

		carbon fibre or other composite material		
	Oxygen capacity	8500L		
	Water Capacity	46.6 - 50L		
	Nominal pressure	137-175 bar		
	Filing pressure	195 bar		
	Test Pressure	300 bar		
	Dimensions-diameter	229mm		
	Standard <ul style="list-style-type: none">• ISO 9809: Gas cylinders – Refillable seamless steel gas cylinders – Design, construction and testing• ISO 7866: Gas cylinders – Refillable seamless aluminium alloy gas cylinders – Design, construction and testing.• ISO 20703: Gas cylinders – Refillable welded aluminium-alloy cylinders – Design, construction and testing.			
Quality	ISO standard 13485 for quality management systems			
Marking	Colour coding <ul style="list-style-type: none">• Shoulder- white• Body-Black Stamped onto shoulder: <ul style="list-style-type: none">○ Nominal and test pressures○ Cylinder capacity (water litres)○ Weight (kg)○ Date of manufacture○ Serial number – GOK/ MOH/XXXXXX/2021*○ Company and country of origin *Verify on delivery Cylinders should be marked in accordance with the provisions of KEBS Standard KS 2170-1:2009 and include all items required on Precautionary label as per KEBS ISO 7225, to be in line with national regulations.			
Valve	<ul style="list-style-type: none">• Cylinder valve for Medical O₂• Inlet: 25ES ISO 11363-1• Outlet: G5/8 BS 341-3 No. 3• Valve body: Brass• Handwheel: ø65 mm"			
Warranty	5 years warranty for the cylinders, 2 years warranty for the valves.	10mks		
Maintenance & After sales	Provide a schedule for proposed maintenance; <ul style="list-style-type: none">➤ Cylinder functionality checks performed by a certified provider of service for compressed medical gases.➤ For periodic valve checks (thread checks and calibration)	10mks		

Provide proof of supply of COMPRESSED MEDICAL OXYGEN CYLINDERS in the recent past – 2018 to date (Purchase orders and/or contracts) <ul style="list-style-type: none"> • Orders below Kshs 10M - 2mks • Above Kshs 10M upto Kshs 25M- 5mks • Above Kshs. 25M - 10mks 	10mks	
Attach reference letters from at least three clients you have supplied with COMPRESSED MEDICAL OXYGEN CYLINDERS in the last three years (2018 to date)	3mks	
TOTAL SCORE	53mks	

Note: Bidders who will not score at least 45marks and above will be considered non-responsive and will not proceed to the next stage of financial evaluation.

SECTION 4: Confidential Business Questionnaire

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

PART 1- GENERAL

Business Name

Location of Business premises:

Country/Town.....

Postal Address

Code Town.....

Tel No.....

E-mail Fax

Nature of Business

Part 2 (a) – INDIVIDUALS

Your Name in full

Nationality Country of Origin

Citizenship details

PART 2 (b) – PARTNERSHIP

Name	Nationality	Citizenship Details	Shares
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1.
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2.
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3.
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PART 2 (c) – REGISTERED COMPANY

Private or Public

State the nominal and issue capital of the company.....

Nominal Ksh

Issued Ksh

Give details of all directors as follows:

Name	Nationality	Citizenship Details	Shares
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1.
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2.
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3.
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SECTION 5: Tender security form

Tender no. Amref

SUPPLY AND DELIVERY OF COMPRESSED MEDICAL OXYGEN CYLINDERS

To: Amref Health Africa

WHEREAS *[insert: **name of Tenderer**]* (hereinafter called “the Tenderer”) has submitted its tender dated *[insert: **date of tender**]* for the performance of the above-named Contract (hereinafter called “the Tender”)

KNOW ALL PERSONS by these present that WE *[insert: **name of bank**]* of *[insert: **address of bank**]* (hereinafter called “the Bank”) are bound unto *[insert: **name of Purchaser**]* (hereinafter called “the Purchaser”) in the sum of: *[insert: **amount**]*, for which payment well and truly to be made to the said Purchaser, the Bank binds itself, its successors and assigns by these presents.

Sealed with the Common Seal of the said Bank this *[insert: **number**]* day of *[insert: **month**]*, *[insert: **year**]*.

THE CONDITIONS of this obligation are the following:

1. If, after the tender submission deadline, the Tenderer
 - i. withdraws its tender during the period of tender validity specified by the Tenderer in the Tender Form, or
 - ii. does not accept the Purchaser’s corrections of arithmetic errors in accordance with the Instructions to Tenderers; or
 - iii. does not at all reply to the Purchaser’s requests for clarification
2. If the Tenderer, having been notified of the acceptance of its tender by the Purchaser during the period of tender validity
 - (a) fails or refuses to sign the Contract Agreement when required; or
 - (b) Fails or refuses to issue the performance security in accordance with the Instructions to Tenderers.

We undertake to pay to the Purchaser up to the above amount upon receipt of its first written demand, without the Purchaser having to substantiate its demand, provided that in its demand the Purchaser will note that the amount claimed by it is due it, owing to the occurrence of any one of the two above-named CONDITIONS, and specifying the occurred condition or conditions.

This guarantee will remain in full force up to and including *[insert: **the date that is 90 days after the period of tender validity**]*, and any demand in respect thereof must reach the Bank not later than the above date.

Note: A bidder who withdraws its tender after the deadline for submission will forfeit its bid security deposit

For and on behalf of the Bank

Signed: _____ Date: _____

SECTION 6: Manufacturer's Authorization Form

(Must be on Manufacturer's or Producer's letterhead)

To. Amref Health Africa,
Opposite Langata Primary School,
P.O Box 30125-00100
Nairobi, Kenya

Dear Sirs,

WHEREAS [*insert: name of the manufacturer or producer*] (hereinafter, "we" or "us") who are established and reputable manufacturers or producers of [*insert: name and/or description of the Goods requiring this authorization*] (hereinafter, "Goods") having production facilities at [*insert: address of factory*] do hereby authorize [*insert: name and address of Tenderer*] (hereinafter, the "Tenderer") to submit a tender, and subsequently negotiate and sign the Contract with you against [*insert: the specific tender name and lot number*] For supply of personal protective equipment and related items, including the above Goods produced by us.

We hereby extend our full guarantee and warranty for the above specified Goods against these tender documents.

For and on behalf of the Manufacturer or Producer

Signed: _____

Date: _____

In the capacity of [*insert: title, position, or other appropriate designation*] and duly authorize to sign this Authorization on behalf of [*insert: name of manufacturer or producer*]

NOTE: Manufacturer's Authorization must be ON LETTER HEAD and addressed to Amref Health Africa and must be specific to the tender and item and signed by an authorized signatory. - MANDATORY

SECTION 7 References

BANK REFERENCES	
BANK HOLDING MAIN ACCOUNT	
Bank name and address	
Name of account	
Account number	How long open?

COMMERCIAL REFERENCES	
Provide names and contract details of two customers who may be approached to verify your capacity to perform against similar contracts.	
INTERNATIONAL TRADE REFERENCE – CUSTOMER 1	
Name and address	
Activity	Period of relationship
Contact name	Fax no.
Telephone No.	
INTERNATIONAL TRADE REFERENCE – CUSTOMER 2	
Name and address	
Activity	Period of relationship
Contact name	Fax no.
Telephone No.	

SECTION 8 Delivery schedule of goods

LOT NO	DESCRIPTION	QTY	UNIT OF MEASURE	DELIVERY LOCATION
1	Supply and delivery of refillable compressed medical oxygen cylinders 50 L water (8,500 L) (detailed specifications in the tender document)	12,372	Cylinders	Ministry of Health, Nairobi

PART B: FINANCIAL REQUIREMENTS**PLEASE PROVIDE THIS IN A DIFFERENT ENVELOPE****SECTION 1 Price schedule**

LOT NO	TENDERERS NAME	SPECIFICATIONS	TENDER NUMBER	QTY	UNIT PRICE	VAT	TOTAL	REMARKS
1								
		TOTAL						

SECTION 2 Delivery leadtime

LOT NO	TENDERERS NAME	SPECIFICATIONS	TENDER NUMBER	QTY	DELIVERY LEAD TIME	REMARKS
1						
		TOTAL				

Note. In case of discrepancy between the unit price and total, the unit price shall prevail.

Currency	GRAND TOTAL BID PRICE	In Figures
		In Words
Bidder's Name and Address	Date	Signature and Stamp

Note: Indicate breakdown of all taxes.

DECLARATION

I/We have completed this form (s) accurately at the time of reply and it is agreed that all responses can be substantiated, if requested to do so, and that any inaccuracy in the information filled herein will lead to disqualification of the tenderer.

For and behalf of:

Name:

Date: Signature

DELIVERY COMMITMENT FORM

I/We [*insert: tenderes name*] acknowledge the delivery schedule above for the procurement of [*insert: description and the lot number*] and do hereby commit ourselves that we shall deliver these goods within [*insert: timelines*] as stipulated in this tender document.

For and behalf of:

Name:

Date: Signature

ANNEX 1 Evaluation Criteria

PART A

- A. Preliminary Evaluation
- B. Technical Evaluation
 - Documents Examination
 - Product Evaluation

PART B

- Financial Evaluation & Delivery lead time evaluation

ANNEX 2 Stages of Tender and Evaluation Criteria

A. Preliminary Evaluation

Tenderers are required to comply with the following;

- Bids will be evaluated based on the below criteria.
- Bids **lacking any of the documents** below will be considered as non-responsive and therefore will be eliminated at this stage.

PRELIMINARY EVALUATION OF MANDATORY REQUIREMENTS				
Mandatory Requirements				
No.	Particulars	Marks	Compliant	Non-compliant
1.	Copy of Certificate of Incorporation/Certificate of Registration	1 or 0		
2.	Copy of valid KRA Tax Compliance certificate	1 or 0		
3.	Must attach original deposit/banking slip as proof of purchase of tender documents (If applying for more than one LOT, provide specific original banking slip for each LOT)	1 or 0		
4.	Must provide a copy of Valid business Trading License relevant to this tender	1 or 0		
5.	Must provide Manufacturer's certificate (if bidding as the manufacturer) or Manufacturer's authorization certificate (if not the manufacturer)	1 or 0		
6.	Must provide tender security from a reputable bank amounting to Kshs 12,292,819.00 (Original Tender security must be attached for each Lot purchased)	1 or 0		
7.	Must submit copies of 3 audited financial reports (2017, 2018 and 2019) and each must be signed and dated by the auditor and the firms Directors	1 or 0		
8.	Must provide complete certified bank statements for 6 months (May 2021 – October 2021) (signed and stamped by the bank <u>on each and every page</u>)	1 or 0		
9.	ENSURE that all pages are sequentially paginated in the format 1, 2,3 starting with 1 on top page (<i>see details of pagination and binding on sections 2.3.2 and 2.3.3 of the tender document</i>).	1 or 0		

Note: All the above documents numbered 1 to 9 should be packaged and arranged in that order under the preliminary evaluation criteria section of the tender document.

B. Technical Evaluation

• Documents Examination

- ✓ Provide laboratory test report and certificate from KEBS or an equivalent to confirm the above.
- ✓ Bidders who will not meet the passmark(s) as specified will be considered non-responsive and will not proceed to the next stage(s) of evaluation.

✓ **Product Evaluation**

- ✓ The technical evaluation will involve the product evaluation (samples) according to the test report provided **KEBS or an equivalent**, packaging evaluation and labeling evaluation.
- ✓ Evaluation will be on a “Yes or No” basis.

PART B

- Financial Evaluation & Delivery lead time evaluation
 - ✓ Tenderers who are successful at preceeding stages will have their prices and delivery period compared and award recommended to the lowest evaluated responsive bid.
 - ✓ Amref reserves the right to select several suppliers for award of the lots listed as it may deem fit.