

**FORM OF TENDER**

To: The Chief Executive Officer  
Export Processing Zones Authority  
P.O. Box 50563-00200  
**NAIROBI.**

Dear Sir,

**PROVISION OF CONSULTANCY SERVICES FOR FEASIBILITY STUDY, DESIGN AND CONSTRUCTION SUPERVISION OF PROPOSED WATER SUPPLY PIPELINE, INTERNAL WATER DISTRIBUTION NETWORK AND WATER STORAGE RESERVOIR FOR THE KENYA LEATHER PARK (MACHAKOS) AT KINANIE - MACHAKOS COUNTY**

1. In accordance with the Instructions to Tenderers, Conditions of Contract, Specifications and Bills of Quantities for the execution of the above named Works, we, the undersigned offer to construct, install and complete such Works and remedy any defects therein for the sum of:

Kshs.....*[Amount in figures]*

Kenya Shillings.....  
.....  
.....*[Amount in words]*

- 2. We undertake, if our tender is accepted, to commence the Works as soon as reasonably possible after the receipt of the Employer’s Representative’s notice to commence, and to complete the whole of the Works comprised in the Contract within the time stated in the Appendix to Conditions of Contract.
- 3. We agree to abide by this tender for **a period of 150 days from the date of tender opening** and shall remain binding upon us and may be accepted at any time before that date.
- 4. Unless and until a formal Agreement is prepared and executed this tender together with your written acceptance thereof, shall constitute a binding Contract between us.
- 5. We understand that you are not bound to accept the lowest or any tender you may receive.

Dated this ..... day of .....20.....

Signature .....in the capacity of .....

duly authorized to sign tenders for and on behalf of:

.....*[Name of Tenderer]*

of.....*[Address of Tenderer]*

**PIN No.** .....

**VAT CERTIFICATE No.** .....

**Witness:** Name .....

Address .....

Signature .....

**FORM OF TENDER SECURITY**  
**Appendix I**

To: The Chief Executive Officer  
Export Processing Zones Authority  
P.O. Box 50563-00200  
**NAIROBI.**

WHEREAS ..... (hereinafter called "the Tenderer") has submitted his tender dated ..... **For the proposed "PROVISION OF CONSULTANCY SERVICES FOR FEASIBILITY STUDY, DESIGN AND CONSTRUCTION SUPERVISION OF PROPOSED WATER SUPPLY PIPELINE, INTERNAL WATER DISTRIBUTION NETWORK AND WATER STORAGE RESERVOIR FOR THE KENYA LEATHER PARK (MACHAKOS) AT KINANIE - MACHAKOS COUNTY"**.

KNOW ALL PEOPLE by these presents that WE .....  
Having our registered office at .....  
(hereinafter called "the Bank"), are bound unto .....  
(hereinafter called "the Employer") in the sum of Kshs.....  
for which payment well and truly to be made to the said Employer, the Bank binds itself, its successors and assigns by these presents sealed with the Common Seal of the said Bank this .....Day of .....20 .....

THE CONDITIONS of this obligation are:

- 6. If after tender opening the Tenderer withdraws his tender during the period of tender validity specified in the instructions to Tenderers

Or

- 7. If the Tenderer, having been notified of the acceptance of his tender by the Employer during the period of tender validity:
  - (a) fails or refuses to execute the form of Agreement in accordance with the Instructions to Tenderers, if required; or
  - (b) fails or refuses to furnish the Performance Security, in accordance with the Instructions to Tenderers;

We undertake to pay to the Employer up to the above amount upon receipt of his first written demand, without the Employer having to substantiate his demand, provided that in his demand the Employer will note that the amount claimed by his is due to him, owing to the occurrence of one or both of the two conditions, specifying the occurred condition or conditions.

This guarantee will remain in force up to and including **one hundred and fifty(150)days** after the day of tender opening, and any demand in respect thereof should reach the Bank not later than the said date.

.....  
**(date)**

.....  
**(signature of the Bank)**

.....  
**(witness)**

.....  
**(seal)**

**FORM OF TENDER SECURITY**  
**Appendix II**

To: The Chief Executive Officer  
Export Processing Zones Authority  
P.O. Box 50563-00200  
**NAIROBI.**

WHEREAS.....(hereinafter called “the Tenderer”) has submitted his tender dated..... **For the proposed “PROVISION OF CONSULTANCY SERVICES FOR FEASIBILITY STUDY, DESIGN AND CONSTRUCTION SUPERVISION OF PROPOSED WATER SUPPLY PIPELINE, INTERNAL WATER DISTRIBUTION NETWORK AND WATER STORAGE RESERVOIR FOR THE KENYA LEATHER PARK (MACHAKOS) AT KINANIE - MACHAKOS COUNTY”.**

KNOW ALL PEOPLE by these presents that WE.....of.....(Name of Insurance Company)...having our registered office at .....(hereinafter called “ the Guarantor”), are bound unto .....(hereinafter called “the Procuring Entity” in the sum of Kshs.....for which payment well and truly to be made to the said Procuring Entity , the Guarantor bind itself, its successors and assigns by these presents sealed with the Common Seal of the said Guarantor this .....Day of .....20.....

THE CONDITIONS of this obligation are:

1. If after tender opening the tenderer withdraws his tender during the period of tender validity specified in the instructions to tenderers  
Or
2. If the tenderer, having been notified of the acceptance of this tender by the Employer during the period of tender validity:
  - a) fails or refuses to execute the form of Agreement in accordance with the Instructions to Tenderers, if required; or
  - b) fails or refuses to furnish the Performance Security, in accordance with the Instructions to Tenderers;

We undertake to pay to the Employer up to the above amount upon receipt of his first written demand, without the Employer having to substantiate his demand, provided that in his demand the Employer will note that the amount claimed by him is due to him, owing to the occurrence of one or both of the two conditions, specifying the occurred condition or conditions.

This guarantee will remain in force for a period of 150 days from the date of tender opening, and any demand in respect thereof should reach the Guarantor not later than the said date.

\_\_\_\_\_ [date] \_\_\_\_\_ [signature of the Guarantor]  
\_\_\_\_\_ [witness] \_\_\_\_\_ [seal]