

EGERTON



UNIVERSITY

Tel:051 2217989,2113248,Fax No.254 20 21131

www.egerton.ac.ke email:procurement@egerton.ac.ke

Nakuru Njoro

P.O Box 536-21115 Njoro ,Kenya

**REQUEST FOR EXPRESSION OF INTEREST (EOI) FOR PROCUREMENT
OF A STRATEGIC PARTNER FOR LEASING AND COMMERCIAL
UTILIZATION OF 1505 ACRES OF LAND AT NGONGONGERI FARM –
EGERTON UNIVERSITY IN NAKURU COUNTY**

EOI REFERENCE No.: EU/EOI/31/2023-2024

SUBMISSION DATE: 8TH JULY 2024

DATE: 28th June 2024

TO:

.....
.....

Dear Tenderer;

EXPRESSION OF INTEREST (EOI) FOR PROCUREMENT OF A STRATEGIC PARTNER FOR LEASING AND COMMERCIAL UTILIZATION OF 1505 ACRES OF LAND AT NGONGONGERI FARM –EGERTON UNIVERSITY IN NAKURU COUNTY

Egerton University (EU) invites Expression of Interest (EOI) from interested firms/Strategic partner(s) for leasing and commercial utilization of 1505 acres of Land at Ngongongeri Farm –Egerton University in Nakuru County.

Prospective and eligible firms are invited to express interest in Strategic partnership and leasing of the said land for Commercial Utilization as-is. General terms of site use are as below:

1. The lease period will be for Five (5) years renewable subject to satisfactory performance.
2. The successful strategic partner(s) and lessee may develop the land as per the approved developments by Egerton University which should only be for purposes of meeting the University objective of attaining food Security thus contributing to the Kenya Vision 2030
3. Eligible strategic partner(s) and lessee will be expected to provide proof of their capability and experience in dealing with similar properties. Suitable firms will be shortlisted on the basis of the written EOI submitted to EU.
4. This document contains guidelines for submission of Expressions of Interest (EOI) and can be viewed or downloaded from our website <https://www.egerton.ac.ke> or from the Public Procurement Information portal www.tenders.go.ke. Inquiries to be sent to procurement@egerton.ac.ke. All clarifications and/or amendments will be published in the above websites and participants are required to check for any addendums or amendments in the course of the bidding period prior to the closing date.
5. After evaluation of the EOI, short listed firms will be invited to submit detailed technical and financial proposal(s) (RFP) in a format to be provided.
6. Completed EOI documents shall be placed in a sealed envelope clearly marked “EOI for procurement of a strategic partner for leasing and commercial utilization of 1505 acres of

land at Ngongonger Farm –Egerton University in Nakuru County EOI Reference No. **EU/EOI/31/2023-2024**” and a warning clearly marked “DO NOT OPEN UNLESS IN THE PRESENCE OF THE TENDER OPENING COMMITTEE.”

7. The EOI addressed to the Vice Chancellor ,

Egerton University shall be deposited into the Tender Box located at the Procurement department Egerton University Njoro Campus along Njoro-Mau Narok road not later than **8TH JULY 2024 at 11.00 AM**

8. Returned EOI documents will be opened immediately thereafter in the presence of bidders and/or their representatives who choose to attend.
9. Following an evaluation of the Expressions of Interest, shortlisted Firms will be invited to submit detailed technical and financial proposal(s) (RFP) in a format to be provided.
10. Selection of a firm to be awarded the lease will be in accordance with guidelines set out in the Public Procurement and Asset Disposal Act, 2015.

EU reserves the right to accept or reject any EOI in whole or in part and is not bound to give reasons for its decision or bind itself to any supplier.

**VICE CHANCELLOR
EGERTON UNIVERSITY**

1. INTRODUCTION

Egerton University is a [public university](#) in Kenya. It is the oldest institution of higher education in Kenya. The school was founded in 1939, and was originally named Egerton Farm School. It was established by a large land grant of 740 acres (3 km²) by [Maurice Egerton, 4th Baron Egerton](#) of [Tatton](#). The school's original purpose was to prepare white European youth for careers in agriculture. By 1955, the name had changed to Egerton Agricultural College. A one-year certificate course and a two-year diploma course in Agriculture were offered. In 1958, Lord Egerton donated another 1,100 acres (4.5 km²) of land. Soon afterwards, the college opened its doors to people of all races from Kenya and other African countries.

In 1986, Egerton Agricultural College was gazette as a constituent college of the University of Nairobi. The following year, 1987, marked the establishment of Egerton University through an Act of Parliament and chartered in 2013 under the Universities Act No 42 of 2012 with its main campus in Njoro and Nakuru City Campus College.

The governance structure of Egerton University consists of the Chancellor, the University Council, the University Management board, the Senate, deans of faculties, directors of Schools, Centers and institutes, chairmen of Departments and heads of departments and sections. There are two divisions within the University; The divisions of academics affairs and the division of administration, planning and development.

The University currently has an establishment of 589 academic and 1,352 nonacademic staff serving a population of 17,928 undergraduate and 560 postgraduate students. The University graduates approximately 3000 students annually.

Egerton University contribution to the Kenya Vision 2030 includes establishment of an Agro Science and Technology Park, Dryland Research Training and Ecotourism Centre and the Rehabilitation of Njoro River. In addition, the University has set up a Centre for Capacity Building to offer short courses in agriculture, small and medium size enterprises, institutional development and business and professional leadership.

Throughout its history, Egerton University has been guided by the key principles of integrity,

continuous improvement of services and products, accessibility to the society, gender equity and rational use of resources.

Egerton University is taking significant strides towards attaining Food Security as part of Kenya Vision 2030 .The University intends to procure a strategic partner for leasing and commercial utilization of 1505 acres of land at Ngongonger Farm –Egerton University in Nakuru County.

The farm is located in Nakuru County, 4 km from Njoro town. The area is favorable for agricultural activities with optimal rainfall and the sunshine for farming. The surrounding community is intensively engaged in agriculture for a long historical period.

The farm was started with an aim of substituting the income of the University. The size of the farm is 3000 acres under utilization of mixed farming.

Having a large acreage of land, the farm enjoy a wide scope of production of greatly diversified products. For the entire production life of the farm, the farm has always been on the demand, since of the rich historical basis of agriculture by the famous Lord Egerton. This has resulted in high sales volumes both locally, nationally and internationally. Despite favorable weather conditions, the farm lies on fertile soils that are well drained and favorable land tarlaine.Soils being the main determinant of production in agriculture gives the firm a competitive advantage over the other farms. The soil is very supportive of farming activities resulting to high yield levels.

The farm organizational structure is hierarchal from the Managing director, the farm manager, assistant farm manager, department managers and the supervisors. The top positions are run by high skilled individuals with different areas of expertise. Departmentation of the farm is done under two main divisions that are, Livestock department and the crop production department. Under the livestock department, the enterprises include;sheep,dairy cows, and poultry production. There is also diversity in Crop production in the following enterprises of plantations;

There is also diversity in Crop production in the following enterprises of plantations;

- Wheat production
- Maize production
- Barley production

Main reason behind the setting up of the farm was to substitute the income to the university the requirements of the university. This is through the provision of materials to the operating units in the university. This was a decision by the management committee of the university after realizing that there was a large piece of land which could be put into an economical use. Customers. The historical performance of the farm has been impressive showing a large volume of sales and also daily increase in the number of buyers and financial supporters. The management team is always focused on the improvement of performance for each and every financial year.

The security system of the farm has been enhanced with an electric fence that surrounds the farms compound. This fence was installed to improve security.

2. FORMAT AND REQUIREMENTS FOR COMPLETION OF EXPRESSION OF INTEREST

EU will independently verify any information submitted by the bidder in this Expression of Interest (EOI)

2.1 Mandatory Requirements

A tenderer must:

- i. Copy of company's or firm's registration certificate
- ii. Certificate of Confirmation of Directors and Shareholding (C.R.12) or equivalent for registered companies or partnerships registered under the Kenyan law or equivalent certification for foreign tenderers
- iii. Copy of KRA PIN Certificate
- iv. Provide a Duly filled, signed and stamped Confidential Business Questionnaire showing directorship and shareholding,
- v. Provide a Duly filled, signed and stamped Non-debarment from participating in public procurement
- vi. Provide a Duly filled, signed and stamped Declaration not to engage in fraudulent activities
- vii. Provide a Duly filled, signed and stamped Submit a statement on your letter head that your company has not been convicted of corrupt or fraudulent practices.
- viii. Provide a Duly filled, signed and stamped Commitment to Code of Ethics
- ix. Must enclose a **certified copy** of **Valid** Tax Compliance Certificate;
- x. Certified Audited Accounts for the last 2 years or certified bank statements for the last six months
- xi. Company Profile.
- xii. Provide One original and One copy of tender document properly bound and sequentially serialized/paginated in the form of i.e. 1, 2, 3, 4....on each page including all the attachments

NOTES TO TENDERERS

Valid Tax Compliance Certificate shall be one issued by the relevant tax authorities and valid for at least up to the tender closing date. All Interested Tenderers must provide a valid Tax Compliance Certificate and Personal Identification Number Certificate (PIN Certificate).

Bids that do not meet all the mandatory requirements shall be considered non-responsive. Any bidder specifically exempted from any of the items listed above may provide written proof of the same.

2.2 Corporate Information

Bidders are expected to submit information that addresses items contained in the table below:

Particulars	Expected Information	Required Format
Experience of the company/organization	a) An adequate demonstration of experience undertakings,	a) Short narrative stating: the nature of business undertakings.
Target Market	a) What is your proposed business in relation to attainment of food Security? b) Who are your target customers?	Short Narrative
Financial Capacity	a) Who are your bankers and how can they be contacted? b) Evidence and/or Plan to access financial resources to undertake the proposed project.	Bankers Contact Details, Letter of Authority to seek references and Information on evidence of Cash, Cash equivalents and /or Credit line, financing agreements / tool.

3. EVALUATION CRITERIA

The Expression of Interest will be evaluated on their responsiveness to the above requirements based on the following criteria:

PARTICULARS	Sub-Section	MAXIMUM SCORE / POINTS
Mandatory Documents	All bidders must meet	No marks Awarded
Company profile	Track Record in business undertakings	20 Marks
Target Market	Proposed Business	20 Marks
	Target Customers	15 Marks
	Marketing Strategies	15 Marks
Financial Capacity	Bankers and their Contact Details and Letter of Authority to seek references	10 Marks
	Information on evidence of Cash, Cash equivalents and /or Credit line, financing agreements / tool.	10 Marks
	Strength of the Bank Statement and/or audited accounts	10 Marks
TOTAL		100 Marks

Bidders scoring at least seventy-five per centum (75%) will be deemed responsive and will be invited for the RFP.

All responses should be typed and their numbering should correspond with that prescribed in above sections. Please include all attachments where required.

TENDERER'S ELIGIBILITY-CONFIDENTIAL BUSINESS QUESTIONNAIRE

Instruction to Tenderer

Tenderer is instructed to complete the particulars required in this Form, *one form for each entity if Tender is a JV*. Tenderer is further reminded that it is an offence to give false information on this Form.

a) Tenderer's details

	ITEM	DESCRIPTION
1	Name of the Procuring Entity	
2	Reference Number of the Tender	
3	Date and Time of Tender Opening	
4	Name of the Tenderer	
5	Full Address and Contact Details of the Tenderer.	1. Country 2. City 3. Location 4. Building 5. Floor 6. Postal Address 7. Name and email of contact person.
6	Current Trade License Registration Number and Expiring date	
7	Name, country and full address (<i>postal and physical addresses, email, and telephone number</i>) of Registering Body/Agency	
8	Description of Nature of Business	
9	Maximum value of business which the Tenderer handles.	
10	State if Tenders Company is listed in stock exchange, give name and full address (<i>postal and physical addresses, email, and telephone number</i>) of state which stock exchange	

General and Specific Details

b) Sole Proprietor, provide the following details.

Name in full _____ Age_ Nationality _____ Country
of Origin _____ Citizenship _____

c) Partnership, provide the following details.

	Names of Partners	Nationality	Citizenship	% Shares owned
1				
2				

3				
---	--	--	--	--

d) **Registered Company**, provide the following details.

(i) Private or public Company _

(ii) State the nominal and issued capital of the Company

Nominal Kenya Shillings (Equivalent).....

Issued Kenya Shillings (Equivalent).....

(iii) Give details of Directors as follows.

S/No	Names of Director	Nationality	Citizenship	% Shares owned
1				
2				
3				

e) **DISCLOSURE OF INTEREST - Interest of the Firm in the Procuring Entity.**

i) are there any person/persons in.....(Name of Procuring Entity) who has/have an interest or relationship in this firm? Yes/ No.....

If yes, provide details as follows.

S/No	Names of Person	Designation in the Procuring Entity	Interest or Relationship with Tenderer
1			
2			
3			

ii) **Conflict of interest disclosure**

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
1	Tenderer is directly or indirectly controls, is controlled by or is under common control with another tenderer.		
2	Tenderer receives or has received any direct or indirect subsidy from another tenderer.		
3	Tenderer has the same legal representative as another tenderer		

4	Tender has a relationship with another tenderer, directly or through common third parties, that puts it in a position to influence the tender of another tenderer, or influence the decisions of the Procuring Entity regarding this tendering process.		
5	Any of the Tenderer's affiliates participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of the tender.		
6	Tenderer would be providing goods, works, non- consulting services or consulting services during implementation of the contract specified in this Tender Document.		
7	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who are directly or indirectly involved in the preparation of the Tender document or specifications of the Contract, and/or the Tender evaluation process of Such contract.		
8	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who would be involved in the implementation or supervision of the such Contract.		
9	Has the conflict stemming from such relationship stated in item 7 and 8 above been resolved in a manner acceptable to the Procuring Entity throughout the tendering process and execution of the Contract.		

f) **Certification**

On behalf of the Tenderer, I certify that the information given above is complete, current and accurate as at the date of submission.

Full Name _____ Title or Designation _____

(Signature)

(Date)

SELF-DECLARATION FORMS

FORM SD1

SELF DECLARATION THAT THE PERSON/TENDERER IS NOT DEBARRED IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015.

I of Post Office Box.....being a resident of in the Republic of.....do hereby make a statement as follows:-

1. THAT I am the Company Secretary/ Chief Executive/Managing Director/Principal Officer/Director of (*insert name of the Company*) who is a Bidder in respect of **Tender No.** for..... (*insert tender title/description*) for.....(*insert name of the Procuring entity*) and duly authorized and competent to make this statement.

2. THAT the aforesaid Bidder, its Directors and subcontractors have not been debarred from participating in procurement proceeding under Part IV of the Act.

3. THAT what is deponed to herein above is true to the best of my knowledge, information and belief.

.....

Title)

Bidder Official Stamp

FORM SD2

SELF DECLARATION THAT THE PERSON/TENDERER WILL NOT ENGAGE IN ANY CORRUPT OR FRAUDULENT PRACTICE

I, of P.O. Box.....being
a resident of..... in the Republic
of do hereby
make a statement as follows:-

1. THAT I am the Chief Executive/Managing Director/Principal Officer/Director of..... *(insert name of the Company)* who is a Bidder in respect of **Tender No.** for..... *(Insert tender title/description)* for..... *(insert name of the Procuring entity)* and duly authorized and competent to make this statement.

2. THAT the aforesaid Bidder, its servants and/or agents /subcontractors will not engage in any corrupt or fraudulent practice and has not been requested to pay any inducement to any member of the Board, Management, Staff and/or employees and/or agents of*(insert name of the Procuring entity)* which is the procuring entity.

3. THAT the aforesaid Bidder, its servants and/or agents /subcontractors have not offered any inducement to any member of the Board, Management, Staff and/or employees and/or agents of*(name of the procuring entity)*.

4. THAT the aforesaid Bidder will not engage/has not engaged in any corrosive practice with other bidders participating in the subject tender.

5. THAT what is deponed to herein above is true to the best of my knowledge information and belief.

.....
(Title)

.....
(Signature)

.....
(Date)

Bidder's Official Stamp

DECLARATION AND COMMITMENT TO THE CODE OF ETHICS

I..... (Person) on behalf of (*Name of the Business/ Company/Firm*).....declare that I have read and fully understood the contents of the Public Procurement & Asset Disposal Act, 2015, Regulations and the Code of Ethics for persons participating in Public Procurement and Asset Disposal and my responsibilities under the Code.

I do hereby commit to abide by the provisions of the Code of Ethics for persons participating in Public Procurement and Asset Disposal.

Name of Authorized signatory.....

Sign.....

Position.....

Office address..... Telephone.....

E-mail.....

Name of the Firm/Company.....

Date.....

(Company Seal/ Rubber Stamp where applicable)

Witness

Name

Sign.....

Date.....

APPENDIX 1- FRAUD AND CORRUPTION

(Appendix 1 shall not be modified)

1. Purpose

- 1.1 The Government of Kenya's Anti-Corruption and Economic Crime laws and their sanction's policies and procedures, Public Procurement and Asset Disposal Act (*no. 33 of 2015*) and its Regulation, and any other Kenya's Acts or Regulations related to Fraud and Corruption, and similar offences, shall apply with respect to Public Procurement Processes and Contracts that are governed by the laws of Kenya.

2. Requirements

- 2.1 The Government of Kenya requires that all parties including Procuring Entities, Tenderers, (applicants/proposers), Consultants, Contractors and Suppliers; any Sub-contractors, Sub-consultants, Service providers or Suppliers; any Agents (whether declared or not); and any of their Personnel, involved and engaged in procurement under Kenya's Laws and Regulation, observe the highest standard of ethics during the procurement process, selection and contract execution of all contracts, and refrain from Fraud and Corruption and fully comply with Kenya's laws and Regulations as per paragraphs 1.1 above.
- 2.2 Kenya's public procurement and asset disposal act (*no. 33 of 2015*) under Section 66 describes rules to be followed and actions to be taken in dealing with Corrupt, Coercive, Obstructive, Collusive or Fraudulent practices, and Conflicts of Interest in procurement including consequences for offences committed. A few of the provisions noted below highlight Kenya's policy of no tolerance for such practices and behavior:
- 1) a person to whom this Act applies shall not be involved in any corrupt, coercive, obstructive, collusive or fraudulent practice; or conflicts of interest in any procurement or asset disposal proceeding;
 - 2) A person referred to under subsection (1) who contravenes the provisions of that sub-section commits an offence;
 - 3) Without limiting the generality of the subsection (1) and (2), the person shall be—
- a) disqualified from entering into a contract for a procurement or asset disposal proceeding; or
- b) if a contract has already been entered into with the person, the contract shall be voidable;
 - 4) The voiding of a contract by the procuring entity under subsection (7) does not limit any legal remedy the procuring entity may have;
 - 5) An employee or agent of the procuring entity or a member of the Board or committee of the procuring entity who has a conflict of interest with respect to a procurement:-
 - a) shall not take part in the procurement proceedings;
 - b) shall not, after a procurement contract has been entered into, take part in any decision relating to the procurement or contract; and
 - c) shall not be a subcontractor for the bidder to whom was awarded contract, or a member of the group of bidders to whom the contract was awarded, but the subcontractor appointed shall meet all the requirements of this Act.
 - 6) An employee, agent or member described in subsection (1) who refrains from doing anything prohibited under that subsection, but for that subsection, would have been within his or her duties shall disclose the conflict of interest to the procuring entity;
 - 7) If a person contravenes subsection (1) with respect to a conflict of interest described in subsection (5)(a) and the contract is awarded to the person or his relative or to another person in whom one of them had a direct or indirect pecuniary interest, the contract shall be terminated and all costs incurred by the public entity shall be made good by the awarding officer. Etc.

23 In compliance with Kenya's laws, regulations and policies mentioned above, the Procuring Entity:

- a) Defines broadly, for the purposes of the above provisions, the terms set forth below as follows:
 - i) "corrupt practice" is the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
 - ii) "fraudulent practice" is any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;
 - iii) "collusive practice" is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
 - iv) "coercive practice" is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
 - v) "obstructive practice" is:
 - deliberately destroying, falsifying, altering, or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede investigation by Public Procurement Regulatory Authority (PPRA) or any other appropriate authority appointed by Government of Kenya into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing, or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or
 - acts intended to materially impede the exercise of the PPRA's or the appointed authority's inspection and audit rights provided for under paragraph 2.3 e. below.
- b) Defines more specifically, in accordance with the above procurement Act provisions set forth for fraudulent and collusive practices as follows:

"fraudulent practice" includes a 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, and includes collusive practices amongst tenderers prior to or after tender submission designed to establish tender prices at artificial non-competitive levels and to deprive the procuring entity of the benefits of free and open competition.
- c) Rejects a proposal for award¹ of a contract if PPRA determines that the firm or individual recommended for award, any of its personnel, or its agents, or its sub-consultants, sub-contractors, service providers, suppliers and/ or their employees, has, directly or indirectly, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in competing for the contract in question;
- d) Pursuant to the Kenya's above stated Acts and Regulations, may sanction or debar or recommend to appropriate authority (ies) for sanctioning and debarment of a firm or individual, as applicable under the Acts and Regulations;
- e) Requires that a clause be included in Tender documents and Request for Proposal documents requiring (i) Tenderers (applicants/proposers), Consultants, Contractors, and Suppliers, and their Sub-contractors, Sub-consultants, Service providers, Suppliers, Agents personnel, permit the PPRA or any other appropriate authority appointed by Government of Kenya to inspect² all accounts, records and other documents relating to the procurement process,

selection and/or contract execution, and to have them audited by auditors appointed by the PPRA or any other appropriate authority appointed by Government of Kenya; and

- a) Pursuant to Section 62 of the above Act, requires Applicants/Tenderers to submit along with their Applications/Tenders/Proposals a “Self-Declaration Form” as included in the procurement document declaring that they and all parties involved in the procurement process and contract execution have not engaged/will not engage in any corrupt or fraudulent practices.

¹For the avoidance of doubt, a party's ineligibility to be awarded a contract shall include, without limitation, (i) applying for pre-qualification, expressing interest in a consultancy, and tendering, either directly or as a nominated sub-contractor, nominated consultant, nominated manufacturer or supplier, or nominated service provider, in respect of such contract, and (ii) entering into an addendum or amendment introducing a material modification to any existing contract.

² Inspections in this context usually are investigative (i.e., forensic) in nature. They involve fact-finding activities undertaken by the Investigating Authority or persons appointed by the Procuring Entity to address specific matters related to investigations/audits, such as evaluating the veracity of an allegation of possible Fraud and Corruption, through the appropriate mechanisms. Such activity includes but is not limited to: accessing and examining a firm's or individual's financial records and information, and making copies thereof as relevant; accessing and examining any other documents, data and information (whether in hard copy or electronic format) deemed relevant for the investigation/audit, and making copies thereof as relevant; interviewing staff and other relevant individuals; performing physical inspections and site visits; and obtaining third party verification of information.