



COMMISSION FOR UNIVERSITY EDUCATION

RFP NO. CH/SRBS/RFP/03/2019-2020:

**PROVISION OF FUND CUSTODY SERVICES FOR COMMISSION FOR HIGHER EDUCATION
STAFF RETIREMENT BENEFIT SCHEME (CH-SRBS) DEFINED BENEFIT**

**REDHILL ROAD, OFF LIMURU ROAD,
P.O. BOX 54999 – 00200 NAIROBI
TEL: (020) – 7205000
FAX: (020) - 2021172
WEBSITE: www.cue.or.ke**

**CLOSING DATE:
16th July 2019 at 10.00 am**

TABLE OF CONTENTS

Page

SECTION I	Letter of Invitation	3
SECTION II	Information to Consultants	5
	Appendix to information to Consultants	13
SECTION III	Technical Proposal	18
SECTION IV	Financial Proposal	29
SECTION V	Terms of Reference	30
SECTION VI	Standard Forms	36

SECTION I- LETTER OF INVITATION

2nd July 2019

Dear Sir/Madam,

- 1.1 The Commission for University Education Staff Pension Scheme invites proposals from qualified consultants for **provision of fund custody services**.
- 1.2 The request for proposals (RFP) includes the following documents:
- Section I - Letter of invitation
 - Section II - Information to consultants
Appendix to Consultants information
 - Section III - Terms of Reference
 - Section IV - Technical proposals
 - Section V - Financial proposal
 - Section VI - Standard Contract Form
- 1.3 Interested eligible candidates may obtain further information from and inspect the tender documents at the **Commission's Offices, Commission for University Education, Red Hill Road off Limuru Road, Gigiri, Nairobi** during normal office working hours.
- 1.4 Prices quoted should be net inclusive of all taxes, must be in Kenya shillings and shall remain valid for **90 days** from the closing date of the tender.
- 1.5 Completed proposal documents are to be enclosed in plain sealed envelopes marked with proposal reference number and description and deposited in the Tender Box at the reception of the Commission's offices in Gigiri, Nairobi or be addressed to:

**Chairperson Board of Trustees,
Commission for Higher Education
Staff Retirement Benefit Scheme Defined Benefit
Red Hill Road, off Limuru Road
P. O. Box 54999 – 00200, NAIROBI**

so as to be received on or before 16th July 2019 at 10.00am

Proposals will be opened at **Commission's Boardroom** immediately thereafter in the presence of the candidates or their representatives who choose to attend.

**Dr. Beatrice Odera Kwach
Commission for Higher Education
Staff Retirement Benefit Scheme Defined Benefit.**

SECTION II – INFORMATION TO CONSULTANTS (ITC)

Table of Contents

	Page
2.1 Introduction	5
2.2 Clarification and Amendment of RFP Document	6
2.3 Preparation of Technical Proposal	6
2.4 Financial Proposal	7
2.5 Submission, Receipt and Opening of Proposals	8
2.6 Proposal Evaluation General	8
2.7 Evaluation of Technical Proposal	9
2.8 Public Opening and Evaluation of Financial Proposal	9
2.9 Negotiations	10
2.10 Award of Contract	11
2.11 Confidentiality	12
2.12 Corrupt or Fraudulent Practices	12

SECTION II: - INFORMATION TO CONSULTANTS (ITC)

2.1 Introduction

- 2.1.1** The Client named in the Appendix to “ITC” will select a firm among those invited to submit a proposal, in accordance with the method of selection detailed in the appendix. The method of selection shall be as indicated by the procuring entity in the Appendix.
- 2.1.2** The consultants are invited to submit a **Technical Proposal** and a **Financial Proposal**, or a Technical Proposal only, as specified in the Appendix “ITC” for consulting services required for the assignment named in the said Appendix. ITC Technical Proposal only may be submitted in assignments where the Client intends to apply standard conditions of engagement and scales of fees for professional services which are regulated as is the case with Building and Civil Engineering Consulting services. In such a case the highest ranked firm of the technical proposal shall be invited to negotiate a contract on the basis of scale fees. The proposal will be the basis for Contract negotiations and ultimately for a signed Contract with the selected firm.
- 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 and to attend a pre-proposal conference where applicable. Consultants should contact the officials named in the Appendix “ITC” to arrange for any visit or to obtain additional information on the pre-proposal conference. Consultants should ensure that these officials are advised of the visit in adequate time to allow them to make appropriate arrangements.
- 2.1.4** The Procuring Entity will provide the inputs specified in the Appendix “ITC”, assist the firm in obtaining licenses and permits needed to carry out the services and make available relevant project data and reports.
- 2.1.5** 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.
- 2.1.6** The Procuring Entity’s employees, committee members, board members and their relative (spouse and children) are not eligible to participate.
- 2.1.7** The price to be charged for the tender document shall not exceed Kshs.1000/=.
- 2.1.8** The Procuring Entity shall allow the tenderer to review the tender document free of charge before purchase.

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 paper mail, cable, telex, facsimile or electronic mail to the Client's address indicated in the Appendix "ITC". 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 Consultant's proposal shall be written in the **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.
- (iv) Proposed professional staff must as a minimum, have the experience indicated in Appendix, 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 five (5) 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) A detailed description of the proposed methodology, staffing and monitoring of training, if Appendix "A" specifies training as a major component of the assignment.
- (viii) Any additional information requested in Appendix "A".

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 the RFP documents. The **Financial Proposal** should follow **Standard Forms (Section IV)**.

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, unless Appendix ITC specifies otherwise.

2.4.3 Consultants shall express the price of their services in **Percentage of the value of the fund or a fixed fee etc** inclusive of any taxes payable in Kenya

2.4.4 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, if required, Financial Proposal; see paragraph 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.
- 2.5.2 For each proposal, the consultants shall prepare the number of copies indicated in Appendix ITC. Each **Technical Proposal** and **Financial Proposal** shall be marked “**ORIGINAL**” or “**COPY**” as appropriate. If there are any discrepancies between the original and the copies of the proposal, the original shall govern.
- 2.5.3 The original and all copies of the **Technical Proposal** shall be placed in a sealed envelope clearly marked “**TECHNICAL PROPOSAL,**” and the original and all copies of the **Financial Proposal** in a sealed envelope clearly marked “**FINANCIAL PROPOSAL**” and warning: “**DO NOT OPEN WITH THE TECHNICAL PROPOSAL**”. Both envelopes shall be placed into an outer envelope and sealed. This outer envelope shall bear the submission address and other information indicated in the Appendix “ITC” and should be clearly marked, “**DO NOT OPEN, BEFORE 16TH JULY 2019 AT 10.00AM IN PRESENCE OF THE OPENING COMMITTEE.**”
- 2.5.4 The completed **Technical** and **Financial Proposals** must be delivered at the submission address on or before the time and date stated in the Appendix “ITC”. Any proposal received after the closing time for submission of proposals shall be returned to the respective consultant unopened.
- 2.5.5 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 bidder wishes to contact the Scheme on any matter related to his proposal, he should do so in writing at the submission address indicated above. Any canvassing shall result in the rejection of the bidder’s proposal.
- 2.6.2 The Trustees shall evaluate the Proposals and the results of the evaluation will be communicated to all the bidders at an appropriate time that will be decided by the Trustees.
- 2.6.3 During this stage, bidders’ responsiveness to the tender mandatory requirements will be determined based on a “YES/NO” basis (implying compliance or non-compliance respectively). Only bidders that comply with the mandatory requirements shall proceed to any evaluation.

2.6.4 For the preliminary evaluation, please attach certified copies of the following:

No		YES/NO
1.	Company registration certificate	
2.	Current tax compliance certificate	
3.	PIN registration certificate	
4.	VAT registration certificate	
5.	Valid current Certificate of Registration as a Custodian issued by Retirements Benefits Authority (RBA).	
6.	Audited financial statements for the last three years	
7.	Fully filled, stamped and signed business questionnaire	

2.6.5 Each responsive proposal shall be technically evaluated and awarded marks as shown below:

	Area	Points
1	General Information on the Company	Mandatory
2	Referees	3
3	Business support (10 Points)	10
4	Qualifications, competence, Information systems, personnel and customer service	47
5	Relevant experience and performance	40
	Total Points	100

Minimum overall score required to pass is 75%.

2.7 Public Opening and Evaluation of Financial Proposal

- 2.7.1** 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, indicating that their **Financial Proposals** will be returned after completing the selection process. The Client shall simultaneously notify the consultants who have secured the minimum qualifying mark, indicating the date and time set for opening the **Financial Proposals** and stating that the opening ceremony is open to those consultants who choose to attend. The opening date shall not be sooner than seven (7) days after the notification date. The notification may be sent by registered letter, cable, telex, facsimile or electronic mail.
- 2.7.2** The **Financial Proposals** shall be opened publicly in the presence of the consultants' representatives who 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.
- 2.7.3** 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.
- 2.7.4** 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 this sub-clause are applied. Details of such proof shall be attached by the Consultant in the **Financial Proposal**.
- 2.7.5** The formulae for determining the Financial Score (Sf) shall, unless an alternative formulae is indicated in the Appendix "ITC", be as follows:-
 $Sf = 100 \times FM/F$ 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 = 1) indicated in the Appendix. 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.
- 2.7.6** The Tender Evaluation Committee shall evaluate the tender **within 30 days from the date of opening the tender**.

- 2.7.7 Contract price variations shall not be allowed for contracts not exceeding one year (**12 months**).
- 2.7.8 Where contract price variation is allowed, the variation shall not exceed 15% of the original contract price.
- 2.7.9 Price variation requests shall be processed by the Procuring Entity within **30 days** of receiving the request.

2.8 Negotiations

- 2.8.1 Negotiations will be held at the same address as “**address to send information to the Client**” indicated in the Appendix “ITC”. The aim is to reach agreement on all points and sign a contract.
- 2.8.2 Negotiations will include a discussion of the **Technical Proposal**, the proposed methodology (**and 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.
- 2.8.3 Unless there are exceptional reasons, the financial negotiations will not involve the remuneration rates for staff (**no breakdown of fees**).
- 2.8.4 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.
- 2.8.5 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.
- 2.8.6 The procuring entity shall appoint a team for the purpose of the negotiations.

2.9 Award of Contract

- 2.9.1 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**. The bidder (s) with the highest Overall score (technical & financial) will be the winner of the evaluation process and will **be awarded a three-year contract renewable based on satisfactory performance**.

2.9.2 The selected firm is expected to commence the assignment on the date and at the location specified in Appendix ITC.

2.9.3 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.

2.9.4 The Procuring Entity may at any time terminate procurement proceedings before contract award and shall not be liable to any person for the termination.

2.9.5 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.

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

- (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.

2.10 Confidentiality

2.10.1 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.

2.11 Corrupt or Fraudulent Practices

2.11.1 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.

2.11.2 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.

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

Appendix to Information to Consultants (ITC)

The following information for procurement of consultancy services and selection of consultants shall complement or amend the provisions of the information to consultants, wherever there is a conflict between the provisions of the information to consultants and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the information to consultants.

Clause Reference

2.1.1 The name of the Client is: **Commission for Higher Education Staff Retirement Benefit Scheme Defined Benefit.**

The method of selection is **Least Cost Selection (LCS), which selects the lowest priced proposal, which meets the entity's technical requirements.** Under this method the Technical and Financial proposals are submitted simultaneously in separate sealed envelopes (two-envelope system).

Evaluation of proposals is carried out in two stages- Technical and Financial.

The Financial proposals remain sealed until “minimum” qualifying mark of the technical proposal is established (70 % in this case).

Technical proposals will be opened first and evaluated. Those securing less than the minimum are rejected, and the financial envelopes of the rest are opened in the presence of those who choose to attend. The Consultancy services shall be awarded to the least costed applicant (One with the least interest charged) who shall then be invited for negotiations.

2.1.2 Technical and Financial Proposals are requested: **Yes**

The name, objectives and description of the assignment are as per the **Terms of Reference**

2.1.3 The name(s), contacts of the Client's officials;

Ms. Lilian Ojwang'

Commission for University Education

2.1.7 The document shall download for free from the Commission Website and the Government Tenders Portal, www.tenders.go.ke . Those who collect the document from the Commission Office shall make a payment of KES.1, 000 to the Cash office.

2.5.2 Consultants must submit **an original** and **one (1)** copy of each proposal.

The proposal submission address is: _

**Chairperson Board of Trustees,
Commission for Higher Education
Staff Retirement Benefit Scheme Defined Benefit
Red Hill Road, off Limuru Road
P. O. Box 54999 – 00200.
NAIROBI.**

Information on the outer envelope should also include: - **REF NO** and **the Consultancy to be undertaken**.

2.5.4: Proposals must be submitted not later than the following date and time:

16th July 2019 at 10.00am

2.4.3 Taxes: Consultants shall express the price of their services in **Percentage of the value of the fund or a fixed fee etc** inclusive of any taxes payable in Kenya

2.4.4 The proposal validity period shall be **90 days** from the date of opening of the tender.

2.5.2 Consultants must submit an **ORIGINAL** and **ONE (1)** copy of each proposal. A **SOFT COPY** of the proposal in a readily readable format and media must also be included.

1.5 The proposal submission address is:

Chairperson Board of Trustees,
Commission for University Education Staff Pension Scheme
Red Hill Road, off Limuru Road
P. O. Box 54999 – 00200, NAIROBI

Information on the outer envelope should also include:

RFP NO:

RFP TITLE:

2.5.2 The **Original** and copy of the **Technical Proposal** shall be placed in a sealed envelope clearly marked “**TECHNICAL PROPOSAL**”, and the **Original** and copy of the **Financial Proposal** in a sealed envelope duly marked “**FINANCIAL PROPOSAL**”. Both envelopes shall be placed in an outer envelope and sealed.

2.6.6 The minimum technical score required to pass is: **75%**

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.
- 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.
- 3.4 The Technical Proposal shall contain the following:-
 - i. Submission letter
 - ii. Particulars of the consultant firm or consultant including Curriculum vitae (CV) of **the proposed team**
 - iii. Description of the methodology and work plan for performing the assignment
 - iv. Any proposed staff to assist in the assignment
 - v. Attached statutory documents
 - vi. Duly **Completed and signed** Confidential Business Questionnaire

SECTION III – TECHNICAL PROPOSAL

Table of Contents

	Page
1. Technical Proposal Submission Form	19
2. Firms References	21
3. Comments and Suggestions of Consultants on the Terms of Reference and on Data, Services and Facilities To be provided by the procuring entity	22
4. Description of the Methodology and Work Plan for Performing the Assignment	23
5. Team Composition and Task Assignments	24
6. Format of curriculum vitae (CV) for Proposed Professional Staff	24

1. TECHNICAL PROPOSAL SUBMISSION FORM

_____ *[Date]*

**To: Chairperson Board of Trustees,
Commission for Higher Education
Staff Retirement Benefit Scheme Defined Benefit
Red Hill Road, off Limuru Road
P. O. Box 54999 – 00200,
NAIROBI**

Ladies/Gentlemen:

We, the undersigned, offer to provide the consulting services for provision of administrative services for **Fund custody services** in accordance with your Request for Proposal dated _____ *[Date]* and our Proposal.

We are hereby submitting our Proposal, which includes this Technical Proposal and a Financial Proposal sealed under a separate envelope.

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 and Stamp:]*

2. FIRM'S REFERENCES

Relevant Services Carried Out in the Last Five (5) 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:		Client's contact person for the Assignment (give name, telephone and email address):
Address:		No of Staff-Months; Duration of Assignment:
Start Date (Month/Year)	Completion Date (Month/Year)	Approx. Value of Services (Kshs.)
Name of Associated Consultants. If any:		No of Months of Professional
		Staff provided by Associated Consultants:
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 of Signatory _____

Title _____

Signature: _____

3. COMMENTS AND SUGGESTIONS OF CONSULTANTS ON THE TERMS OF REFERENCE ON DATA, SERVICES AND FACILITIES TO BE PROVIDED BY THE CLIENT (See Section V)

Responses/Comments should be given in the same order as contained under Section V (**Terms of Reference**), using the same sub-headings and numbering:

1 Background Information

2 Proposed Methodology

3 Data Services, Personnel and Facilities to be Provided by the Client

4 Terms of Payment

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

5. TEAM COMPOSITION AND TASK ASSIGNMENTS

1. Technical/Managerial Staff

S/No.	Name	Position	Task
1.			
2.			
3.			
4.			
5.			

2. Support Staff

S/No.	Name	Position	Task
1.			
2.			
3.			
4.			
5.			

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:

[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 (by proposed staff member:

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:

Full name of authorized representative:

7. Technical Proposal Evaluation Criteria

(A) Relevant Experience and Performance (40 Points/Cut off 33 points):

a) Provide the current distribution of your custody clients in the following parameters.
(Attach proof in form of award letters or contract agreements) (10 Points)

(i) By size (3 Points)

- Above 10 billion (3 Points)
- Between 5 billion to 2.5 billion (2 Point)
- Below 2.5 billion (1 Point)

Portfolio Classification	Market Value	No. of Clients
Above 10 billion		
Between 5 billion and 10 billion		
Below 5 billion		
Total Assets under Custody		

(ii) By inception date (3 Points)

- Above 5 years (3 Points)
- Between 3 to 5 years (2 Point)
- Between 0 to 3 years (1 Point)

Portfolio Classification	Market Value	No. of Clients
Above 5 years (3 Points)		
Between 3 to 5 years (2 Point)		
Between 0 to 3 years (1 Point)		
Total Assets under Custody		

(iii) By asset class (4 Points)

- Equities (1 Points)
- Bonds (1 Point)
- Property (1 Point)
- Others (1 Point)

Portfolio Classification	Market Value	No. of Portfolios
Equities (3 Points)		
Bonds (2 Point)		
Property (1 Point)		
Others (Specify)		
Total Assets under Custody		

b) Provide detailed information/write up on the following issues. **(15 Points)**

- i. Safe Custody process (6 Points)
 - ii. Accounting, Reconciliation and Reporting (3 Points)
 - iii. Unique custody capabilities (competitive advantage) (2 Point)
 - iv. Offshore market capability in handling international transactions and security (2 Points)
 - v. Specialization of clients and products (2 Points)
- c) State Five key Risk Awareness, Management and Control strategies employed by the company to protect Investments (6 Points)
- d) List the market value at time of departure and the number of accounts lost in each of the last 5 calendar years (**mandatory** and non-disclosure will lead to immediate disqualification) (5 points)
- No departures (5 points)
 - Less than three accounts departure (3 points)
 - Above three accounts departure (1 points)

(If reasonable and detailed explanation provided for departures (5 points))

Year	Market Value	No. of Portfolios	No. of Accounts

- e) Provide a detailed work plan and methodology on how the Custodial Service will be carried out and how the transition from the current Custodian will be effected. The description should address, but not limited to the below issues. **(4 Points)**.
- i. The number of days or months the transition period will take. **(2 Point)**.
 - ii. The procedures to be employed on the transition period to ensure all the facts pertaining to the Fund are transferred efficiently to you. **(2 Point)**.

(B) Qualifications, competence, Information systems, Personnel and customer service (47 Points/Cut off-35 points)

- (1) Provide an organizational chart with the business units comprising your Custody business and the key personnel that would be assigned to the Services. Provide a CV for each of the key staff who will be responsible for delivery of the Services. Provide the total number of current relevant staff (by grade and/or category) dedicated to the provision of Custody services. **(27 Points)**
- a. Organizational Chart indicating relevant dedicated staff (2 points)
 - b. At least four dedicated staff with minimum of a degree in Finance/Economics or related field of study with a professional qualification in Securities or Investment Management with proof of active and in good standing professional membership. – (2 points each)
 - c. At least four staff with a minimum of 5 years’ experience in provision Custodial services – (4 points each)
 - d. CVs fully signed by both parties – (1 points each)
- (2) **Administration and Systems capacity with evidence or proof that it uses the most modern IT systems in the market and can at least do the following functions {state the name of the system}: (10 Points)**
- a. Be able to demonstrate the use of modern IT System in its daily Management operations (2 Point)
 - b. The system should have a Compliance Module that red flags any compliance breas and allows compliance from multiple angles, for example RBA. (1 Point)
 - c. Must have a Performance Measurement Module compliant with GIPS standards and time weighted (2 Point)
 - d. Customize reports to meet our needs as well as producing reports in real time (1 Points)

- e. Explain the Audit and Control systems including any defined user access and policy rights. (1 Points)
- f. Produce an advanced audit trail that makes production of annual reports easy and in various formats such as Word, Excel, and PDF. (1 Point)
- g. Can be able to provide any information on request / flexibility for tailoring to suit further reporting requirements (1 Point)
- h. What back-up and recovery capabilities are in place in case of emergencies? Where is the back-up system located? How often are the back-up systems tested? (1 Point)

(Please note that our IT department may come to verify the above and any wrong information will lead to disqualification.) (3) Ability to provide other value addition services within the proposed fee scale: (Maximum 10 Points)

- a. Mode and Frequency of reporting to - staff retirement benefits scheme Staff Pension Scheme and AGM, last report being for financial year end of June every year (2 Point)
- b. Capacity Building and knowledge transfer for - staff retirement benefits scheme Staff Pension Scheme (4 Points)
- c. Investment Advisory and consulting services (2 Point)
- d. Advice on emerging local and global markets trends, forecasts, opportunities and access to up to date market research (2 Point)

N/B: Provide a detailed write up/capability statement on the above.

(C) Business support (10 Points/Cut off-7 points)

- i. Copy of current Professional Indemnity insurance cover (2 Points) ii.
Access to lines of credit or other financial resources (2 Points) iii.
Proof of Financial stability liquidity ratio of 1.5:1 (2 Point)
- iv. Share capital not less than Kshs 20 million (2 points)
- v. Appointed bankers and letter of authority to seek references (2 Point)

(D) Referees (3 Points)

At least 3 referees (attach letters of reference from clients that demonstrate responsiveness to queries, timeliness in reporting and feedback, performance and versatility of ICT).

N/B

Cut off points – 75 Points to qualify for financial evaluation (price comparison)

SECTION IV: - FINANCIAL PROPOSAL

Notes on preparation of Financial Proposal

- 4.1 The **Financial Proposal** prepared by the consultant should list all the applicable costs.
- 4.2 The Financial Proposal shall be in Kenya Shillings and shall take into account the tax liability and cost of insurances specified in the request for proposal. The **Financial Proposal** should be prepared using the **Standard Forms** provided in this part.
- 4.3 The Financial Proposal should be prepared following the Standard Forms provided in this part (Section IV)

BIDDERS MUST SUBMIT THE FINANCIAL PROPOSAL SUBMISSION FORM

SECTION IV - FINANCIAL PROPOSAL STANDARD FORMS

Table of Contents

	Page
1. Financial Proposal Submission Form	29
2. Summary of Costs	30
3. Breakdown of Price per activity	30
4. Breakdown of Remuneration per Activity	31
5. Reimbursable per Activity	32
6. Miscellaneous Expenses	32

1. FINANCIAL PROPOSAL SUBMISSION FORM

**To: Chairperson Board of Trustees,
Commission for Higher Education
Staff Retirement Benefit Scheme Defined Benefit
Red Hill Road, off Limuru Road
P. O. Box 54999 – 00200,
NAIROBI.**

Ladies/Gentlemen:

1. We, the undersigned, offer to provide the consulting services for **provision of Fund custody services for CUE staff pension scheme** in accordance with your request proposal dated (_____) [Date]. Our attached Financial Proposal is for the total annual sum of (_____) [Percentage/ Amount in words and figures] inclusive of the taxes on the basis of the initial assets to be allocated to us and on the assumption(s) that [state the assumptions, if any].

Indicate what the basis of your fee will be (e.g a certain stated percentage of the fund value, or a fixed fee etc).

Please also let us know?

- a) Does your firm charge a minimum annual fee, and if yes, how much?
 - b) Whether you can charge performance based fees.
 - c) Under what circumstances your fees negotiable?
 - d) What is your billing frequency?
2. We undertake, if our proposal is accepted, to provide Scheme Fund custody services in accordance with the conditions of this tender.
 3. We agree to abide by this tender for a period of 90 days from the date fixed for tender opening, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

4. This tender, together with your written acceptance thereof and your notification of award, shall constitute a basis signing of the contract by both parties.
5. We understand that the Board of Trustees is not bound to accept the lowest or any proposal they receive.

Yours sincerely,

_____ *[Authorized Signature]:*

_____ *[Name and Title of Signatory]:*

_____ *[Name of Firm]*

_____ *[Address]*

**SECTION V: - TERMS OF REFERENCE
TERMS OF REFERENCE FOR FUND CUSTODY SERVICES FOR HIGHER
EDUCATION STAFF RETIREMENT BENEFIT SCHEME (CH-SRBS) DEFINED
BENEFIT**

1. BACKGROUND INFORMATION

The CHE-Staff Retirement Benefits Scheme is set up as a Defined Benefit Scheme at 10% Basic Pay Employee and 20% Basic Pay Employer (Sponsor) Contribution.

2. Purpose

To secure members future beyond employment income by ensuring timely remittances, good governance, prudent investments, and prompt payment of benefits for enhanced living standards of its membership.

3.0 Scope of Services

DUTIES OF THE CUSTODIAN

The duties of the Custodian as prescribed by the RBA Act No. 3 of 1997 and RBA (Managers & Custodians) regulations, 2000 Notice No. 123 are as follows:-

1. A Custodian shall have all the powers necessary for the performance of his functions under the RBA Act and in particular the Custodian shall;
 - i. Receive and keep in safe custody the title documents, securities and cash of the Scheme;
 - ii. Open a bank account or banking accounts with a bank duly registered under the Banking Act on behalf of the Scheme, for the exclusive benefit of the scheme;
 - iii. Transfer, exchange or deliver in the prescribed form securities held by a custodian upon receipt of proper instructions from the Fund Manager;

- iv. Keep or cause to be kept such books, records and statements as may be necessary to give a complete record of:-
- (a) The entire scheme and investment portfolio held by the custodian;
 - (b) The transactions carried out by the custodian on behalf of the scheme; and shall permit the scheme, their officers or duly authorized agents, to inspect such books, records and statements within the premises of the custodian at any time during business hours;
- (v) deliver to the scheme, or to such other persons as the scheme may in writing authorize copies of all notices, proxies, proxy soliciting materials received by the custodian in relation to any of the securities held in the Fund account, all public information, financial reports and stockholder communications as the custodian may receive from issuers of securities and all information the custodian may receive from an offer relating to exchange or Tender offers or other rights or offerings or as may be agreed upon from time to time;
- (vi) Submit to the scheme:
- (a) a written report on specified dates listing all assets of the scheme in the scheme account together with a full account of all receipts and payments made and other actions taken by the custodian;
 - (b) Advice or notification of any transfers of property or securities to or from the scheme's account indicating securities acquired for the account and, the identity of the party in possession of such securities.
 - (c) a copy of the most recent audited financial statements of the custodian prepared together with such information regarding the policies and

procedures of the custodian as the scheme may request in connection with the agreement or the duties of the custodian under the agreement;

- v. Exercise subscription, purchase or other similar rights represented by the securities subject to receipt of proper instructions from the Fund manager;
 - vi. Exercise the same standard of care that it exercises over its own assets in holding, maintaining, servicing and disposing of property and in fulfilling any other obligations in the agreement: Provided that the custodian shall exercise the degree of care expected of a prudent professional custodian for hire.
3. Except in cases where the scheme, has offshore investments, the custodian in discharging its contractual functions to the scheme, shall not contract out the discharge of the custodial services to third parties.

SECTION VI: STANDARD FORMS

BUSINESS QUESTIONNAIRE

I. BUSINESS DETAILS

A. Statutory Requirements and Contacts

1. Business Name: _____
2. Type of Business: _____
3. Certificate of Registration/Incorporation No. _____
4. VAT Registration No. _____
5. Tax Compliance Certificate No. _____
6. Current Business/Practice License No: _____
7. Physical Address: _____
8. Postal Address: _____
9. Telephone: Landline: _____ Mobile _____
10. Fax: _____
11. E-mail: _____ Website: _____

B. Sole Proprietor: Name-----

Nationality) _____

C. Partnership

Names and Details of Partners:

1. _____
2. _____
3. _____

D. Limited Companies

Names and Details of Directors:

1. _____
2. _____
3. _____
4. _____

Share Capital: Authorized - Kshs. _____

Issued and Paid: Kshs. _____

E. Financial Capability

1. Name of Banker _____
Address _____ Telephone: _____
2. Financial Information
 - i. Total Assets _____
 - ii. Current Assets _____
 - iii. Total liabilities _____
 - iv. Current liabilities _____
3. Attach Audited Accounts for the last 2 years
4. Terms of Payment (maximum credit period) _____

F. Contact Person (s)

	NAME	DESIGNATION
1.	_____	_____
2.	_____	_____
3.	_____	_____

G. Other Important pre-requisites

- i) State if the company is a subject of bankruptcy proceedings, in receivership, administrative receivership, or any other form of liquidation as defined by the applicable law

- ii) Do you have any contingent liabilities arising from tax, court decree or other sources?

YES/NO _____

If YES, give reason(s) and sources for the contingent liabilities

iii) Proof of attainment of ISO/Kenya Bureau of Standards certification/equivalent certificate will be an added advantage. *(Attach copy of proof).*

iv) Proof of professionalism and accreditation to professional bodies for the last three years. *(Attach copies of proof).*

v) Must confirm that:

- The tenderer has not been is not debarred from offering services to public procuring entities _____
- its servants or agents have not offered and shall not offer inducements to the procuring entities _____

vi) Attach Company Profile and indicate qualification of key personnel *(Attach copies of their certificates).*

vii) Enumerate any past litigation and arbitration incidences encountered by the firms in the last three years

I. 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. Any inaccuracy in the information filled herein will be used as grounds for removal from or termination of the qualification process.

NAME _____ **DESIGNATION** _____

SIGNATURE _____

DATE AND STAMP _____