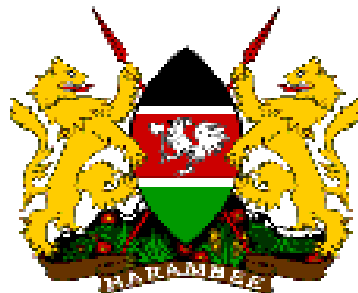


MINISTRY OF ENVIRONMENT, NATURAL RESOURCES AND REGIONAL
DEVELOPMENT AUTHORITIES



REPUBLIC OF KENYA

**MINISTRY OF ENVIRONMENT, NATURAL RESOURCES AND
REGIONAL DEVELOPMENT AUTHORITIES.**

**PROPOSAL NO: 213248 REQUEST FOR TECHNICAL AND FINANCIAL PROPOSALS
FOR CONSULTANCY SERVICES FOR THE ASSESSMENT OF HAZARDOUS WASTE
MANAGEMENT IN KENYA**

ONLINE SUBMISSION REFERENCE NO: 213248

CLOSING DATE AND TIME: 12TH FEBRUARY 2016 AT 10:00 A.M. LOCAL KENYAN TIME

**PROPOSAL NO: 213248 REQUEST FOR TECHNICAL AND FINANCIAL PROPOSALS
FOR CONSULTANCY SERVICES FOR THE ASSESSMENT OF HAZARDOUS WASTE
MANAGEMENT IN KENYA**

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INTRODUCTION

1. This Standard Request for Proposals (SRFP) has been prepared for use by public entities in Kenya in the procurement of consultancy services and selection of consultants.
2. The SRFP includes Standard form of Contract for Large Assignments which are for time based payments.
3. The General Conditions of Contract should not be modified and instead the Special Conditions of Contract should be used to reflect the unique circumstances of the particular assignment. Similarly the information to consultants should only be clarified or amended through the Appendix to information to Consultants.
4. This SRFP document shall be used where a shortlist of consultancy firms already exist or has been obtained through a shortlist after an advertisement of Expression of Interest for Consultancy required.

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TENDER NOTICE

Date: 29th January 2016

**REQUEST FOR TECHNICAL AND FINANCIAL PROPOSALS FOR CONSULTANCY
SERVICES FOR THE ASSESSMENT OF HAZARDOUS WASTE MANAGEMENT IN KENYA**

The *MINISTRY OF ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT
AUTHORITIES* now invites sealed tenders from eligible candidates for the following

	A N N U A L T E N D E R S	
REFERENCE CODE	SUPPLIES/SERVICE DESCRIPTION	REMARKS
213248	Consultancy services for the assessment of hazardous waste management in Kenya	open to all

Tender documents containing detailed terms and conditions may be inspected and obtained from the Ministry's website (www.environment.go.ke) and the IFMIS supplier portal: <https://supplier.treasury.go.ke> free of charge by all the bidders.

The Bid for the tender must be accompanied by a Bid Security of 2% of the tender sum in form of a Bankers Cheque or Bid Bond issued by a Reputable financial institution approved by the Public Procurement and Oversight Authority (PPOA) and MUST remain valid for a period of 90 days from closing date.

Completed tender documents in PDF format may then be submitted through the e -procurement web portal so as to be received not later than **10.00 A.M Friday 12th February 2016**.

Tenders will be opened/unsealed electronically immediately after closing time in the presence of bidders or their representatives who will choose to attend at the Ministry Headquarters 12th floor conference room.

HEAD SUPPLY CHAIN MANAGEMENT
FOR; PRINCIPAL SECRETARY

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HAZARDOUS WASTE MANAGEMENT IN KENYA**

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SECTION I - LETTER OF INVITATION

LETTER OF INVITATION

TO.....

Date 29th January 2016

Dear Sir/Madam,

**RE: CONSULTANCY FOR THE ASSESSMENT OF HAZARDOUS WASTE MANAGEMENT
IN KENYA**

The Ministry of Environment, Natural Resources and Regional Development Authorities (MENR& RDA) invites proposals for the above consultancy services.

Both the technical and financial proposal should be submitted through the e-procurement module of the Integrated Financial Management Information System (IFMIS) by responding using the online submission Ref **No.213248**

The online submission proposals should be addressed to the following to reach him on or before 12th February 2016 at 10.00 A.M Kenyan local time and addressed to

Principal Secretary,
Ministry Environment, Natural Resources and Regional Development Authorities
P.O. Box 30126- 00100, NAIROBI

So as to reach him on or before 12th February 2016 at 10.00 Am

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SECTION II: - INFORMATION TO CONSULTANTS (ITC)

2.1 Introduction

- 2.1.1 The MENR& RDA will select a firm among those invited to submit a proposal, in accordance with the method of selection detailed in this bid document.
- 2.1.2 The consultants are invited to submit a Technical Proposal and a Financial Proposal for consulting services required for the assignment named.
- 2.1.3 The consultants must familiarize themselves with local conditions and take them into account in preparing their proposals. To obtain first hand information on the assignment and on the local conditions, consultants are encouraged to liaise with the Client regarding any information that they may require before submitting a proposal
- 2.1.4 Please note that (i) the costs of preparing the proposal and of negotiating the Contract, including any visit to the Client are not reimbursable as a direct cost of the assignment; and (ii) the Client is not bound to accept any of the proposals submitted.
- 2.1.5 The procuring entity's employees, committee members, board members and their relative (spouse and children) are not eligible to participate.
- 2.1.6 There will be no price charged for the proposal document as they shall be accessed and downloaded free of charge from the supplier portal <https://supplier.treasury.go.ke>
- 2.1.7 The procuring entity may allow the consultants to review the proposal document free of charge before electronic access.

2.2 Clarification and Amendment of RFP Documents

- 2.2.1 Consultants may request a clarification of any of the RFP documents only up to seven [7] days before the proposal submission date. Any request for clarification must be sent in writing by

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paper mail, cable, telex, facsimile or electronic mail to the Client's address. The Client will respond by cable, telex, facsimile or electronic mail to such requests and will send written copies of the response (including an explanation of the query but without identifying the source of inquiry) to all invited consultants who intend to submit proposals.

2.2.2 At any time before the submission of proposals, the Client may for any reason, whether at his own initiative or in response to a clarification requested by an invited firm, amend the RFP. Any amendment shall be issued in writing through addenda. Addenda shall be sent by mail, cable, telex or facsimile to all invited consultants and will be binding on them. The Client may at his discretion extend the deadline for the submission of proposals.

2.3 Preparation of Technical Proposal

2.3.1 The Consultants proposal shall be written in English language

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

2.3.3 While preparing the Technical Proposal, consultants must give particular attention to the following:

- (i) If a firm considers that it does not have all the expertise for the assignment, it may obtain a full range of expertise by associating with individual consultant(s) and/or other firms or entities in a joint venture or sub-consultancy as appropriate. Consultants shall not associate with the other consultants invited for this assignment. Any firms associating in contravention of this requirement shall automatically be disqualified.
- (ii) For assignments on a staff-time basis, the estimated number of professional staff-time is given in the Appendix. The proposal shall however be based on the number of professional staff-time estimated by the firm.
- (iii) It is desirable that the majority of the key professional staff proposed be permanent employees of the firm or has an extended and stable working relationship with it.

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- (iv) Proposed professional staff must as a minimum, have the experience indicated in the TOR, preferably working under conditions similar to those prevailing in Kenya.
- (v) Alternative professional staff shall not be proposed and only one Curriculum Vitae (CV) may be submitted for each position.

2.3.4 The Technical Proposal shall provide the following information using the attached Standard Forms;

- (i) A brief description of the firm's organization and an outline of recent experience on assignments of a similar nature. For each assignment the outline should indicate *inter alia*, the profiles of the staff proposed, duration of the assignment, contract amount and firm's involvement.
- (ii) Any comments or suggestions on the Terms of Reference, a list of services and facilities to be provided by the Client.
- (iii) A description of the methodology and work plan for performing the assignment.
- (iv) The list of the proposed staff team by specialty, the tasks that would be assigned to each staff team member and their timing.
- (v) CVs recently signed by the proposed professional staff and the authorized representative submitting the proposal. Key information should include number of years working for the firm/entity and degree of responsibility held in various assignments during the last ten (10) years.
- (vi) Estimates of the total staff input (professional and support staff staff-time) needed to carry out the assignment supported by bar chart diagrams showing the time proposed for each professional staff team member.
- (vii) Any additional information requested

2.3.5 The Technical Proposal shall not include any financial information.

2.4 Preparation of Financial Proposal

2.4.1 In preparing the Financial Proposal, consultants are expected to take into account the requirements and conditions outlined in this RFP document. The Financial Proposal should follow Standard Forms (Section D). It lists all costs associated with the assignment including; (a)

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remuneration for staff (in the field and at headquarters), and; (b) reimbursable expenses such as subsistence (per diem, housing), transportation (international and local, for mobilization and demobilization), services and equipment (vehicles, office equipment, furniture, and supplies), office rent, insurance, printing of documents, surveys, and training, if it is a major component of the assignment. If appropriate these costs should be broken down by activity.

- 2.4.2 The Financial Proposal should clearly identify as a separate amount, the local taxes, duties, fees, levies and other charges imposed under the law on the consultants, the sub-consultants and their personnel
- 2.4.3 Consultants shall express the price of their services in Kenya Shillings or an easily convertible international currency.
- 2.4.4 Commissions and gratuities, if any, paid or to be paid by consultants and related to the assignment will be listed in the Financial Proposal submission Form.
- 2.4.5 The Proposal must remain valid for 90 days after the submission date. During this period, the consultant is expected to keep available, at his own cost, the professional staff proposed for the assignment. The Client will make his best effort to complete negotiations within this period. If the Client wishes to extend the validity period of the proposals, the consultants shall agree to the extension.

2.5 Submission, Receipt, and Opening of Proposals

- 2.5.1 The original proposal (Technical Proposal and, Financial Proposal; see para. 1.2) shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the firm itself. Any such corrections must be initialed by the persons or person authorized to sign the proposals.

For this proposal, the consultants shall prepare and submit one original document. Each Technical Proposal and Financial Proposal shall be marked “**ORIGINAL**”. Completed Technical and financial Proposal in PDF format may then be submitted through the e -procurement web portal using the

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online reference Number **213248** so as to be received not later than **10.00 A.M Friday 12th**

February 2016

2.5.2 The completed Technical and Financial Proposals must be delivered at the submission address on or before the time and date stated in the proposal. Any proposal received after the closing time for submission of proposals shall be returned to the respective consultant unopened.

2.5.3 After the deadline for submission of proposals, the Technical Proposal shall be opened immediately by the opening committee. The Financial Proposal shall remain sealed and deposited with a responsible officer of the client department up to the time for public opening of financial proposals.

2.6 Proposal Evaluation General

2.6.1 From the time the bids are opened to the time the Contract is awarded, if any consultant wishes to contact the Client on any matter related to his proposal, he should do so in writing at the address indicated. Any effort by the firm to influence the Client in the proposal evaluation, proposal comparison or Contract award decisions may result in the rejection of the consultant's proposal.

2.6.2 Evaluators of Technical Proposals shall have no access to the Financial Proposals until the technical evaluation is concluded.

2.6.3 The following information regarding the particulars of the proposal shall complement, supplement or amend the provisions of the Information to Consultants (ITC).

INSTRUCTIONS TO CONSULTANTS	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
	Submission of the proposal is online through the e-procurement web portal (https://supplier.treasury.go.ke) using the reference number given on the top page.

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2.1.1	Open to all consultants eligible as described in the Invitation to Tender
2.14	Not applicable.
2.18.1	<i>12th February 2016 at 10.00 AM Kenyan local time</i>
2.27.3(b)	<p><u>Mandatory Requirements/ Preliminary evaluations</u></p> <ul style="list-style-type: none"> i. Valid Registration certificate if a registered firm ii. Valid Pin Certificate iii. Valid Tax Compliance Certificate iv. Name of Directors if a limited company v. Bid security of 2% of the total financial proposal vi. Duly filled , signed and stamped technical proposal submission form vii. Duly filled ,signed and stamped financial proposal submission form viii. Duly filled signed and stamped confidential business questionnaire

2.7 Evaluation of Technical Proposal

2.7.1 The evaluation committee appointed by the Ministry shall evaluate the proposals on the basis of their responsiveness to the Terms of Reference, applying the evaluation criteria as follows

Points

- (i) Specific Technical Capacity and experience of the consultant related to the assignment (38)
- (ii) Specific Technical Capacity and experience of the Company related to the assignment (22)
- (iii) Adequacy of the proposed work plan and Methodology in responding to the terms of reference (20)
- (iv) Qualifications and competence of the key staff for the assignment (20)

Total Points 100

Each responsive proposal will be given a technical score (St). A proposal shall be rejected at this stage if it does not respond to important aspects of the Terms of Reference or if it fails to achieve the minimum

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technical score of 56.25 points out of 75 points. The total technical score will constitute 75% of the total mark. Financial bids for those who score less than 56.25 points will be returned unopened to the respective tenderers.

2.8 Public Opening and Evaluation of Financial Proposal

- 2.8.1 After Technical Proposal evaluation, the Client shall notify those consultants whose proposals did not meet the minimum qualifying mark or were considered non-responsive to the RFP and Terms of Reference, their Financial Proposals will be returned after completing the selection process. The Client will simultaneously notify the consultants who have secured the minimum qualifying mark, indicating the date and time set for opening the Financial Proposals and will be open to those consultants who choose to attend. The opening date shall not be sooner than four (4) days after the notification date. The notification may be sent by registered letter, cable, telex, facsimile or electronic mail.
- 2.8.2 The Financial Proposals shall be opened publicly in the presence of the consultants' representatives who will choose to attend. The name of the consultant, the technical. Scores and the proposed prices shall be read aloud and recorded when the Financial Proposals are opened. The Client shall prepare minutes of the public opening.
- 2.8.3 The evaluation committee will determine whether the financial proposals are complete (i.e. whether the consultant has costed all the items of the corresponding Technical Proposal and correct any computational errors. The cost of any unpriced items shall be assumed to be included in other costs in the proposal. In all cases, the total price of the Financial Proposal as submitted shall prevail.
- 2.8.4 While comparing proposal prices between local and foreign firms participating in a selection process in financial evaluation of Proposals, firms incorporated in Kenya where indigenous Kenyans own 51% or more of the share capital shall be allowed a 10% preferential bias in proposal prices. However, there shall be no such preference in the technical evaluation of the tenders. Proof of local incorporation and citizenship shall be required before the provisions of

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this sub-clause are applied. Details of such proof shall be attached by the Consultant in the financial proposal.

2.8.5 The formulae for determining the Financial Score (Sf) shall, be as follows:-

$Sf = 100 \times \frac{Fm}{F}$ where Sf is the financial score; Fm is the lowest priced financial proposal and F is the price of the proposal under consideration. Proposals will be ranked according to their combined technical (*St*) and financial (*Sf*) scores using the weights (*T*=the weight given to the Technical Proposal; *P* = the weight given to the Financial Proposal; *T + p = I*). The combined technical and financial score, S, is calculated as follows: - $S = St \times T \% + Sf \times P \%$. The firm achieving the highest combined technical and financial score will be invited for negotiations.

2.8.6 The tender evaluation committee shall evaluate the tender within 30 days from the date of opening the tender.

2.8.7 Contract price variations shall not be allowed for contracts not exceeding one year (12 months).

2.8.8 Where contract price variation is allowed, the variation shall not exceed 10% of the original contract price

2.8.9 Price variation requests shall be processed by the procuring entity within 30 days of receiving the request.

2.9 Negotiations

2.9.1 Negotiations will be held at the same address as “address to send information to the Client” indicated in this bid document. The aim is to reach agreement on all points and sign a contract.

2.9.2 Negotiations will include a discussion of the Technical Proposal, the proposed methodology (work plan), staffing and any suggestions made by the firm to improve the Terms of Reference. The Client and firm will then work out final Terms of Reference, staffing and bar charts indicating activities, staff periods in the field and in the head office, staff-months, logistics and reporting. The agreed work plan and final Terms of Reference will then be incorporated in the “Description of Services” and form part of the Contract. Special attention will be paid to getting the most the firm can offer within the available budget and to clearly defining the inputs required from the Client to ensure satisfactory implementation of the assignment.

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2.9.3 Having selected the firm on the basis of, among other things, an evaluation of proposed key professional staff, the Client expects to negotiate a contract on the basis of the experts named in the proposal. Before contract negotiations, the Client will require assurances that the experts will be actually available. The Client will not consider substitutions during contract negotiations unless both parties agree that undue delay in the selection process makes such substitution unavoidable or that such changes are critical to meet the objectives of the assignment. If this is not the case and if it is established that key staff were offered in the proposal without confirming their availability, the firm may be disqualified.

2.9.4 The negotiations will conclude with a review of the draft form of the Contract. To complete negotiations the Client and the selected firm will initial the agreed Contract. If negotiations fail, the Client will invite the firm whose proposal received the second highest score to negotiate a contract.

2.9.5 The procuring entity shall appoint a team for the purpose of the negotiations.

2.10 Award of Contract

2.10.1 The Contract will be awarded following negotiations. After negotiations are completed, the Client will promptly notify other consultants on the shortlist that they were unsuccessful and return the Financial Proposals of those consultants who did not pass the technical evaluation.

2.10.2 The selected firm is expected to commence the assignment on the date and at the location specified in the contract.

2.10.3 The parties to the contract shall have it signed within 30 days from the date of notification of contract award unless there is an administrative review request.

2.10.4 The procuring entity may at any time terminate procurement proceedings before contract award and shall not be liable to any person for the termination.

2.10.5 The procuring entity shall give prompt notice of the termination to the tenderers and on request give its reasons for termination within 14 days of receiving the request from any tenderer.

2.10.6 To qualify for contract awards, the tenderer shall have the following:

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- (a) Necessary qualifications, capability experience, services, equipment and facilities to provide what is being procured.
- (b) Legal capacity to enter into a contract for procurement
- (c) Shall not be insolvent, in receivership, bankrupt or in the process of being wound up and is not the subject of legal proceedings relating to the foregoing.
- (d) Shall not be debarred from participating in public procurement.

2.11 Confidentiality

2.11.1 Information relating to evaluation of proposals and recommendations concerning awards shall not be disclosed to the consultants who submitted the proposals or to other persons not officially concerned with the process, until the winning firm has been notified that it has been awarded the Contract.

2.12 Corrupt or fraudulent practices

2.12.1 The procuring entity requires that the consultants observe the highest standards of ethics during the selection and award of the consultancy contract and also during the performance of the assignment. The tenderer shall sign a declaration that he has not and will not be involved in corrupt or fraudulent practices.

2.12.2 The procuring entity will reject a proposal for award if it determines that the consultant recommended for award has engaged in corrupt or fraudulent practices in competing for the contract in question.

2.12.3 Further a consultant who is found to have indulged in corrupt or fraudulent practices risks being debarred from participating in public procurement in Kenya.

SECTION III: - TECHNICAL PROPOSAL

Notes on the preparation of the Technical Proposals

3.1 In preparing the technical proposals the consultant is expected to examine all terms and information included in the RFP. Failure to provide all requested information shall be at the consultants own risk and may result in rejection of the consultant's proposal.

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- 3.2 The technical proposal shall provide all required information and any necessary additional information and shall be prepared using the standard forms provided in this Section.
- 3.3 The Technical proposal shall not include any financial information unless it is allowed in the Appendix to information to the consultants or the Special Conditions of contract.

SECTION III- TECHNICAL PROPOSAL

1. TECHNICAL PROPOSAL SUBMISSION FORM

[_____ *Date*]

To the Principal Secretary
Ministry of Environment, Natural Resources and Regional Development Authorities

Ladies/Gentlemen:

We, the undersigned, offer to provide the consulting services for consultancy services for Assessment of Hazardous Waste Management in Kenya for the MENR& RDA in accordance with your Request for Proposal dated 29th January 2016 We are hereby submitting our Proposal, which includes this Technical Proposal, and a Financial Proposal

We understand you are not bound to accept any Proposal that you receive.

We remain,
Yours sincerely,

_____ *[Authorized Signature]:*

_____ *[Name and Title of Signatory]*

:

_____ *[Name of Firm]*

:

_____ *[Address:]*

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FIRM'S REFERENCES
Relevant Services Carried Out in the Last Five Years
That Best Illustrate Qualifications

Using the format below, provide information on each assignment for which your firm either individually, as a corporate entity or in association, was legally contracted.

Assignment Name:	Country
Location within Country:	Professional Staff provided by Your Firm/Entity(profiles):
Name of Client:	Clients contact person for the assignment.
Address:	No of Staff-Months; Duration of Assignment:
Start Date (Month/Year):	Completion Date Approx. Value of Services (Kshs)
	(Month/Year):
Name of Associated Consultants. If any:	No of Months of Professional Staff provided by Associated Consultants:

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Name of Senior Staff (Project Director/Coordinator, Team Leader) Involved and Functions

Performed:

Narrative Description of project:

Description of Actual Services Provided by Your Staff:

Firm's Name: _____

Name and title of signatory; _____

**3. COMMENTS AND SUGGESTIONS OF CONSULTANTS ON THE TERMS OF
REFERENCE AND ON DATA, SERVICES AND FACILITIES TO BE PROVIDED BY THE
CLIENT.**

On the Terms of Reference:

1.

2.

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3.

4.

5.

On the data, services and facilities to be provided by the Client:

1.

2.

3.

4.

14. DESCRIPTION OF THE METHODOLOGY AND WORK PLAN FOR PERFORMING THE ASSIGNMENT

TEAM COMPOSITION AND TASK ASSIGNMENTS

1. Technical/Managerial Staff

Name	Position	Task

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2. Support Staff

Name	Position	Task

6. FORMAT OF CURRICULUM VITAE (CV) FOR PROPOSED PROFESSIONAL STAFF

Proposed Position: _____

Name of Firm: _____

Name of Staff: _____

Profession: _____

Date of Birth: _____

Years with Firm: _____ Nationality: _____

Membership in Professional Societies: _____

Detailed Tasks Assigned: _____

Key Qualifications:

[Give an outline of staff member's experience and training most pertinent to tasks on assignment. Describe degree of responsibility held by staff member on relevant previous assignments and give dates and locations].

Education:

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[Summarize college/university and other specialized education of staff member, giving names of schools, dates attended and degree[s] obtained.]

Employment Record:

[Starting with present position, list in reverse order every employment held. List all positions held by staff member since graduation, giving dates, names of employing organizations, titles of positions held, and locations of assignments.]

Certification:

I, the undersigned, certify that these data correctly describe me, my qualifications, and my experience.

_____ Date: _____
[Signature of staff member]

_____ Date;

[Signature of authorized representative of the firm]

Full name of staff member: _____

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Full name of authorized representative: _____

7. TIME SCHEDULE FOR PROFESSIONAL PERSONNEL

Months (in the Form of a Bar Chart)

Name	Position	Reports Due/ Activities	Months (in the Form of a Bar Chart)												Number of months		
			1	2	3	4	5	6	7	8	9	10	11	12			

Reports Due: _____

Activities Duration: _____

Signature: _____

(Authorized representative)

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Full Name: _____

Title: _____

Address: _____

8. ACTIVITY (WORK) SCHEDULE

(a). Field Investigation and Study Items

[1st, 2nd, etc, are months from the start of assignment)

	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th	11 th	12 th	
Activity (Work)													

(b). Completion and Submission of Reports

Reports	Date
---------	------

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1. Inception Report	
4. Interim Progress Report	
3. Draft Report	
4. Final Report	
NB; Amend as necessary	

SECTION IV: - FINANCIAL PROPOSAL

Notes on preparation of Financial Proposal

- 4.1 The Financial proposal prepared by the consultant should list the costs associated with the assignment. These costs normally cover remuneration for staff, subsistence, transportation, services and equipment, printing of documents, surveys etc as may be applicable. The costs should be broken down to be clearly understood by the procuring entity.
- 4.2 The financial proposal shall be in Kenya Shillings or any other easily convertible international currency and shall take into account the tax liability and cost of insurances specified in the request for proposal.
- 4.3 The financial proposal should be prepared using the Standard forms provided in this part

SECTION IV - FINANCIAL PROPOSAL STANDARD FORMS

1. FINANCIAL PROPOSAL SUBMISSION FORM

To: _____ [Date]

[Name and address of Client]

Ladies/Gentlemen:

We, the undersigned, offer to provide the consulting services for (_____) *[Title of consulting services]* in accordance with your Request for Proposal dated (_____) *[Date]* and our Proposal. Our attached Financial Proposal is for the sum of (_____) *[Amount in words and figures]* inclusive of the taxes.

We remain,

Yours sincerely,

_____ *[Authorized Signature]*
_____ *[Name and Title of Signatory]:*
_____ *[Name of Firm]*
_____ *[Address]*

2. SUMMARY OF COSTS

Costs	Currency(ies)	Amount(s)
-------	---------------	-----------

Subtotal		
Taxes		
Total Amount of Financial Proposal		

SECTION V: - TERMS OF REFERENCE

SECTION V: - TERMS OF REFERENCE FOR CONSULTANCY ASSESSMENT OF HAZARDOUS WASTE MANAGEMENT IN KENYA

TERMS OF REFERENCE

1.0 ASSESSMENT OF HAZARDOUS WAST MANAGEMENT IN KENYA

Background

Waste is classified as being hazardous when it is explosive, oxidizing, flammable, irritant, harmful, toxic, and carcinogenic among others. The relevant property or properties are determined by testing or, where applicable, concentration-based criteria. The largest quantities of hazardous waste generated by Kenyan industries include such materials as industrial solvents, waste oils, industrial sludge and chemical wastes. Households, small businesses, farms and the healthcare and construction sectors also generate quantities of hazardous waste including batteries, electrical equipment, healthcare waste, solvent-based paint and varnish waste, cattle dip and fluorescent lamps among others.

The goal of hazardous waste assessment is to develop both best estimates of the risks to potentially exposed individuals and populations for each identified waste management sites and also estimates of the upper and lower limits of the risk range at one or more confidence levels, considering both random and systematic sources of uncertainty.

2.0 TERMS OF REFERENCE/ SCOPE OF THE PROJECT

**TENDER NO: 213248 FOR CONSULTANCY SERVICES FOR THE ASSESSMENT OF
HAZARDOUS WASTE MANAGEMENT IN KENYA**

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The Assessment of Hazardous waste management shall include but not be limited to the following:

2.1 SPECIFIC OBJECTIVES:

- A) To determine the source treatment and collection systems of hazardous waste both in formal and informal industries.
- B) To evaluate the roles of stakeholders in hazardous waste management.
- C) To determine the Collection and transportation systems of hazardous waste from source to disposal ground.
- D) To find out hazardous waste treatment facilities or final disposal.
- E) To determine the environmental transport and fate analysis of hazardous waste in Kenya.
- F) .To reviews the policies, legislations, regulations and international agreements on Hazardous waste management.
- G) To assess the funding/financing mechanism of hazardous waste in Kenya
- H) To evaluate the economic benefits of hazardous waste management in Kenya

2.2 SCOPE

- Review all the Policies, Legislations and Regulations relevant to Hazardous waste management.
- Review mitigation actions that can be undertaken to minimize adverse impacts and quantify associated cost.
- Explore alternatives methods of hazardous waste treatment that could be more cost effective and efficient in hazardous waste management.
- Assess the compliance level of industries on hazardous waste management guidelines.
- Assess the capacity of hazardous waste handlers and transporters in hazardous waste management.
- Assess the funding level or budgeting of the department handling hazardous waste management by the county government.
- Find out the current methods/technologies of hazardous waste treatment in use.
- Assess the economic benefits of hazardous waste management.

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- Carry out hazardous waste characteristics in both formal and informal sectors.
- Assess the capacity of the generators on hazardous waste treatment, handling, storage and final disposal systems.
- Review the existing training curriculum of higher learning institutions dealing with hazardous waste.

3.0 EXPECTED OUTCOME

- Identify hazardous waste management gap among the stakeholders.
- Identify the policies, Legislation and regulations deficit in hazardous waste management.
- Come up with best practices in medical waste management
- Audit hazardous waste treatment methods in Kenya
- Recommend on Treatment, Handling, Collection and transportation systems of Hazardous waste in Kenya.
- Mitigation measures on short term, medium term and long term basis for Hazardous waste management.
- Economic benefits of hazardous waste management.
- Develop a hazardous waste management plan.
- Provide guidelines for Reuse, recycle and reduction of potentially hazardous waste.

4. Conclusion

Provide a blue print on hazardous waste management in the Country that will guide the county governments.

5.0 STUDY SITE

The assessment will be carried out in all Agricultural areas, Healthcare facilities, industries, jua kali industries, solid waste disposal sites, mining sites, institutions and garages among others. The assessment will be undertaken in all the 47 counties of Kenya.

The project will target to benefit from both private and public institutions like universities, research institutes, Environmental movement organization, KeBS and Marine institutes among others organizations.

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**SAMPLE CONTRACT FOR CONSULTING
SERVICES**

**SAMPLE CONTRACT FOR CONSULTING SEVICES
TIME-BASED PAYMENTS
CONTRACT**

This Agreement [hereinafter called “the Contract”) is entered into this _____ *[Insert starting date of assignment]*, by and between _____
[Insert Client’s name] of *[or whose registered office is situated at]*
_____ *[insert Client’s address]* (hereinafter called
“the Client”) of the one part AND

_____ *[Insert Consultant’s name]* of *[or whose registered office is situated at]* _____ *[insert Consultant’s address]* (hereinafter called “the Consultant”) of the other part.

WHEREAS, the Client wishes to have the Consultant perform the Services [hereinafter referred to as “the Services”, and

WHEREAS, the Consultant is willing to perform the said Services,

NOW THEREFORE THE PARTIES hereby agree as follows:

**TENDER NO: 213248 FOR CONSULTANCY SERVICES FOR THE ASSESSMENT OF
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- 1. Services**
- (i) The Consultant shall perform the Services specified in Appendix A, “Terms of Reference and Scope of Services,” which is made an integral part of this Contract.
 - (ii) The Consultant shall provide the reports listed in Appendix B, “Consultant’s Reporting Obligations,” within the time periods listed in such Appendix and the personnel listed in Appendix C, “Cost Estimate of Services, List of Personnel and Schedule of Rates” to perform the Services.

2. Term

The Consultant shall perform the Services during the period commencing _____ *[Insert start date]* and continuing through to _____ *[Insert completion date]* or any other period(s) as may be subsequently agreed by the parties in writing.

3. . Payment

A. Ceiling
For Services rendered, the Client shall pay the Consultant an amount not to exceed _____ *[Insert amount]*. This amount has been established based on the understanding that it includes all of the Consultant’s costs and profits as well as any tax obligation that may be imposed on the Consultant.

B. Schedule of Payments

The schedule of payments is specified below

Kshs _____ upon the Client’s receipt of a an inception report prepared and signed by the Consultant;

Kshs _____ upon the Client’s receipt of the mid term draft report and draft strategy, acceptable to the Client; and

Kshs _____ upon the Client’s receipt of the draft final strategy, acceptable to the Client.

Kshs _____ upon the Client’s receipt of the endorsed final climate change strategy as well as the final consultants report.

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Kshs _____ Total

C. Payment Conditions

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

The parties shall use their best efforts to settle amicably all disputes arising out of or in connection with this Contract or its interpretation.

**4. Project
Administration**

A. Coordinator

The Client designates _____

[Insert name] as Client's Coordinator; the Coordinator shall be responsible for the coordination of activities under the Contract, for receiving and approving invoices for payment and for acceptance of the deliverables by the Client.

B. Timesheets.

During the course of their work under this Contract, including field work, the Consultant's employees providing services under this Contract may be required to complete timesheets or any other document used to identify time spent as well as expenses incurred, as instructed by the Project Coordinator.

C. Records and Accounts

The Consultant shall keep accurate and systematic records and accounts in respect of the Services which will clearly identify all charges and expenses.

The Client reserves the right to audit or to nominate a reputable accounting firm to audit the Consultant's records relating to amounts claimed under

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this Contract during its term and any extension and for a period of three months thereafter.

**5. Performance
Standard**

The Consultant undertakes to perform the Services with the highest standards of professional and ethical competence and integrity. The Consultant shall promptly replace any employees assigned under this Contract that the Client considers unsatisfactory.

6. Confidentiality

The Consultant shall not, during the term of this Contract and within two years after its expiration, disclose any proprietary or confidential information relating to the Services, this Contract or the Client's business or operations without the prior written consent of the Client.

**7. Ownership of
Material**

Any studies, reports or other material, graphic, software or otherwise prepared by the Consultant for the Client under the Contract shall belong to and remain the property of the Client. The Consultant may retain a copy of such documents and software.

**8. Consultant Not
to be Engaged
in Certain
Activities**

The Consultant agrees that during the term of this Contract and after its termination, the Consultant and any entity affiliated with the Consultant shall be disqualified from providing goods, works or services (other than the Services or any continuation thereof) for any project resulting from or closely related to the Services.

9. Insurance

The Consultant will be responsible for taking out any appropriate insurance coverage.

(iii)

10. Assignment

The Consultant shall not assign this Contract or Subcontract any portion thereof without the Client's prior written consent.

**11. Law Governing
Contract and
Language**

The Contract shall be governed by the Laws of Kenya and the language of the Contract shall be English Language.

**12. Dispute
Resolution**

Any dispute arising out of this Contract which cannot be amicably settled between the parties, shall be referred by either party to the arbitration and final decision of a person to be agreed between the parties.

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Failing agreement to concur in the appointment of an Arbitrator, the Arbitrator shall be appointed by the chairman of the Chartered Institute of Arbitrators, Kenya branch, on the request of the applying party.

FOR THE CLIENT

FOR THE CONSULTANT

Full name; _____

Full name _____

Title: _____

Title: _____

Signature; _____

Signature; _____

Date; _____

Date; _____

CONFIDENTIAL BUSINESS QUESTIONNAIRE FORM

You are requested to give the particulars indicated in Part 1 and either Part 2(a), 2(b) or 2 (c) whichever applied to your type of business You are advised that it is a serious offence to give false information on this form

<i>Part 1 – General:</i>	
Business Name	
Location of business premises.	
No.....	Plot
..... Street/Road	
..... Postal Address Tel No.	
..... Fax	E mail Nature of Business
Registration Certificate No.	
..... Maximum value of business which you can handle at any one time – Kshs.	
..... Name of your bankers	
..... Branch	
Part 2 (a) – Sole Proprietor	
Your name in full	Age
.....	• Nationality Country of
origin
• Citizenship details.....	

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	Part 2 (b) Partnership						
	Given details of partners as follows:						
	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center;">Name</td> <td style="width: 33%; text-align: center;">Nationality</td> <td style="width: 33%; text-align: center;">Citizenship Details</td> </tr> <tr> <td style="text-align: center;">Shares</td> <td></td> <td></td> </tr> </table>	Name	Nationality	Citizenship Details	Shares		
Name	Nationality	Citizenship Details					
Shares							
1.						
2.						
	Part 2 (c) – Registered Company						
	Private or Public						
	State the nominal and issued capital of company- Nominal Kshs. Issued Kshs.						
	Given details of all directors as follows						
	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center;">Name</td> <td style="width: 33%; text-align: center;">Nationality</td> <td style="width: 33%; text-align: center;">Citizenship Details</td> </tr> <tr> <td style="text-align: center;">Shares</td> <td></td> <td></td> </tr> </table>	Name	Nationality	Citizenship Details	Shares		
Name	Nationality	Citizenship Details					
Shares							
1.						
2.						
3.						
Date	Signature of Candidate						
						

●If a Kenya Citizen, indicate under “Citizenship Details” whether by Birth, Naturalization or registration.