

REPUBLIC OF KENYA

PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

REVIEW NO. 73/2012 OF 21ST DECEMBER, 2012

BETWEEN

RILEY SERVICES LTD.....APPLICANT

AND

NATIONAL OIL CORPORATIONPROCURING ENTITY

Review against the decision of the Tender Committee of the National Oil Corporation of Kenya dated 3rd December, 2012 in the matter of Tender No. NOCK/PRC/3(595) for Provision of Security Services.

BOARD MEMBERS PRESENT

Ms. Judith Guserwa
Mr. Sospeter Kioko
Eng Christine Ogut
Ms. Natasha Mutai
Mrs. Loise Ruhiu
- Member (in the chair)
- Member
- Member
- Member
- Member

IN ATTENDANCE

Mr. Nathan Soita
Ms. Shelmith Miano
- Secretariat
- Secretariat

PRESENT BY INVITATION

Applicant- Riley Services Ltd

Mr. C.M. Njuguna
- Advocate, Njuguna & Partners Advocates

Mr. J.N. Musomba
- Director

Procuring Entity -National Oil Corporation of Kenya

Mr. S. Kengwe
- Advocate, Kengwe & Co. Advocates

Ms. Catherine Maithe
- Advocate

Mr. Timothy Omaido
- Pupil

Mrs. Antoinette Mwema
- Procurement Manager

Ms. Judy Ochieng
- Staff

Interested Parties -

Ms. Mildred Munyasia
- Advocate, Gilly's Security Ltd

Mr. Thomas Oieno Orwa
- Pupil, Okong'o Wandago & Co.

Ms. Faith Mungongo
- Gilly's Security Ltd

May. Frankline Shikanda
- Operations Manager, Brinks Security

BOARD'S DECISION

Upon hearing the representations of the parties and interested candidates and upon considering the information in all documents before it, the Board decides as follows: -

BACKGROUND

Invitation to Tender

The Procuring Entity advertised Tender No. NOCK/PRC/03(595) for Provision of Security Services in the daily Nation and Standard Newspapers of 10th October, 2012 and closed on 31st October, 2012.

Closing/Opening:

At the time of tender closing/opening, the following ten (10) firms had submitted their bids:

- a) Desert Security
- b) Vickers Security
- c) Wells Fargo
- d) Brinks Security
- e) Radar Security Ltd
- f) Gilly's Security
- g) Patriotic Group
- h) Total Security
- i) Riley Services Ltd
- j) G4S Security

This being a two envelope tender, the Technical proposals were opened first on 31st October, 2012 while the Financial proposals for the technically qualified bidders were opened on 14th November, 2012.

EVALUATION

Evaluation of the received bids was carried out by an Evaluation Committee of three members under the Chairmanship of Mr. Thomas Mugo. The evaluation was carried out in three stages namely; Preliminary, Technical and Financial evaluation stages.

Preliminary Evaluation

The bids were examined for responsiveness based on the following mandatory and other requirements as provided in the Tender Document:

- a) Copy of Certificate of Registration / Incorporation
- b) Copy of current/valid Tax Compliance Certificate issued by Kenya Revenue Authority
- c) Evidence of membership of the Kenya Security Industry Association (KSIA)
- d) Copy of Receipt of payment of non-refundable fee for the tender - KES.3,000.00
- e) Tender Security of KES.500,000.00
- f) Copies of audited accounts and financial statements for the last 2 financial years

- g) Duly filled and signed Confidential Business Questionnaire (Section VII)
- h) Duly signed Bidder's Declaration and Integrity Pact (Section VII)
- i) Duly signed Site Viewing Certificate (Section VII) as evidence of having attended the mandatory site visit (Thursday 18th October, 2012 at 10:00Hrs) as given in the invitation to tenderers.

The successful tenderer may be asked to present certified copies of any legal documentation to enable contract preparation.

Other requirements:

- a) Written references in similar or other assignments;
- b) Is not limited or debarred under any of the provisions of the Public Procurement and Disposal Act, 2005 and the Public Procurement and Disposal Regulations, 2006 to enter into a Contract;

(c) Must not be bankrupt or in the process of being wound up and is not the subject of legal proceedings for the purposes hereof;

(d) Provide information regarding current litigation(s) in which the tenderer is involved (if any).

Results of the Preliminary Evaluation are summarized in table 1:

Table 1 - Results of the Preliminary Evaluation

No.	Company	Copy of certificate of Registration/ Incorporation	Copy of current/valid Tax Identification Certificate	Copy of Compliance Certificate	PIN	VA	Evidence of members	Copy of Tender	Tender Security (KES. 500,000.00)	Copies of audited financial accounts and statements for the last 2 years	Duly signed Bidder's Declaration and Questions	Duly filled Confidential Business Questions	Duly signed Bidder's Declaration and Questions	Viewing Certificate
1.	Desert Security	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2.	Vickers Security	✓	✓	✓	✓	✓	✓ (PSIA)	✓	✓	✓	✓	✓	✓	✓
3.	Wells Fargo	✓	✓	✓ (Expired)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4.	Brinks Security	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5.	Radar Security Ltd.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6.	GILYS Security	✓	✓	✓	✓	✓	✓ (PSIA)	✓	✓	✓	✓	✓	✓	✓
7.	Patriotic Group	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
8.	Total Security	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	X

- iv. Vickers Security and Gilly's Security submitted a copy of a Certificate as evidence of membership to Protective Security Industry Association while Riley Services Ltd submitted a copy of Certificate as evidence of membership to International Professional Security Association.
- v. Total Security submitted a Site Viewing Certificate that was not duly signed by a National Oil Representative.
- vi. Total Security submitted copies of audited accounts for the FY 2009/2010.

However, it was noted in observation (iv) above with regard to Vickers Security and Gilly's Security submitting a copy of a Certificate as evidence of membership to Protective Security Industry Association as well as Riley Services Ltd submitting a copy of Certificate as evidence of membership to International Professional Security Association are minor deviations in line with PPD 64 (2) (a) and therefore Gilly's and Riley, having met the other preliminary evaluation criteria were considered for further evaluation.

The following bids met all mandatory requirements and their tenders were declared responsive at this stage. It is recommended they be subjected to further evaluation:

- a) Desert Security
- b) Brinks Security
- c) Radar Security Ltd
- d) Gilly's Security
- e) Patriotic Group
- f) Riley Services Ltd.
- g) G4S Security

Technical Evaluation

The seven bids that qualified for Technical evaluation were evaluated based on the following evaluation criteria provided in the Tender Document:

The Desert Security tender was subjected to technical evaluation as per the schedule below:

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
1.	The tenderer should provide a detailed viable proposal on effective provision of security to curb the threats of fire, terrorism, robbery/petty thefts of LPG Cylinders and other stocks/equipment. An effective proposal of provision of security at the Nairobi National Terminal in Industrial Area, Nanyuki Road, Nairobi should be presented especially capturing the aspect of petroleum products tanks as well as LPG Filling Plant.	15	5	No proposal provided in regard to effective provision of security to curb threats of fire, terrorism, robbery/petty thefts of LPG. This is only mentioned in the scope of training.
2.	Provision of a detailed viable Proposal on tracking of stock movement at the Terminal (monitoring & recording of trucks movement at the Terminal), warehouse and at Service Stations (where applicable).	5	0	No proposal on tracking stock movement at Terminal.
3.	Value addition/proposition from the security services provider (the Proposal should clearly bring out any value proposition/addition).	2	0	No proposal articulating value addition.
4.	Must have been in existence for the last five years.	2	0	Has been in existence for 3 years since 24 th August, 2009 according to copy of Certificate of Incorporation submitted.
5.	Submit reference letters from clients indicating value of each contract (minimum KES,500,000.00 per month).	2	0	Summary of References given is less than KES,500,000.00 per month.
6.	Evidence of physical premises/presence in major towns with operational setups and equipment. (Copy of Lease Agreements/Title Deed/evidence of regional presence)	5	1	Only mentioned Head Office physical address and geographical coverage (Lodwar, Wajir, Nyeri, Kakamega, Kericho, Bungoma) in tender. No evidence of Lease Agreement/ Title Deed.
7.	Capability of control industrial/assembly riots-Tenderer's Proposal should clearly bring this out.	2	0	Not mentioned at all in tender document.
8.	Evidence of backup systems and infrastructure for responding to emergencies such as robbery and bomb threat incidents.	5	0	Only mentioned about GSM Security and Electronic and Alarm Systems.

Ref. No.	Evaluation Criteria	Max Points	Scored Points	Remarks
9.	Provide evidence of patrol vehicles (minimum 10no. registered in own company names) plus evidence of their countrywide distribution/deployment and they are dedicated to security assignments.	5	0	Only have 4no. vehicles.
10.	Provide evidence of Third Party of Public Liability Insurance Cover.	2	2	Bidder provided evidence of Workmen's Compensation, Contractual Liability, Fire Policy valid till 06/07/2013.
11.	Evidence of ownership of Guard Dogs	5	0	No evidence of Guard dogs provided.
12.	Evidence of Dogs' vaccination programme and must have had the Dogs for at least 2 years.	2	0	No evidence of Dogs' vaccination programme.
13.	Evidence of registration with East African Kennel Club/KSPCA.	1	0	No evidence of registration with KSPCA/East Africa Kennel Club provided.
14.	Capability to attend to fire and explosion emergency situation, detection and control - Tenderer's Proposal should clearly bring this out.	2	0	No proposal to bring this out.
15.	Pairs of uniforms provided to each guard (minimum is 2 pairs) - evidence of uniform collection by guards should be provided, e.g. issuance register	2	1	The company stated that it provides two pairs of uniform. However, no evidence of Guards Kit Issuance Register.
16.	Submit a list of other equipment and kits provided to guards	2	1	The company stated that it provides Rain Coats, Boots, Umbrellas, Spot Lights, Whistles, Helmets, portable Alarm buttons. However, no evidence of Guards Kit Issuance Register.
17.	Commitment to deploy guards at required work station within 12 hours notice	2	0	
18.	Evidence of ownership of a comprehensive electronic guard monitoring system	2	0	Not mentioned in tender document; only mentioned possession of Panic buttons by Guards.
19.	Provide evidence of being networked to Kenya Police	5	0	No evidence of the same provided.
20.	Provide valid Communication Commission of Kenya (CCK) Radio frequency license	2		
Human Resources				
21.	Submission of compliance certificate from NSSF or evidence of Registration	2	2	Evidence of acknowledgement registration with NSSF submitted
22.	Submission of compliance certificate from NHIF or evidence of Registration	2	0	There is no evidence of NHIF Compliance Certificate.
23.	Evidence of / Confirm manpower capacity of not less than 200 guards in Permanent Employment	5	3	Mentioned that they have over 500no. Guards but no evidence attached
24.	Be workman's compensation compliant - Provide a copy of workman's compensation insurance cover as evidence	2	2	Evidence submitted from AMACO Insurance.

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
25.	Provide copy of Group Personal Accident Insurance Cover for Employees	2	2	Evidence submitted from AMACO Insurance.
26.	Letter of Compliance issued by Ministry of Labour and showing Compliance to labour requirements and in particular compliance to minimum wage	2	0	No evidence of Ministry of Labour Compliance Letter.
27.	Submit procedure of guards recruitment showing the minimum academic qualification and experience for guards, - attach CVs minimum two for guards and copies of their certificates of good conduct (issued by the CID)	1	0.5	Copies of Certificates of Good Conduct submitted; however, no copy of CV for Guards submitted.
28.	Submit procedure of supervisors recruitment showing the minimum academic qualification and experience for supervisors, attach CVs minimum two supervisors and copies of their certificates of good conduct (issued by the CID)	1	0.5	Procedure of Supervisor recruitment submitted. However, CVs for Supervisors not submitted.
Staff Capacity Development				
29.	Provide evidence in the form of certification from trainers of guards training on the following areas: <ul style="list-style-type: none"> Threat identification Emergency response or evacuation First aid training Fire fighting training Anti terrorism and Bomb Threat Dog Handling, as applicable Customer service/ customer care Record Keeping Knowledge in CCTV and automated alarm systems 	10	4	<ul style="list-style-type: none"> Instructions in Guarding Services Public Relations Customer Care Access Control Basic First Aid Training Search and Arrest Fire Fighting Effective Radio Communication Conflict Management Basic Mobile Patrol Foot Drill Crime Detection Submitted Certificate of Training that covers.
30.	Provide evidence of education qualifications for tea and management staff: <ul style="list-style-type: none"> Post graduate education (1 pt) Undergraduate (1 pt) Professional training in Security or Security related field (1 pt) 	3	0.5	<ul style="list-style-type: none"> Managing Director- Degree in Business Administration (copy of Degree Certificate not submitted) Operations Manager- Not provided (copy of Diploma in Sales & Marketing (copy of Diploma Certificate not submitted) Marketing Manager- Diploma in Sales & Marketing (copy of Diploma Certificate not submitted) Controller- Diploma in Telecommunications (copy of Diploma Certificate not submitted) Human Resource Manager - Masters in Business Administration (copy of Degree Certificate not submitted) Trainer - Ex-Military Officer (no evidence provided to verify training in security-related field)
		100	24.5	

The Brinks Security tender was subjected to technical evaluation as per the schedule below:

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
1.	The tenderer should provide a detailed viable proposal on effective provision of security to curb the threats of fire, terrorism, robbery/petty thefts of LPG Cylinders and other stocks/equipment. An effective proposal of provision of security at the Nairobi National Terminal in Industrial Area, Nanyuki Road, Nairobi should be presented especially capturing the aspect of petroleum products tanks as well as LPG Filling Plant.	15	7	Elaborate proposal of work plan submitted. However, it does not clearly capture threats of fire and terrorism.
2.	Provision of a detailed viable Proposal on tracking of stock movement at the Terminal (monitoring & recording of trucks movement at the Terminal), warehouse and at Service Stations (where applicable).	5	5	Well elaborated in work plan; recording of entry and exit of vehicles.
3.	Value addition/proposition from the security services provider (the Proposal should clearly bring out any value proposition/addition).	2	1	The value addition aspect is inadequate.
4.	Must have been in existence for the last five years.	2	2	Company has been in existence since 06 th August, 2001.
5.	Submit reference letters from clients indicating value of each contract (minimum KES,500,000.00 per month).	2	2	Reference Letters from Safaricom Ltd (KES,6.5Million), KenGen (KES,6.3Million per month), Kenyatta University (KES,2.9Million per month), Ministry of Public Works (KES,1.9Million)
6.	Evidence of physical premises/presence in major towns with operational self/own and equipment. (Copy of Lease Agreements/Title Deed/evidence of regional presence)	5	5	Physical address in Nairobi given; branch offices in Mombasa, Athi River, Embu, Nakuru, Eldoret, and Nyeri submitted.
7.	Capability of control industrial/assembly riots-Tenderer's Proposal should clearly bring this out.	2	0	This is not brought out clearly in the Proposal/Work Plan.
8.	Evidence of backup systems and infrastructure for responding to emergencies such as robbery and bomb threat incidents.	5	0	This is not brought out clearly in the Proposal/Work Plan.
9.	Provide evidence of patrol vehicles (minimum 10no. registered in own company names) plus evidence of their countrywide distribution/deployment and they are dedicated to security assignments.	5	5	Copies Logbooks of 31no. patrol vehicles distributed all over the branch locations submitted
10.	Provide evidence of Third Party of Public Liability Insurance Cover.	2	2	This was submitted.

Ref. No.	Evaluation Criteria	Max Points	Scored Points	Remarks
11.	Evidence of ownership of Guard Dogs	5	5	Evidence of 17no. Guard Dogs submitted.
12.	Evidence of Dogs' vaccination programme and must have had the Dogs for at least 2 years.	2	2	Records of Dogs' Vaccination programme submitted.
13.	Evidence of registration with East African Kennel Club/KSPCA.	1	0	Neither was it stated in tender document nor was there evidence to support this.
14.	Capability to attend to fire and explosion emergency situation, detection and control - Tenderer's Proposal should clearly bring this out.	2	1	This is not brought out clearly in Proposal; only mentioned in scope of Training.
15.	Fats of uniforms provided to each guard (minimum is 2 parts) - evidence of uniform collection by guards should be provided, e.g. issuance register	2	1	Issuance of 2no. sets of uniform, 1no. cap, security boots, pulllover, rain coats, great coats (for night guards) provided as stated in tender document. However, no evidence of Guards issuance Register.
16.	Submit a list of other equipment and kits provided to guards	2	1	Whistle and Lanyard, Belt, Baton, Baton loop, Torches (for night guards), Metal detectors (on request), Under carriage mirrors (on request), Identification badges, Mobile phones/ radio communication equipment as well as soap and batteries at every pay parade provided as stated in tender document. However, no evidence of Guards issuance Register.
17.	Commitment to deploy guards at required work station within 12 hours notice	2	1	Stated they can provide upto 10no. Guards on very short notice; upto 50no. Guards on 24hour notice; 100no. plus Guards in 1no.-3no. weeks' time.
18.	Evidence of ownership of a comprehensive electronic guard monitoring system	2	0	This detail did not feature in the Proposal.
19.	Provide evidence of being networked to Kenya Police	5	0	Not mentioned in tender document.
20.	Provide valid Communication Commission of Kenya (CCK) Radio frequency license	2	2	Valid copy of CCK License provided that expires on 30 th June, 2013.
Human Resources				
21.	Submission of compliance certificate from NSSF or evidence of Registration	2	2	Copy of Compliance certificate from NSSF submitted.
22.	Submission of compliance certificate from NHIF or evidence of Registration	2	2	Copy of Compliance certificate from NHIF submitted.
23.	Evidence of / Confirm manpower capacity of not less than 200 guards in Permanent Employment	5	5	Evidence of over 200no. Guards provided.
24.	Be workman's compensation compliant - Provide a copy of workman's compensation insurance cover as evidence	2	2	Copy of WBA Cover from Heritage Insurance submitted. NB: Period of Insurance expires 06 th November, 2012.
25.	Provide copy of Group Personal Accident Insurance Cover for Employees	2	2	Copy of Group Personal Accident Insurance Cover for Employees from Heritage Insurance submitted. NB: Period of Insurance expires 06 th November, 2012.

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
26.	Letter of Compliance issued by Ministry of Labour and showing Compliance to labour requirements and in particular compliance to minimum wage	2	0	No evidence of Letter of Compliance from Ministry of Labour.
27.	Submit procedure of guards recruitment showing the minimum academic qualification and experience for guards, - attach CVs minimum two for guards and copies of their certificates of good conduct (issued by the CID)	1	1	Guard Recruitment and Training procedure submitted; copies of Certificates of Good Conduct submitted.
28.	Submit procedure of Supervisors recruitment showing the minimum academic qualification and experience for supervisors, attach CVs minimum two supervisors and copies of their certificates of good conduct (issued by the CID).	1	0	No evidence of specific Supervisor recruitment; however, there is a training procedure and scope of training.
Staff Capacity Development				
29.	Provide evidence in the form of certification from trainers of guards training on the following areas <ul style="list-style-type: none"> Threat identification Emergency response or evacuation First aid training Fire fighting training Anti terrorism and Bomb Threat Dog Handling, as applicable Customer service/ customer care Record Keeping Knowledge in CCTV and automated alarm systems 	10	10	Evidence of copies of Basic Security Guard Training Course Certificates showing training in the following areas: Security knowledge, Knowledge of Law, Arrest & Search Skills, Crime Prevention & Detection, Fire Prevention Skills, Bomb Threat and Handling, Threat Identification, Investigation, Physical fitness/Drill endurance, Emergency/ Distress Response, Rescue or Evacuation, VIP Escort/Protection, Knowledge in CCTV and attempted Alarm Systems, Safety Knowledge, Patrolting Techniques, Report & Occurrence Writing Skills, Notebook Keeping, Customer Care & Public Relations, First Aid knowledge.
29.	Provide evidence of education qualifications for and management staff <ul style="list-style-type: none"> Post graduate education (1 pt) Undergraduate (1 pt) Professional training in Security or Security related field (1 pt) 	3	0.5	Managing Director - MPA, Georgia State University, University of Texas, USA; B.A. International Relations. Chief Operations Manager - Bachelor of Arts, Kenya University. Senior Controller, Security Operations - O-Level Education, Ebuwal Secondary School. No evidence of professional training in Security or Security-related training. (CVs attached; however copies of testimonials not attached).
30.	Provide evidence of education qualifications for and management staff <ul style="list-style-type: none"> Post graduate education (1 pt) Undergraduate (1 pt) Professional training in Security or Security related field (1 pt) 	100	66.5	

The Radar Security Ltd. tender was subjected to technical evaluation as per the schedule below:

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
1.	The tenderer should provide a detailed viable proposal on effective provision of security to curb the threats of fire, terrorism, robbery/petty thefts of LPG cylinders and other stocks/equipment. An effective proposal of provision of security at the Natorbi National Terminal in Industrial Area, Nanyuki Road, Natorbi should be presented especially capturing the aspect of petroleum products tanks as well as LPG Filling Plant.	15	10	The tenderer submitted a comprehensive Proposal based on survey conducted during site visits. Caps were identified in the Proposal and possible deterrent measures outlined both at Head Office and NNT especially to curb threats of terrorism/bombs as well as human access control and stock movement.
2.	Provision of a detailed viable Proposal on tracking of stock movement at the Terminal (monitoring & recording of trucks movement at the Terminal), warehouse and at Service Stations (where applicable).	5	4	An elaborate Proposal submitted explaining the procedures and measures to put in place at the Depot to protect Corporation's assets.
3.	Value addition/proposition from the security services provider (the Proposal should clearly bring out any value proposition/addition).	2	2	The tenderer Proposal has captured value addition in provision of security services at National Oil facilities by stating both short and long-term measures that tenderer could cooperate with National Oil to implement in improving security, e.g., training staff on terrorism.
4.	Must have been in existence for the last five years.	2	2	The company has been in existence since 04 th December, 1997 as per the copy of the Certificate of Incorporation submitted.
5.	Submit reference letters from clients indicating value of each contract (minimum KES,500,000.00 per month).	2	2	Reference Letters from Telkom Kenya (KES,4,210,043.24 per month); Seventh Day Adventists Church (KES,616,666.00 per month); Lloyd Masika Ltd (KES,1,562,561.00 per month); Kenya Power (KES,1,010,000.00 per month) submitted.
6.	Evidence of physical premises/ presence in major towns with operational setups and equipment. (Copy of Lease Agreements/Title Deed/ evidence of regional presence)	5	4	Tenderer stated presence in Natorbi, Mombasa, Kisumu, Nakuru, and Eldoret. Also stated physical location of Natorbi, Mombasa office and submitted copy of Tenancy Agreement; Business Permits for Nyeri, Mombasa, Nakuru, Meru and contract for supply of water by KIWASCO (Kisumu) submitted. For Nakuru and Eldoret not submitted.
7.	Capability of control Industrial/ assembly riots- Tenderer's Proposal should clearly bring this out.	2	2	This aspect was clearly articulated in Proposed methodology and workplan.

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
8.	Evidence of backup systems and infrastructure for responding to emergencies such as robbery and bomb threat incidents.	5	5	Tenderer stated availability of resources such as Mine & Bomb detection Dogs, Med-Eng Protection Gear, Weapons detection Dogs, Armoured vehicles, portable X-ray equipment, Mail Room Scanners and Containers, Search & Surveillance Equipment, Mine Clearance Equipment as well as Bomb detection teams etc.
9.	Provide evidence of patrol vehicles (minimum 10no. registered in own company names) plus evidence of their nationwide distribution/deployment and they are dedicated to security assignments.	5	5	Tenderer submitted 16no. copies of patrol vehicle Logbooks.
10.	Provide evidence of Third Party of Public Liability Insurance Cover.	2	2	Evidence of Employers Liability (Common Law) Insurance policy with Kenndia Assurance Company Ltd.
11.	Evidence of ownership of Guard Dogs	5	5	Evidence of Bno. Guard Dogs submitted.
12.	Evidence of Dogs' vaccination programme and must have had the Dogs for at least 2 years.	2	2	Copies of Bno. Guard Dogs Vaccination programme submitted.
13.	Evidence of registration with East African Kennel Club/KSPCA.	1	0	No evidence of registration with KSPCA submitted.
14.	Capability to attend to fire and explosion emergency situation, detection and control - Tenderer's Proposal should clearly bring this out.	2	2	Tenderer articulated this well in methodology and Work plan as well as deterrent measures following site visit survey.
15.	Pairs of uniforms provided to each guard (minimum is 2 pairs) - evidence of uniform collection by guards should be provided, e.g. issuance register	2	2	Tenderer stated that Guards are furnished with 2no. long-sleeve shirts, 2no. short-sleeve shirts, 2no. all-season weight trousers, and 2no. caps. Uniform Issuance Register submitted.
16.	Submit a list of other equipment and kits provided to guards	2	2	Tenderer stated that Guards are furnished with High visibility jackets and/or shirts (where required); Rain Coat (with hood); Flashlight; Whistle, Boots, Baton, Lanyard etc. Uniform Issuance Register submitted.
17.	Commitment to deploy guards at required work station within 12 hours notice	2	0	Tenderer has stated 24hours response time in work methodology.
18.	Evidence of ownership of a comprehensive electronic guard monitoring system	2	0	No evidence of comprehensive electronic guard monitoring system.
19.	Provide evidence of being networked to Kenya Police	5	0	No evidence of being networked to Kenya Police submitted.
20.	Provide valid Communication Commission of Kenya (CCK) Radio frequency license	2	2	Valid copy of CCK Licence submitted valid till 30 th June, 2013.

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
Human Resources				
21.	Submission of compliance certificate from NSSF or evidence of Registration	2	2	Copy of NSSF Compliance Certificate submitted.
22.	Submission of compliance certificate from NHIF or evidence of Registration	2	2	Copy of NSSF Compliance Certificate submitted.
23.	Evidence of / Confirm manpower capacity of not less than 200 guards in Permanent Employment	5	0	Tenderer did not state the human resource capacity.
24.	Be workman's compensation compliant - Provide a copy of workman's compensation insurance cover as evidence	2	0	Evidence of Workman's Compensation not submitted.
25.	Provide copy of Group Personal Accident Insurance Cover for Employees	2	0	Evidence of Group Personal Accident Insurance Cover not submitted.
26.	Letter of Compliance issued by Ministry of Labour and showing Compliance to labour requirements and in particular compliance to minimum wage	2	2	Copy of Ministry of Labour compliance Letter submitted.
27.	Submit procedure of guards recruitment showing the minimum academic qualification and experience for guards, - attach CVs minimum two for guards and copies of their certificates of good conduct (issued by the CID)	1	1	Procedure of Guards Recruitment, CVs of Guards as well as their Certificates of Good Conduct submitted.
28.	Submit procedure of Supervisors' recruitment showing the minimum academic qualification and experience for supervisors, attach CVs minimum two supervisors and copies of their certificates of good conduct (issued by the CID).	1	1	Procedure for Supervisor recruitment submitted as well as CVs and Certificates of Good Conduct for 2no. Supervisors.
Staff Capacity Development				

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
1.	The tenderer should provide a detailed viable proposal on effective provision of security to curb the threats of fire, terrorism, robbery/petty thefts of LPG Cylinders and other stocks/equipment. An effective proposal of provision of security at the Nairobi National Terminal in Industrial Area, Nanyuki Road, Nairobi should be presented especially capturing the aspect of petroleum products tanks as well as LPG Filling Plant.	15	12	Comprehensive and elaborate Proposal outlining measures to enhance effective security provision at NNT and particularly taking cognizance of LPG Filling Plant and aspect of petroleum products submitted. Measures to address threats of fire and alertness to curb thefts/terrorism addressed.

The Gilly's Security Ltd. tender was subjected to technical evaluation as per the schedule below:

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
29.	Provide evidence in the form of certificates of training on the following: <ul style="list-style-type: none"> Threat identification Emergency response or evacuation First aid training Fire fighting training Anti terrorism and Bomb Dog Handling, as applicable Customer service/customer Record Keeping Knowledge in CCTV and alarm systems 	10	10	Tenderer stated Course module as follows: Introduction to Security; Assignment instructions and SOPs; Access Control and Searching; Patrolling & Observations; Public Relations & Customer Care; Terrorism and Bomb Threats; Fire Fighting; Radio Communications & Alarm Systems; Threats; Fire Fighting; Radio Communications & Alarm Systems; Report Writing & Occurrence Books; Criminal Law & Scenes of Crime; and First Aid. However, tenderer did not submit copies of certificates as evidence of training.
30.	Provide evidence of education qualification and management staff <ul style="list-style-type: none"> Post graduate education (1 pt) Undergraduate (1 pt) Professional training in Security related field (1 pt) 	3	3	Technical Manager – Bachelor of Engineering, Open University; Diploma in Electronics & Telecommunications, Technical School of Electronics and Telecommunications; Certificates & Experience in CCNA, Cardax, Lenei, CBM, Dedicated Mirrors, Honeywell, Guardall, Compus, Geogrip, X Plan, Rossare, Pro Watch, Sensor, Milestone, DVTel. Training & Quality Assurance Manager – Army Officer Cadet Course, Lane; Army Staff Course, Camberley, UK; National Defence College, Kenya. (CVs submitted, however copies of testimonials not attached).
		100	67	

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
2	Provision of a detailed viable Proposal on tracking of stock movement at the Terminal (monitoring & recording of trucks movement at the Terminal), warehouse and at Service Stations (where applicable).	5	5	The aspect of tracking of stock movement was well articulated in submitted Proposal
3	Value addition/proposition from the security services provider (the Proposal should clearly bring out any value proposition/addition).	2	2	Value addition well articulated; tenderer states to conduct regular security surveys and advise National Oil based on results of such surveys as well as keeping abreast with general security matters within the immediate surrounding environment.
4	Must have been in existence for the last five years.	2	2	Tenderer has been in existence for 15 years since 12 th June, 2006 as per the submitted copy of Certificate of Registration.
5	Submit reference letters from clients indicating value of each contract (minimum KES 500,000.00 per month).	2	2	Reference Letters from Kengen (KES 2,603,040.00 per month); Chemill Sugar (KES 1,609,337.00); Kenya Power (KES 1,050,000.00 per month); National Housing Corporation (KES 728,480.00 per month) submitted.
6	Evidence of physical premises/presence in major towns with operational setups and equipment. (Copy of Lease Agreements/Title Deed/evidence of regional presence)	5	5	Tenderer stated physical address of Nairobi office and submitted copy of Letter of Offer for 5 year tenancy. No evidence of physical premises in other major towns with operational setups; no attached copies of Lease Agreements/Title Deeds.
7	Capability of control industrial/assembly riots-Tenderer's Proposal should clearly bring this out.	2	2	Tenderer mentioned methodology of riot control by own and Police force. However, not elaborate.
8	Evidence of backup systems and infrastructure for responding to emergencies such as robbery and bomb threat incidents.	5	5	Evidence of Backup systems aailed; however, evidence of infrastructure for responding to bomb threats not submitted.
9	Provide evidence of patrol vehicles (minimum 10no. registered in own company names) plus evidence of their countrywide distribution/deployment and they are dedicated to security assignments.	5	5	Copies of Vehicle Registration Certificates for 15no. patrol vehicles submitted.
10	Provide evidence of Third Party of Public Liability Insurance Cover.	2	2	Tenderer submitted copy of Public Liability Policy from First Assurance co. Ltd.
11	Evidence of ownership of Guard Dogs	5	5	Evidence of availability of Guard Dogs submitted (License for Dog ownership and Dogs Vaccination Programme.
12	Evidence of Dogs' vaccination programme and must have had the Dogs for at least 2 years.	2	2	Dogs Vaccination Programme for the last two years submitted.
13	Evidence of registration with East African Kennel Club/KSPCA.	1	1	Tenderer stated non-membership to KSPCA.

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
14.	Capability to attend to fire and explosion emergency situation, detection and control - Tenderer's Proposal should clearly bring this out.	2	1	Tenderer submitted very scanty information with regard to this aspect
15.	Pairs of uniforms provided to each guard (minimum is 2 pairs) - evidence of uniform collection by guards should be provided, e.g. issuance register	2	2	Tenderer submitted copy of a Guards Kitting List showing issuance of 2no. Shirts, 2no. pairs of Trousers, 2no. Caps, 1no. Heavy Sweater, 1no. Heavy Over Coat and 1no. pair of Boots.
16.	Submit a list of other equipment and kits provided to guards	2	2	1no. Whistle, 2no. Lanyards, 2no. Belts, 1no. Torch, 1no. Baton, Other equipments listed include Bows & Arrows, Under search Mirrors, Metal Detectors.
17.	Commitment to deploy guards at required work station within 12 hours notice	2	2	Tenderer has stated commitment to deploy Guards within 12hours notice.
18.	Evidence of ownership of a comprehensive electronic guard monitoring system	2	2	Tenderer submitted evidence of ownership of an electronic Guard monitoring system.
19.	Provide evidence of being networked to Kenya Police	5	5	Tenderer submitted copy of Letter from PISA stating direct communication and linkages with Kenya Police especially within Nairobi Area.
20.	Provide valid Communication Commission of Kenya (CCK) Radio frequency license	2	2	Copy of valid CCK Radio Frequency Licence submitted.
Human Resources				
21.	Submission of compliance certificate from NSSF or evidence of Registration	2	2	Copy of NSSF Compliance Certificate submitted.
22.	Submission of compliance certificate from NHIF or evidence of Registration	2	2	Copy of NHIF Compliance Certificate submitted.
23.	Evidence of / Confirm manpower capacity of not less than 200 guards in Permanent Employment	5	5	Tenderer stated employment of more than 500no. Guards on permanent basis. List of employed Guards submitted.
24.	Be workman's compensation compliant - Provide a copy of workman's compensation insurance cover as evidence	2	2	Tenderer submitted copy of Work Injury Benefits Insurance Policy from First Assurance company Ltd.
25.	Provide copy of Group Personal Accident Insurance Cover for Employees	2	0	Tenderer did not state nor provide evidence of Group Personal Accident Insurance Cover for Employees.
26.	Letter of Compliance issued by Ministry of Labour and showing Compliance to labour requirements and in particular compliance to minimum wage	2	2	Copy of Letter of compliance from Ministry of Labour submitted.
27.	Submit procedure of guards recruitment showing the minimum academic qualification and experience for guards, - attach CVs minimum two for guards and copies of their certificates of good conduct (issued by the CID)	1	0.5	Procedure of Guards recruitment submitted; minimum academic qualification stated (C-Level); No evidence of CV for Guards submitted; copies of Certificates of Good Conduct for Guards submitted.
28.	Submit procedure of supervisors recruitment showing the minimum academic qualification	1	1	Procedure for Supervisors Recruitment mentioning academic qualification and level of

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
Staff Capacity Development				
	and experience for supervisors, attach CVs minimum two supervisors and copies of their certificates of good conduct (issued by the CID)			experience submitted; CVs for 3no. Supervisors as well as their Certificates of Good Conduct submitted.
29.	<p>Provide evidence in the form of certification from trainers of guards training on the following areas</p> <ul style="list-style-type: none"> Threat identification Emergency response or evacuation First aid training Fire fighting training Anti terrorism and Bomb Threat Dog Handling, as applicable Customer service/ customer care Record Keeping Knowledge in CCTV and automated alarm systems 	10	10	<p>Tenderer submitted Guards Basic Training Course structure and copies of Certificates of Training with the following modules: Threat Identification, Emergency/ Distress Response, Anti-terrorism, Fire Fighting-Minor, Investigation, preservation of evidence & Intelligence, Communication Skills & Report Writing, Customer Care, Guard Training Facility, Arrest/Immobilization/Handling a Suspect, Executive/VIP Protection, Knowledge of Security Equipment, Record Keeping, CCTV & automated Alarm System.</p>
30.	<p>Provide evidence of education qualifications for and management staff</p> <ul style="list-style-type: none"> Post graduate education (1 pt) Undergraduate (1 pt) Professional training in Security or Security related field (1 pt) 	100	83.5	<p>Managing Director - B.A. (Economics with IT), Maseno University; Diploma in Security Management, Kenya Institute of Studies in Criminal Justice (all copies of certificates submitted).</p> <p>Operations Manager - B.A. (Economics and Geography), University of Nairobi; Bachelors Degree (Security Management) - Crimes in Sudan, European Business School, Cambridge, England (all copies of certificates submitted).</p> <p>Human Resource & Recruitment Manager - Bachelor of Business Administration (Management option), Maseno University; Diploma in Personnel Management, Kenya Polytechnic (all copies of certificates submitted).</p> <p>No evidence of professional training in Security or Security related field</p>

The Patriotic Group tender was subjected to technical evaluation as per the schedule below:

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
1.	The tenderer should provide a detailed viable proposal on effective provision of security to curb the threats of fire, terrorism, robbery/petty thefts of LPG Cylinders and other stocks/equipment. An effective proposal of provision of security at the Nairobi National Terminal in Industrial Area, Nanyuki Road, Nairobi should be presented especially capturing the aspect of petroleum products tanks as well as LPG Filling Plant.	15	3	Tenderer submitted a Proposal that was inadequate with regard to Evaluation criteria. The proposal was too brief and did not detail how to provide effective security with respect to fire, terrorism and petty thefts of LPG Cylinders at the Terminal.
2.	Provision of a detailed viable Proposal on tracking of stock movement at the Terminal (monitoring & recording of trucks movement at the Terminal), warehouse and at Service Stations (where applicable).	5	0	No evidence of Proposal on tracking of stock movement at the Terminal submitted.
3.	Value addition/proposition from the security services provider (the Proposal should clearly bring out any value proposition/addition).	2	0	No evidence of value addition Proposal at National Oil facilities submitted.
4.	Must have been in existence for the last five years.	2	2	Tenderer has been in existence for 9no. years as per copy of Certificate of Incorporation submitted.
5.	Submit reference letters from clients indicating value of each contract (minimum KES,500,000.00 per month).	2	0	Reference Letter from Chemelli Sugar company (KES,90,815.00 per month) submitted. Reference Letters from Africa International University, Celcel submitted with no evidence of monthly contract sum.
6.	Evidence of physical premises/presence in major towns with operational setups and equipment. (Copy of Lease Agreements/Title Deed/evidence of regional presence)	5	2	Tenderer only provided physical addresses of Branch network- Nairobi (Head Office), Kisumu, Mombasa, Busia, Nakuru, Meru, Eldoret, and Bungoma. Evidence of Lease Agreements submitted.
7.	Capability of control industrial/assembly riots- Tenderer's Proposal should clearly bring this out.	2	0	No evidence of Proposal to capably control industrial/ assembly riots at National Oil facilities submitted.
8.	Evidence of backup systems and infrastructure for responding to emergencies such as robbery and bomb threat incidents.	5	0	Tenderer stated availability of two-way Motorola HF and VHF Radios and patrol vehicles at branches. No evidence of backup systems and infrastructure.
9.	Provide evidence of patrol vehicles (minimum 10no. registered in own company names) plus evidence of their countrywide distribution/deployment and they are dedicated to security assignments.	5	0	Tenderer stated availability; No evidence of patrol vehicles submitted.
10.	Provide evidence of Third Party of Public Liability Insurance Cover.	2	2	Copy of Contractual Legal Liability Cover with Cannon Assurance Lid submitted.
11.	Evidence of ownership of Guard Dogs	5	5	Evidence of Registration of Dogs submitted.

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
12.	Evidence of Dogs' vaccination programme and must have had the Dogs for at least 2 years.	2	2	Evidence of Dog Vaccination programme submitted.
13.	Evidence of registration with East African Kennel Club/KSPCA.	1	0	Neither statement of membership nor evidence of membership to East African Kennel Club/KSPCA submitted.
14.	Capability to attend to fire and explosion emergency situation, detection and control – Tenderer's Proposal should clearly bring this out	2	0	No evidence Proposal illustrating the methodology of handling fire and explosion emergency situations.
15.	Pairs of uniforms provided to each guard (minimum is 2 pairs) - evidence of uniform collection by guards should be provided, e.g. issuance register	2	0	No evidence of Guards Uniform Issuance List/ Register.
16.	Submit a list of other equipment and kits provided to guards	2	0	No evidence of equipment and kits provided to Guards submitted.
17.	Commitment to deploy guards at required work station within 12 hours notice	2	0	No evidence of commitment to deploy guard monitoring system submitted.
18.	Evidence of ownership of a comprehensive electronic monitoring system	2	0	No evidence of a comprehensive electronic guard monitoring system submitted.
19.	Provide evidence of being networked to Kenya Police	5	0	No evidence to illustrate linkage with Kenya Police.
20.	Provide valid Communication Commission of Kenya (CCK) Radio frequency license	2	0	No evidence of valid CCK License submitted.
Human Resources				
21.	Submission of compliance certificate from NSSF or evidence of Registration	2	0	No evidence of NSSF Compliance Certificate submitted.
22.	Submission of compliance certificate from NHIF or evidence of Registration	2	0	No evidence of NHIF Compliance Certificate submitted.
23.	Evidence of / Confirm manpower capacity of not less than 200 guards in Permanent Employment	5	0	No evidence of manpower capacity submitted.
24.	Be workman's compensation compliant – Provide a copy of workman's compensation insurance cover as evidence	2	2	Copy of Work Injury Benefits cover with Cannon Assurance Ltd submitted.
25.	Provide copy of Group Personal Accident Insurance Cover for Employees	2	0	No evidence of Group Personal Accident Insurance Cover for Employees submitted.
26.	Letter of Compliance issued by Ministry of Labour and showing compliance to labour requirements and in particular compliance to minimum wage	2	0	No evidence of Ministry of Labour Compliance Letter submitted.
27.	Submit procedure of guards recruitment showing the minimum academic qualification and experience for guards, - attach CVs minimum two for guards and copies of their certificates of good conduct (issued by the CID)	1	1	Guards recruitment and training guidelines submitted.
28.	Submit procedure of supervisors recruitment showing the minimum academic qualification and experience for supervisors, attach CVs minimum two supervisors and copies of their certificates of good conduct (issued by the CID)	1	1	Supervisors recruitment and training guidelines submitted.

Ref. No.	Evaluation Criteria	Max Points	Scored Points	Remarks
Staff Capacity Development				
29.	<p>Provide evidence in the form of certification from the trainers of guards training on the following areas:</p> <ul style="list-style-type: none"> • Threat identification • Emergency response or evacuation • First aid training • Fire fighting training • Anti terrorism and Bomb Threat • Dog Handling, as applicable • Customer service/ customer care • Record Keeping • Knowledge in CCTV and automated alarm systems 	10	0	<p>Evidence of Training Modules and copies of Certificates of Guard/Supervisor Training not submitted.</p>
30.	<p>Provide evidence of education qualifications for team leader management staff</p> <ul style="list-style-type: none"> • Post graduate education (1 pt) • Undergraduate (1 pt) • Professional training in Security or Security related field (1 pt) 	3	1	<p>Managing Director – Bachelor of Business Administration, Marketing (training institution and evidence of training not submitted), Deputy Managing Director – MBA in Strategic Management (training institution and evidence of training not submitted); Diploma in Banking and Human Resource Management (training institution and evidence of training not submitted), Operations Manager – Ex-paramilitary Officer and Senior Instructor at GSU; Hostage rescue Course, Kenya Police Training College; VIPs Protection Course, Kenya Police Training College; Kenya Police College; Kenya Police Training Initial Course, Kenya Police College; Counter-terrorism and SWAT, Israeli Border Police; Martial Arts, Israeli Special Forces.</p>
		100	19	

The Riley Services Ltd. tender was subjected to technical evaluation as per the schedule below:

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
1.	The tenderer should provide a detailed viable proposal on effective provision of security to curb the threats of fire, terrorism, robbery/petty thefts of LPG Cylinders and other stocks/equipment. An effective proposal of provision of security at the Nairobi National Terminal in Industrial Area, Nanyuki Road, Nairobi should be presented especially capturing the aspect of petroleum products tanks as well as LPG Filling Plant.	15	9	A detailed Proposal and SOPs have been submitted articulating the aspect of security at NNT, Head Office and branch network facilities.
2.	Provision of a detailed viable Proposal on tracking of stock movement at the Terminal (monitoring & recording of trucks movement at the Terminal), warehouse and at Service Stations (where applicable).	5	3	SOP for tracking petroleum and LPG stocks given in proposal.
3.	Value addition/proposition from the security services provider (the Proposal should clearly bring out any value proposition/addition).	2	1.5	Tenderer stated collaboration with ARK and St. John's Ambulance in case clients in need of evacuation services; KISA membership enhances tenderer to fire-fighting capacity reinforcement.
4.	Must have been in existence for the last five years.	2	2	Company has been in existence for 27 years since 1985.
5.	Submit reference letters from clients indicating value of each contract (minimum KES,500,000.00 per month).	2	2	Tenderer submitted Reference Letters from Postbank (KES,4,755,549.92 per month); University of Nairobi (KES,7,500,000.00 per month); Unga Ltd (KES,1,786,796.50 per month).
6.	Evidence of physical premises/presence in major towns with operational setups and equipment. (Copy of Lease Agreements/Title Deed/evidence of regional presence)	5	3	Tenderer has operational bases in Nairobi (evidence of Registration of Title submitted); Siaya, Embu, Mombasa (evidence of rental payments submitted); tenderer has stated operational bases in Kisumu, Nakuru and Eldoret (physical addresses for all branches submitted).
7.	Capability of control industrial/assembly riots- Tenderer's Proposal should clearly bring this out.	2	2	Tenderer stated ability through thorough training on all aspects of security operations as well from experience at University of Nairobi and United States International University.
8.	Evidence of backup systems and infrastructure for responding to emergencies such as robbery and bomb threat incidents.	5	4	Tenderer stated availability of Riley Alarm Systems and demonstrated components as well as system design.
9.	Provide evidence of patrol vehicles (minimum 10no. registered in own company names) plus evidence of their countrywide distribution/deployment and they are dedicated to security assignments.	5	5	Evidence of 12no. patrol vehicles submitted (photos of the vehicles and copies of vehicle Logbooks).
10.	Provide evidence of Third Party of Public Liability Insurance Cover.	2	2	Evidence of Public Liability Insurance cover with Assured Insurance Brokers Ltd, submitted.

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
11.	Evidence of ownership of Guard Dogs	5	5	Dog profile and copies of Dog Registration Certificates submitted.
12.	Evidence of Dogs' vaccination programme and must have had the Dogs for at least 2 years.	2	2	Dog vaccination records submitted.
13.	Evidence of registration with East African Kennel Club/KSPCA.	1	1	Evidence of corporate membership to KSCA submitted.
14.	Capability to attend to fire and explosion emergency situation, detection and control - Tenderer's Proposal should clearly bring this out.	2	1.5	Methodology and SOPs for dealing with fire emergencies, detection and control submitted.
15.	Pairs of uniforms provided to each guard (minimum is 2 pairs) - evidence of uniform collection by guards should be provided, e.g. issuance register	2	2	Evidence of Kit and Equipment Issue Form indicating issuance of 2no. Shirts, 2no. Trousers and 2no. Sweaters to personnel submitted.
16.	Submit a list of other equipment and kits provided to guards	2	2	Evidence of Kit and Equipment Issue Form indicating issuance of Belt, Lanyard, Baton, Whistle, Raincoat, Cap, Reflector, Boots, and Torch submitted.
17.	Commitment to deploy guards at required work station within 12 hours notice	2	2	Tenderer submitted commitment to deploy guards at required work station within 12 hours notice.
18.	Evidence of ownership of a comprehensive electronic guard monitoring system	2	2	Evidence of purchase of Guard Tour system from Security Systems Services Ltd. submitted; Evidence of Guard Monitoring System Logs submitted.
19.	Provide evidence of being networked to Kenya Police	5	4	Tenderer attached KSA's benefit from corporate membership to Police linkages; copies of letters to attest linkage to Kenya Police submitted.
20.	Provide valid Communication Commission of Kenya (CCK) Radio frequency license	2	2	Copy of valid CCK License submitted.
Human Resources				
21.	Submission of compliance certificate from NSSF or evidence of Registration	2	2	Copy of NSSF Compliance Certificate submitted.
22.	Submission of compliance certificate from NHIF or evidence of Registration	2	2	Copy of NHIF Compliance Certificate submitted.
23.	Evidence of / Confirm manpower capacity of not less than 200 guards in Permanent Employment	5	5	Evidence of payroll with 24no. employees submitted.
24.	Be workman's compensation compliant - Provide a copy of workman's compensation insurance cover as evidence	2	2	Evidence of Workman's Compensation Cover with Assured Insurance Brokers Ltd submitted.
25.	Provide copy of Group Personal Accident Insurance Cover for Employees	2	0	No statement to support this; no evidence of Group Personal Accident Insurance Cover for Employees.
26.	Letter of Compliance issued by Ministry of Labour and showing Compliance to labour requirements and in particular compliance to minimum wage	2	2	Letter of Compliance from Ministry of Labour attached.
27.	Submit procedure of guards recruitment showing the minimum academic qualification and experience for guards, - attach CVs minimum	1	1	Procedure for Guards recruitment showing minimum academic qualifications submitted; CVs of 2no. Guards as well as copies of Certificates of Good Conduct

Ref. No.	Evaluation Criteria	Max Points	Scored Points	Remarks
	two for guards and copies of their certificates of good conduct (issued by the CID)			submitted.
28.	Submit procedure of supervisors recruitment showing the minimum academic qualification and experience for supervisors, attach CVs minimum two supervisors and copies of their certificates of good conduct (issued by the CID)	1	1	Procedure for Supervisors recruitment showing minimum academic qualifications submitted. CVs of 2no. Supervisors as well as copies of Certificates of Good Conduct submitted.
Staff Capacity Development				
29.	Provide evidence in the form of certification from trainers of guards training on the following areas: <ul style="list-style-type: none"> • Threat identification • Emergency response or evacuation • First aid training • Fire fighting training • Anti terrorism and Bomb Threat • Dog Handling, as applicable • Customer service/ customer care • Record Keeping • Knowledge in CCTV and automated alarm systems 	10	7	Training Manual and copies of Guards attendance Certificates for the following modules at Riley Security Training School submitted: Security Knowledge, Knowledge of Law, Arrest & Search, Crime Prevention, Discipline, Emergency/Rescue, Threat Identification, Fire Prevention, Safety Knowledge, First Aid Knowledge, Patroling Skills, Sighting & other Drills, Investigations, Report Writing, Notebook Keeping, Customer Care & Public Relations, Anti-terrorism Drill, Radio Communication, Crowd Control, Knowledge in CCTV/Alarm Systems. Additionally, copies of First Aid training Certificates from St. John's Ambulance submitted. However, tenderer did not state the duration of the training, an aspect which is critical to assess effectiveness of the training provided.
30.	Provide evidence of education qualifications for te and management staff <ul style="list-style-type: none"> • Post graduate education (1 pt) • Undergraduate (1 pt) • Professional training in Security or Security related field (1 pt) 	3	1	Managing Director – Master of Science in Business Administration (evidence of Certificates not submitted); Diploma in Security Management and Information Technology, UK Administration (evidence of Certificates not submitted). Director of Operations & Administration – no specific training background mentioned; previously Director of Studies, Recruitment & Training at Kenya Police College, Kisumu (evidence of Certificates not submitted). Operations & Training Manager – Executive Masters of Business Administration (Operation Management), JKUAT (evidence of Certificates not submitted); B.A. Economics and Business Studies, Kenyatta University (evidence of Certificates not submitted); Higher Diploma in Human Resource Management, Institute of Human Resources Management (evidence of Certificates not submitted).
		100	80	

The G4S Security Ltd. tender was subjected to technical evaluation as per the schedule below:

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
1.	The tenderer should provide a detailed viable proposal on effective provision of security to curb the threats of fire, terrorism, robbery/petty thefts of LPG Cylinders and other stocks/equipment. An effective proposal of provision of security at the Natoro National Terminal in Industrial Area, Nanyuki Road, Natoro should be presented especially capturing the aspect of petroleum products tanks as well as LPG Filling Plant.	15	15	Tenderer submitted a very elaborate Proposal starting with National Oil' business environment's risk assessment and the accompanying mitigation strategies with regard to threats of fire, terrorism, robbery, thefts at National Oil sites. Tenderer also articulated areas they wish to effectively implement in relation to contract management.
2.	Provision of a detailed viable Proposal on tracking of stock movement at the Terminal (monitoring & recording of trucks movement at the Terminal), warehouse and at Service Stations (where applicable).	5	4	This is well articulated in methodology as well as identified as a key risk area in the risk register submitted; mitigation measures for risk areas outlined.
3.	Value addition/proposition from the security services provider (the Proposal should clearly bring out any value proposition/addition).	2	1.5	Value addition stated by tenderer: periodic risk assessments and monthly meetings with National Oil representatives to review performance of Guard Force; benchmarking and continuous improvement through comprehensive review of client requirements over the initial 100no. days of project with a view to reduce costs and enhance efficiency; implement Quality Control/ Assurance in the project through effective monitoring and reporting of services rendered.
4.	Must have been in existence for the last five years.	2	2	Tenderer has been in existence in Kenya since 25 th September, 1963 as per the copy of Certificate of Incorporation.
5.	Submit reference letters from clients indicating value of each contract (minimum KES,500,000.00 per month).	2	0.5	Tenderer submitted Reference Letters from Post Bank, Kenya Revenue Authority, Total Kenya Ltd, DT Doble, ICPB and Equity Bank. However, tenderer did not submit monthly contract values.
6.	Evidence of physical premises/presence in major towns with operational setups and equipment. (Copy of Lease Agreements/Title Deed/evidence of regional presence)	5	5	Copy of Lease and Title Agreements submitted. This is the only tenderer with countrywide coverage.
7.	Capability of control industrial/assembly sites- Tenderer's Proposal should clearly bring this out	2	2	This aspect is well articulated in Tenderer's proposal.
8.	Evidence of backup systems and infrastructure for responding to emergencies			Tenderer has demonstrated availability of backup systems and infrastructure for responding to emergencies such as

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
9.	Provide evidence of patrol vehicles (minimum 10no, registered in own company names) plus evidence of their countrywide distribution/deployment and they are dedicated to security assignments.	5	5	Tenderer has demonstrated availability of 5no. Patrol vehicles.
10.	Provide evidence of Third Party of Public Liability Insurance Cover.	2	2	Copy of Third Party of Public Liability Insurance Cover (Courier only) with Heritage (50%) and ICEA Lion (50%) submitted.
11.	Evidence of ownership of Guard Dogs	5	5	Tenderer has demonstrated availability of 23no. Guard Dogs.
12.	Evidence of Dogs' vaccination programme and must have had the Dogs for at least 2 years.	2	2	Evidence of Dog vaccination programme for at least 2no. years submitted.
13.	Evidence of registration with East African Kennel Club/KSPCA.	1	1	No evidence of membership to East African Kennel Club/KSPCA.
14.	Capability to attend to fire and explosion emergency situation, detection and control - Tenderer's Proposal should clearly bring this out.	2	2	This was well articulated in the Proposal and methodology. Tenderer demonstrated availability of explosive and mine detection dogs.
15.	Pairs of uniforms provided to each guard (minimum is 2 pairs) - evidence of uniform collection by guards should be provided, e.g. issuance register	2	2	Tenderer submitted Kitting List showing minimum uniform issued per Guard: Shirt (male and female) - (short & long sleeve), Trousers (male & female), Skirts (for females, long and not high), Jacket "Bomber style", Coat (cold weather), Headgear/Gloves (cold weather), Boots (military style with ankle support), Sweater (long-sleeved), Summer Headgear (G4S Cap).
16.	Submit a list of other equipment and kits provided to guards	2	2	Tenderer submitted Kitting List showing minimum equipment issued per Guard: Torch, Whistle, Notepad and Pen/Pencil, Baton, and Radio VHF Handheld.
17.	Commitment to deploy guards at required work station within 12 hours notice	2	2	Tenderer stated ability to respond to client situation any time.
18.	Evidence of ownership of a comprehensive electronic guard monitoring system	2	2	Tenderer demonstrated availability of a modern comprehensive electronic guard monitoring system.
19.	Provide evidence of being networked to Kenya Police	5	5	Tenderer submitted process map illustrating the cycle of Alarm and relaying of signal to police station which triggers police response.
20.	Provide valid Communication Commission of Kenya (CCK) Radio frequency license	2	2	Copy of valid CCK License submitted.
Human Resources				
21.	Submission of compliance certificate from NSSF or evidence of Registration	2	2	No evidence of NSSF Compliance Certificate submitted.
22.	Submission of compliance certificate from NHIF or evidence of Registration	2	2	No evidence of NHIF Compliance Certificate submitted.
23.	Evidence of / Confirm manpower capacity	5	5	Evidence of 1159no. Guard force submitted.

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
	of not less than 200 guards in Permanent Employment			
24.	Be workman's compensation compliant - Provide a copy of workman's compensation insurance cover as evidence	2	0	No evidence of Workman's Compensation Cover submitted.
25.	Provide copy of Group Personal Accident Insurance Cover for Employees	2	2	Copy of Group Personal Accident Insurance Cover with Heritage (50%) and ICEA Lion (50%) for Police (Armed Escort) submitted. Employees have Staff Group Life Assurance Scheme in place with AON (evidence submitted).
26.	Letter of Compliance issued by Ministry of Labour and showing Compliance to labour requirements and in particular compliance to minimum wage.	2	0	No evidence of Letter of compliance from Ministry of Labour submitted.
27.	Submit procedure of guards recruitment showing the minimum academic qualification and experience for guards, - attach CVs minimum two for guards and copies of their certificates of good conduct (issued by the CID)	1	1	An elaborate recruitment procedure and recruitment process flow chart submitted that identifies critical control points (CCPs) for vetting Security Officers. At least two Guard CVs and copies of Certificates of Good Conduct submitted.
28.	Submit procedure of supervisors recruitment showing the minimum academic qualification and experience for supervisors, attach CVs minimum two supervisors and copies of their certificates of good conduct (issued by the CID)	1	1	An elaborate recruitment procedure and recruitment process flow chart submitted that identifies critical control points (CCPs) for vetting Security Officers. Supervisor CVs submitted.
Staff Capacity Development				
29.	Provide evidence in the form of certification of trainers of guards training on the following: <ul style="list-style-type: none"> Threat identification Emergency response or evacuation First aid training Fire fighting training Anti terrorism and Bomb Threat Dog Handling, as applicable Customer service/ customer care Record Keeping Knowledge in CCTV and automate systems 	10	10	A very elaborate training schedule for potential deployments to National Oil with the following modules customized to suit the Corporation was submitted: Orientation/Introduction to National Oil, National Oil Asses, Legal/Power of Arrest, Terrorism/Criminality, Fire & Explosions, Emergency Response Plans, Physical Security Measures, Basic Guard Duties, Basic First Aid/CPR, Guardforce Communications- Radio and CCTV, General Orders and Post Orders, Maintenance of Post Logs and Preparation of Irregularity/Incident Reports, Physical Fitness for Unarmed Defence and Restraint of Disorderly Persons, Personal/Post Equipments, Access Control Equipment Use and Procedures, Observation Techniques, Dealing with National Oil Employees and General Public-Customer Care. The scope of the training has been outlined by leader.
				Tenderer stated 80hours minimum basic Guard training before deployment and 16hours minimum for each subsequent year.

Based on the technical evaluation conducted, the following bidders were technically responsive having scored above the minimum threshold of 70 points:

Technical Recommendations

The Technical Evaluation Team makes the following recommendations to the Tender Committee:

1. Gilly's Security Ltd. - 83.5 points
2. Riley Services Ltd. - 80 points
3. G4S Security Ltd. - 86 points

Ref No.	Evaluation Criteria	Max Points	Scored Points	Remarks
30.	Provide evidence of education qualifications and management staff <ul style="list-style-type: none"> • Post graduate education (1 pt) • Undergraduate (1 pt) • Professional training in Security or Security related field (1 pt) 	3	3	<p>Director, Security Services - Executive Leadership Development Programme, Wits Business School, University of Witwatersrand, South Africa; MBA-Major in Marketing & Strategic Management, University of Nairobi (2003); BSc. Mechanical Engineering Hons, University of Nairobi; Member of Petroleum Institute of East Africa (PIEA) (no copies of Testimonials submitted).</p> <p>Director, Risk, Health and Safety & Quality - studying MSc. in Security and Risk Management, Loughborough University; Success in Business Financial Management, Bristol Management Centre (2008), UK; Global Terrorism, Trends, Causes and Responses, Bradford University (2007); European Security, Bradford University, UK (no copies of Testimonials submitted).</p> <p>Head of Operations, Manned Security Service - Courses in Management training, Risk Assessment, Finance Management and Budgeting, and Customer Relationship Marketing Strategies & Solutions (no copies of Testimonials submitted).</p>
		100	86	

- To approve the opening of the Financial Proposals for the following tenderers who met the minimum technical threshold of 70 points:

- i. Gilly's Security Ltd.
- ii. Riley Services Ltd.
- iii. G4S Security Ltd.

The Tender Committee at its meeting No.98 held on 7th November, 2012 adopted the recommendations of the Technical Evaluation Committee and approved that the Financial Proposals for the three technically qualified bidders be opened.

Financial Evaluation

The Financial Proposals for the technically qualified bidders were opened on 14th November, 2012. The evaluation of price schedules for the three bidders is summarized below:

G4S Ltd Price Schedule - Retail stations

Item No.	Description	Daily Rates (KES.)	VAT (16%)	Daily Rates (KES.)	Total Daily Rates (KES.)	Monthly Rates (KES.)	VAT (16%) (KES.)	Total Monthly Rates VAT inclusive
1.	Day Guard	2,500.00	400.00	2,900.00	2,900.00	28,700.00	4,592.00	33,292.00
2.	Night Guard	2,500.00	400.00	2,900.00	2,900.00	28,700.00	4,592.00	33,292.00
3.	Supervisor	4,000.00	640.00	4,640.00	4,640.00	36,500.00	5,840.00	42,340.00
4.	Dog and Handler	4,500.00	720.00	5,220.00	5,220.00	46,500.00	7,440.00	53,940.00
5.	Armed Police Security	3,000.00	480.00	3,480.00	3,480.00	126,000.00	20,160.00	146,160.00

G4S Ltd Price Schedule- NNT, Laboratory, Head Office, Mombasa Office

Item No.	Location	Required	Projected Requirement	Monthly rates per requirement	Sub-totals VAT exclusive (KES)	16% VAT (KES)	Total amount as per projected requirement (monthly rate*projected requirement (KES))
1.	Nairobi National Terminal	Supervis or	2no.	36,500.00	73,000.00	11,680.00	84,680.00
		Dog & Handler	2no. Dogs /Handler	46,500.00	93,000.00	14,880.00	107,880.00
		Day/Night Guard	18 Day/Night Guards	28,700.00	516,600.00	82,656.00	599,256.00
2.	Laboratory-South C	Day/Night Guard	2no. Day/Night Guard	28,700.00	57,400.00	9,184.00	66,584.00
		Dog and Handler	1no. Dog/Handler	46,500.00	46,500.00	7,440.00	53,940.00
		Day Guard	2no. Day Guards	29,300.00	58,600.00	9,376.00	67,976.00
3.	Head Office	Day Guard	2no. Day Guards	28,700.00	57,400.00	9,184.00	66,584.00
		Night Guard	1no. Night Guard	28,700.00	28,700.00	4,592.00	33,292.00
		Day Guard	2no. Day Guards	28,700.00	57,400.00	9,184.00	66,584.00
4.	Mombasa Office	Day Guard	2no. Day Guards	28,700.00	57,400.00	9,184.00	66,584.00
		Night Guard	1no. Night Guard	28,700.00	28,700.00	4,592.00	33,292.00
		Day Guard	2no. Day Guards	28,700.00	57,400.00	9,184.00	66,584.00
MONTHLY TOTALS (KES.)		1,113,484.00					
ANNUAL TOTALS (KES.)		13,361,808.00					
ESTIMATED CONTRACT PERIOD TOTAL (KES.)		26,723,616.00					

Riley Services Ltd price Schedule - Retail Stations

Item No.	Description	Daily Rates (KES.)	VAT (16%) (KES.)	Total Daily Rates VAT inclusive (KES.)	Monthly Rates (KES.)	VAT (16%) (KES.)	Total Monthly Rates VAT inclusive (KES.)
1.	Day Guard	1,200.00	192.00	1,392.00	21,692.03	3,470.72	25,162.75
2.	Night Guard	1,200.00	192.00	1,392.00	21,692.03	3,470.72	25,162.75
3.	Supervisor	1,800.00	288.00	2,088.00	30,368.00	4,858.88	35,226.88
4.	Dog and Handler	1,653.00	264.48	1,917.48	37,932.00	6,069.12	44,001.12
5.	Armed Police Security	1,300.00	208.00	1,508.00	27,793.10	4,446.90	32,240.00

Riley Services Ltd price Schedule - NNT, Laboratory, Head Office, Mombasa Office

Item No.	Location	Required	Projected Requirement	Monthly rates per requirement (rates to be contracted) exclusive of VAT (KES.)	Sub-totals VAT exclusive (KES.)	VAT (16%) (KES.)	Total amount as per projected requirement (monthly rate*projected requirement) (KES.)
1.	Nairobi National Terminal	Supervisor	2no. Supervisors	30,368.00	60,736.00	9,717.76	70,453.76
		Dog & Handler	2no. Dogs /Handler	37,932.00	75,864.00	12,138.24	88,002.24
		Day/Night Guard	18 Day/Night Guards	21,692.03	390,456.54	62,473.05	452,929.59
2.	Laboratory-South C	Day/Night Guard	2no. Day/Night Guard	21,692.03	43,384.06	6,941.45	50,325.51
		Dog and Handler	1no. Dog/Handler	37,932.00	37,932.00		44,001.12

Gilly's Security Ltd. Price Schedule - Retail Stations

Item No.	Description	Daily Rates (KES.)	VAT (16%) (KES.)	Total Daily Rates VAT inclusive (KES.)	Monthly Rates (KES.)	VAT (16%) (KES.)	Total Monthly Rates VAT inclusive (KES.)
1.	Day Guard	1,000.00	160.00	1,160.00	15,000.00	2,400.00	17,400.00
2.	Night Guard	1,000.00	160.00	1,160.00	15,000.00	2,400.00	17,400.00
3.	Supervisor	1,200.00	192.00	1,392.00	20,000.00	3,200.00	23,200.00
4.	Dog and Handler	2,000.00	320.00	2,320.00	30,000.00	4,800.00	34,800.00
5.	Armed Police Security	3,000.00	480.00	3,480.00	30,000.00	4,800.00	34,800.00

Item No	Location	Required	Projected Requirement	Monthly rates per requirement (rates to be contracted exclusive of VAT (KES.))	Sub-totals VAT exclusive (KES.)	16% VAT (KES.)	Total amount as per projected requirement (monthly rate projected requirement (KES.))	3.		4.		MONTHLY TOTAL (KES.)	ANNUAL TOTAL (KES.)	ESTIMATED CONTRACT PERIOD TOTAL (KES.)
								Head Office	Day	2no. Day Guards	Night			
								50,325.51	25,162.75	50,325.51	25,162.75	856,688.74	10,280,264.88	20,560,529.76

The	Location	Required	Projected Requirement	Monthly rates (rates to be contracted) exclusive of VAT (KES.)	Sub-totals VAT (KES.)	16% VAT (KES.)	Total amount as per projected requirement (monthly rate*projected requirement (KES.))
1.	Nairobi National Terminal	Supervisor	Zno. Supervisors	20,000.00	40,000.00	6,400.00	46,400.00
		Dog & Handler	Zno. Dogs /Handler	30,000.00	60,000.00	9,600.00	69,600.00
		Day/Night Guard	18 Day/Night Guards	15,000.00	270,000.00	43,200.00	313,200.00
2.	Laboratory-South C	Day/Night Guard	Zno. Day/Night Guard	15,000.00	30,000.00	4,800.00	34,800.00
		Dog and Handler	1no. Dog/Handler	30,000.00	30,000.00	4,800.00	34,800.00
3.	Head Office	Day Guard	Zno. Day Guards	15,000.00	30,000.00	4,800.00	34,800.00
		Night Guard	1no. Night Guard	15,000.00	15,000.00	2,400.00	17,400.00
4.	Mombasa Office	Day Guard	Zno. Day Guards	15,000.00	30,000.00	4,800.00	34,800.00
		Night Guard	1no. Night Guard	15,000.00	15,000.00	2,400.00	17,400.00
		MONTHLY TOTALS (KES.)				603,200.00	
		ANNUAL TOTALS (KES.)					7,238,400.00
		ESTIMATED CONTRACT PERIOD TOTAL (KES.)					14,476,800

Observations:

It was noted that G4S Ltd had indicated that the quoted prices are exclusive of 16% VAT. This was factored into the evaluated price schedule.

† The annual evaluated cost submitted by G4S Ltd. for existing security services needs at National Oil facilities is KES. 13,361,808.00 inclusive of VAT. The evaluated estimate contract cost (two-year period) is KES. 26,723,616.00 inclusive of VAT.

† It was noted that Riley Services Ltd. quoted a lumpsum cost in the prescribed Form of Tender. The quoted cost is KES. 10,280,263.44 inclusive of VAT. The annual evaluated cost is KES. 10,280,264.44 inclusive of VAT. The evaluated estimate contract cost (two-year period) is KES. 20,560,529.76 inclusive of VAT.

† It was noted that Gilly's Ltd. quoted a lumpsum cost (two years) of KES. 14,059,200.00 inclusive of VAT. However, the evaluated cost from the submitted price schedule is KES. 14,476,800.00 inclusive of VAT for the two-year period. The annual evaluated cost is KES. 7,238,400.00 inclusive of VAT.

Tender	Technical Score	Weight of Technical Score out of 70	Financial score out of 30	Total Overall Score out of 100
G4S Ltd.	86.0	60.20	16	76.2
Riley Security Services	80.0	56.00	22	78
Gilly's Security Ltd.	83.5	58.45	30	88.45

Overall combined score:

Following the financial evaluation and the subsequent financial scoring, Gilly's Security and Investigation Services scored the highest with 30points having submitted the least prices overall.

HEAD OFFICE	Day Guard	33,988.00	25,162.75	17,400.00	17,400.00	15.36	20.74	30.00
	Night Guard	33,292.00	25,162.75	17,400.00	17,400.00	15.68	20.74	30.00
MSA OFFICE	Day Guard	33,292.00	25,162.75	17,400.00	17,400.00	15.68	20.74	30.00
	Night Guard	33,292.00	25,162.75	17,400.00	17,400.00	15.68	20.74	30.00
	TOTAL					222.67	306.65	417.79
	Avg. Weight					16	22	30

Following the combined weighted technical and weighted financial scoring of the prices submitted by the tenderers at this stage, Gilly's Security and Investigation Services scored the highest combined score of 88.45 points.

Recommendation to the Tender Committee:

Following the financial evaluation, financial scoring and the subsequent consolidated overall scoring, the Evaluation Team recommends that the Tender Committee awards the tender for provision of security services at National Oil facilities to Gilly's Security and Investigation Services a two-year framework contract based on the price schedule below subject to a three-month probation period to monitor the Gilly's performance.

TENDER COMMITTEE DECISION

The National Oil Corporation Tender Committee at its 105th meeting held on 28th November, 2012 discussed and adopted the Evaluation Report presented before it and approved award of contract for Provision of Security Services at National Oil facilities to Gilly's Security and Investigation Services for a Two year framework contract based on the quoted rates amounting to a total sum of Ksh.14,476,800.

THE REVIEW

The Request for Review was lodged by Riley Services Ltd on 21st December, 2012 in the matter of Tender No: NOCK/PRC/3 (595) for Provision of Security Services.

The Applicant was represented by Mr. C.M. Njuguna, Advocate, while the Procuring Entity was represented by Mr. S. Keengwe, Advocate. The interested candidates present were M/s Gilly's Security Ltd represented by Ms. Mildred Munyasia, Advocate and M/s Brinks Security represented by Major Frankline Shikanda, Operations Manager.

PRELIMINARY OBJECTION

The Procuring Entity had on 3rd January, 2013 filed a Preliminary Objection to the Request for Review, and the same was served on the Applicant on 10th January, 2013.

At the commencement of the hearing, the parties agreed to argue the Preliminary Objection together with the Request for Review.

The Procuring Entity had raised Preliminary Objection on the following grounds:

1. That the Procuring Entity avers that the Applicant served it with a letter dated the 21st day of December, 2012 where it was seeking from the Procuring Entity reasons why its bid was unsuccessful when on the same day it had filed this present review. This makes the present Request for Review premature under Regulation 66 (2) of the Public Procurement & Disposal Regulations, 2006.

2. That the Procuring Entity avers that the Review filed herein is bad in law, frivolous, vexatious and incurably defective as it is in

contravention of Regulation 73 (2) (c) of the Public Procurement &

Disposal Regulations, 2006.

3. That the Application/Request for Review herein is not premised on facts and evidence but drummed up on rumours and speculations inadmissible in law. Where does the Applicant obtain such flawed information that the lowest evaluated bidder does not meet the mandatory requirements set out in the tender? Or where does the Applicant peg its allegation that the criteria for awarding tender was not applied uniformly (to all bidders) when it has not been availed with reasons why its bid was unsuccessful.

4. That the Application/Request for Review fails to disclose the nature of the Applicant's claim as nothing has been alluded, to suggest that the tendering process was tainted with specific breach or breaches of the Public Procurement & Disposal Act, 2005 or any of the provisions of the Public Procurement & Disposal Regulations, 2006.

5. That the Procuring Entity avers that it had previously contracted the Applicant to render security services at its various facilities and that this is merely a backdoor attempt by the Applicant to extend to itself a contract that was due and has since expired. This is highly improper and should not be countenanced by this Honourable Board.

6. That the Procuring Entity avers that the Applicant's Request for Review is incompetent, misconceived, an abuse of the process and inept in both legal substance and form and that the same ought to be struck out with costs to the Procuring Entity.

- That the Applicant together with other bidders participated in the tender for provision of security services that was advertised by the Procuring Entity on 10th October, 2012 and closed/opened on 31st October, 2012.

The Board notes as follows:-

The Board has carefully considered the submissions of the parties and examined the documents presented before it.

The Applicant alleged that it was wrong for the Procuring Entity to accuse it of extending to itself the contract that lapsed on 31st December 2012 seeing that the Applicant was thrown out of the Procuring Entity's premises on the night of 31st December, 2012 when Brinks Security was assigned the interim contract through direct procurement method.

The Applicant further submitted that it had not contravened Regulation 73(2)(c) as argued by the Procuring Entity. It stated that it had only received the letter of notification on 21st December 2012 though the letter was dated 3rd December 2012. It therefore argued that its Request for Review was filed within time.

In its response, the Applicant submitted that it had received the notification letter on 21st December 2012 when it became aware that its bid had been unsuccessful. It further submitted that it had on the same date, 21st December, 2012, it wrote to the Procuring Entity requesting for reasons as to why its bid was unsuccessful. It stated that it could not wait for a reply from the Procuring Entity as this would have jeopardized its opportunity for an appeal if the fourteen day appeal window expired while it awaited the said reply. It further argued that Section 66(2) of the Act had nothing to do with an Applicant's Request for Review.

• That the Applicant together with other bidders were notified of the

tender results by letters dated 3rd December, 2012.

• That the Applicant claims to have received the letter of notification

on 21st December, 2012 and that on the same date, it wrote a letter to

the Procuring Entity requesting for reasons as to why its bid was

unsuccessful.

• That on the same day of 21st December, 2012, the Applicant filed this

Request for Review with the Board.

The Board further notes the assertion by the Applicant that it feared that

the appeal window might lapse and hence it did not wait for the Procuring

Entity to respond to its letter requesting for reasons as to why its bid had

been unsuccessful.

The Board has also noted the Procuring Entity's assertion that the request

for review should not be allowed since it came before the expiry of the 14

days as stipulated under Section 66(2) of the Act.

The Board notes that under Section 66(2) the Procuring Entity is given 14

days within which to provide written reasons as to why the Applicant's

bid was unsuccessful. However, the Board holds that this does not in any

way bar the Applicant from filing the Request for a Review even while

waiting for the Procuring Entity's reply to its request for reasons as to why

its bid was unsuccessful.

Accordingly, this limb of the Preliminary Objection fails.

Regarding the contravention of Regulation 73(2) (c), the Board notes the

provisions of the said regulation which states as follows:

Regulation 73(2):-

"The request referred to in paragraph (1) shall-

(a) ...

(b) ...

(c) Be made within fourteen days of-

(i) The occurrence of the breach complained of where the

request is made before the making of an award; or

(ii) The notification under sections 67 or 83 of Act."

The Board notes that the Applicant filed this Request for Review under Regulation 73(2) (c) (ii).

The Board further notes that the following facts are not in dispute:-

- That the letters to the successful and unsuccessful bidders were all dated 3rd December 2012.
- That the said letters were dispatched by ordinary mail on or after 4th December, 2012.

The Board has already noted the Applicant's claims that it only received the notification letter on 21st December 2012.

The Board has held severally that the burden of proof on the issue of notification lies with the Procuring Entity which has a duty under Section 67 of the Act to notify bidders. The Procuring Entity has not in this case been able to conclusively convince the Board that the Applicant's Request for Review was made outside the fourteen days appeal window.

The Board therefore finds that this limb of the Preliminary Objection lacks merit and accordingly fails.

The Board notes that the other grounds that the Procuring Entity raised in support of the Preliminary Objection to this Request for Review are mere

statements not backed by any breach of the Act or the Regulations. The

Board therefore need not make any findings on them.

Taking into account all the foregoing the Preliminary Objection fails and is hereby dismissed.

The Applicant raised five grounds of review which the Board deals with as follows:

Grounds 1, 2 & 3 - Breach of Sections 64 and 66 of the Act and Regulations 47, 48, 49 and 50

The three grounds have been consolidated since they all revolve around the evaluation process of the tender.

The Applicant submitted that the Procuring Entity breached Section 64 and 66 of the Act and Regulations 47, 48, 49 and 50 by failing to reject the tenders which had not satisfied the mandatory and / or technical requirements set out in the tender document.

The Applicant further submitted that the Procuring Entity had in particular breached Regulation 47(2) which required it to reject all tenders that did not meet the mandatory requirements.

The Applicant referred the Board to the Mandatory Requirements as set out in the Appendix to Instructions to Tenderers Clause 2.1 at page 19 of the Tender Document. In particular, it requested the Board to note subsection (iii) of the said clause which had required bidders to provide

It averred that the Procuring Entity breached Section 66 of the Act and other provisions of the Act and Regulations in applying an evaluation criterion not set out in the Tender Document, applying criteria which were not objective or quantifiable, failing to apply the criteria for evaluation uniformly among the bidders and awarding the contract to a bidder which had not satisfied the mandatory and or technical requirements of the tender. Further, the Applicant submitted that the Procuring Entity erred by

to proceed to the financial evaluation stage.
 It further averred that the Procuring Entity had breached regulations 49 and 50 by failing to disqualify the Gilly's Security's bid and by allowing it the preliminary evaluation stage.

Tender Document for having qualified a bid that ought not to have passed
 The Applicant averred that, having failed to reject this non responsive tender, the Procuring Entity was further in breach of Clause 2.22.6(a) of the evaluation stage.

The Applicant further stated that the Procuring Entity's action was in breach of Clause 2.20.5 of the tender document which required that tenders which were not responsive be rejected at the preliminary
 Security, was not a member of KSIA.

and was therefore privy to the fact that the Successful Bidder, Gilly's that the Applicant's CEO was a member of the Executive Council of KSIA failing to meet a mandatory criterion in line with regulation 47(2). It stated therefore to have been disqualified at the preliminary evaluation stage for It averred that the Successful Bidder was not a member of KSIA and ought

(KSIA).
 evidence of membership to the Kenya Security Industry Association

In its response, the Procuring Entity stated that it had adhered to all the provisions of the Act and the Regulations in processing of the tender. It further stated that it rejected all the tenders that were not responsive to the mandatory and/or technical requirements as set out in the tender document. It submitted that it applied the criterion of evaluation set out in the Tender Document to evaluate all the documents received from the various tenderer and that the criteria applied were objective and quantifiable. It argued that the Applicant had prior knowledge of the criteria to be used and also had its representative present during the

The Applicant therefore argued that there was no way that Gilly's Security Ltd could have been the lowest evaluated bidder in view of the fact that its unit costs were much higher than those of the other two responsive bidders.

Gilly's Security Ltd - Kshs. 313,200.

Riley Services Ltd - Kshs. 25,162.75

G4S Ltd - Kshs. 28,700

Respective Unit Costs as read out:

Projected Requirement - 18 day/night guards

Location: Nairobi National Terminal

It stated that at the financial bid opening the Procuring Entity had read out the unit costs of the three bidders, in part as follows:-

failing to award the contract to the Applicant who had fulfilled all the requirements of the tender and whose bid was the lowest evaluated tender.

technical and financial tender opening and at no time during the entire procurement process did the Applicant nor any other bidder raise objection(s) or concerns on the same despite having the opportunity to do so.

The Procuring Entity argued that each tender was evaluated uniformly using the same yard stick as per the evaluation criterion set out in the tender document and that the bidder who was awarded the contract had satisfied both the mandatory and technical requirements.

The Procuring Entity stated that it was within its rights to accept membership to an alternative association in place of the initially stated association. It argued that this was a minor deviation that did not materially depart from the requirements set out in the tender document and was therefore allowed under Section 64(2)(a) of the Act.

With regard to the financial evaluation, the Procuring Entity submitted that it had carefully compared the bids in line with the set criteria and that it had arrived at the lowest evaluated bidder in line with Section 66(4) of the Act. It accused the Applicant of misleading the Board by using the wrong comparison of figures. It further submitted that the correct figure which the Applicant ought to have quoted on behalf of the Successful Bidder was Kshs. 17,400 and not Kshs. 313,200 which was obviously much lower than those of the other two responsive bidders.

It concluded that it had properly selected the Successful Bidder, being the lowest evaluated bidder and had therefore not breached the provisions of the Act, the Regulations or the Tender Documents as alleged by the Applicant.

The Board has carefully considered the submissions of the parties and perused the submitted documents, particularly the Evaluation Report and notes the following:

- That the Procuring Entity advertised Tender No. NOCK/PRC/3 (595) for Provision of Security Services in the newspapers of 10th October, 2012.
- That the tender closed/opened on 31st October, 2012.
- That ten firms responded to the advertisement by submitting their bids.
- That the received bids were subjected to three stages of evaluation namely; Preliminary, Technical and Financial.
- That the tender was a two envelope system whereby the Technical proposals were opened and evaluated first before the financial proposals for the technically qualified bidders were opened on 14th November, 2012.
- That the bidder who scored the highest combined Technical and Financial score was to be considered for award of the contract.
- That three bidders namely; Vickers Security, Wells Fargo and Total Security were disqualified at the Preliminary evaluation stage when examined on their responsiveness to the Mandatory requirements provided in the Tender Document.
- That four bidders namely; Desert Security (24.5%), Brinks Security (66.5%), Radar Security (67%) and Patriotic Group (19%) were disqualified at the Technical evaluation stage for scoring below the required pass mark of 70% for a bidder to proceed to financial evaluation stage.

With regards to the Applicant's assertion that the Successful Bidder did not meet the mandatory criteria and therefore ought to have been disqualified at the preliminary stage, the Board notes as follows:

- That from the foregoing, the Applicant was the second lowest evaluated bidder at a combined score of 78% compared to the Successful Bidder's score 88.45%.

Tenderer	Technical Score	Weight of Technical Score out of 70	Financial score out of 30	Total Overall Score out of 100
G4S Ltd.	86.0	60.20	16	76.2
Riley Security Services	80.0	56.00	22	78
Gilly's Security Ltd.	83.5	58.45	30	88.45

- That three bidders namely Gilly's Security (83.5%), Riley Services Ltd (80%) and G4S Security Ltd (86%) qualified technically and proceeded to the financial evaluation stage.
- That when the Financial Proposals were opened on 14th November, 2012, the Successful Bidder M/s Gilly's Security had quoted a tender sum of Ksh.14,476,800 for the two years period while the Applicant had quoted Ksh.20,560,529.76 and G4S Security had quoted Ksh.26,723,616.
- That the overall combined score for the three bidders were as shown in the following table:

- The tender document had at clause 2.1(a)(iii) of the appendix of instruction to tenderers required bidders to provide evidence of membership to the Kenya Security Industry Association(KSIA),
 - That this was part of the mandatory requirements that bidders were to meet for them to be deemed responsive.
 - That at the preliminary evaluation stage 3 bidders including the successful bidder had provided evidence of membership to the Protective Security Industry Association (PSIA) and not KSIA.
 - That the Applicant had been noted to give evidence of membership to IPSA and not KSIA.
 - That all four bidders had been deemed to have met the criteria at preliminary evaluation stage.
 - That at the hearing it turned out that the Applicant, besides having IPSA certificate also had the required KSIA certificate in the tender document which the evaluation committee must have missed.
 - That none of these associations is a statutory body and therefore a security firm could chose to join one or the other.
 - That the Evaluation Committee in recognition of the above fact considered evidence of membership to other acceptable associations to be a minor deviation.
- The Board takes note of the requirements of Section 64(2)(a) which provide as follows :
- Section 64(2):-
- "The following do not affect whether a tender is responsive -*
(a) minor deviations that do not materially depart from the requirements set out in the tender documents."

following format :-

- That the price schedule at page 38 of Tender Document had the

"the tenderers shall complete the form of tender and the appropriate price schedule furnished in the tender documents, indicating the services to be performed."

- That Clause 2.8.1 had reads as follows:-

With regard to the financial evaluation, the Board notes as follows:

In support of these findings, the Board is guided by its ruling in *Review No. 37/2012 between Valley Auctioneers / Galaxy Auctioneers and Kenya Ports Authority* in which the Board ruled that the Procuring Entity did right in considering all bidders with membership certificates from any of the two associations and thus no bidder was disqualified on that requirement unless a bidder did not submit any membership certificate.

Taking all the above into consideration, the Board finds that the security industry has several associations other than the KSA which was stated in the Tender Documents, and that there was no statutory obligation / requirement for a security firms to be members of any specific association. Therefore the Board holds that the Procuring Entity was right to correct this as a minor deviation and to accept membership to any of these associations because acceptance of only one association would be discriminatory. Section 64 (2)(a) clearly envisages that the evaluation committee will from time to time meet circumstances like these which are minor deviations and which do not affect the substance of the tender.

PRICE SCHEDULE OF SERVICES (to be in the financial proposal)

Name of tenderer.....Tender number.....page.....of.....

Item no.	Location	Required	Projected requirement	Monthly rates per requirement (this are projected requirement (the rates to be contracted)	Total amount as per projected requirement (monthly rate X requirement)
1	Nairobi terminal	Supervisor Dog handler Day/night guard	2 supervisors 2 dog handlers 18 day/night guards		

- That the Applicant's financial bid did not conform to the format as shown in the Tender Document but instead had taken the format below.

Riley Services Ltd Price Schedule - Retail Stations

Item No.	Description	Daily Rates (KES.)	VAT (16%) (KES.)	Total Daily Rates VAT inclusive (KES.)	Monthly Rates (KES.)	VAT (16%) (KES.)	Total Monthly Rates VAT inclusive
1.	Day Guard	1,200.00	192.00	1,392.00	21,692.03	3,470.72	25,162.75
2.	Night Guard	1,200.00	192.00	1,392.00	21,692.03	3,470.72	25,162.75
3.	Supervisor	1,800.00	288.00	2,088.00	30,368.00	4,858.88	35,226.88
4.	Dog and Handler	1,653.00	264.48	1,917.48	37,932.00	6,069.12	44,001.12
5.	Armed Police Security	1,300.00	208.00	1,508.00	27,793.10	4,446.90	32,240.00

* The figure for G4S that was read out at the opening was net of VAT and hence was recalculated to include 16% VAT. From the above figures it is obvious that the Successful Bidder had submitted the lowest price in respect of the above category. In any event

Bidder	Monthly Rate per single Guard(Kshs)	Guard(Kshs)	Total for Projected 18 guards (Kshs)
G4S	33,292 *	599,256	
Riley's	25,162.75	452,929.59	
Gilly's	17,400	313,200	

- That as a result of the difference in formats used the figures read out at the financial bid opening were clearly mismatched.
- That the correct comparison is as follows:-

Item No.	Location	Required	Projected Requirement	Monthly rates per requirement (rates to be contracted) exclusive of VAT (KES.)	Sub-totals VAT exclusive (KES)	VAT 16% (KES.)	Total amount as per projected requirement (monthly rate*projected requirement (KES.))
1.	Nairobi	Supervisor	2no. Supervisors	20,000.00	40,000.00	6,400.00	46,400.00
	National	Dog & Handler	2no. Dogs /Handler	30,000.00	60,000.00	9,600.00	69,600.00
	Terminal	Day/Night Guard	18 Day/Night Guards	15,000.00	270,000.00	43,200.00	313,200.00

Gilly's Security Ltd- Price Schedule - NNT, Laboratory, Head Office, Mombasa Office

- That the Successful Bidder's price schedule conformed to the prescribed format as seen below.

the Board notes that the tender was being awarded in totality and not in

lots as all locations were awarded to one bidder.

The Board therefore takes note of the total price for the two year period as

follows:

G4S Security Ltd	Kshs. 26,723,616
Riley Services Ltd	Kshs. 20,560,529.76
Gilly's Security Ltd	Kshs. 14,476,800

The Board notes the recommendation of the Evaluation Committee to the Tender Committee that the tender be awarded to Gilly's Security with a three month probation period.

The Board further notes that on 28th November 2012, the Tender Committee adopted the Evaluation Committee's report presented before it and awarded the Contract for Provision of Security Services for a two year period to Gilly's Security Ltd at Kshs 14,476,800.

The Board finds that the Evaluation Criteria used during the evaluation of the tender was as provided in the Instructions to Tenderers and that it was applied across all the bidders. The Board further finds that Gilly's Security Ltd was rightfully awarded the tender being the lowest evaluated bidder.

Accordingly, this ground of review fails.

Ground 4 - Breach of Section 67 of the Act

The Applicant averred that the Procuring Entity breached Section 67 of the Act by failing to notify it of the results of tender simultaneously with notification to the Successful Bidder.

With regard to the Applicant's statement that it stands to suffer loss and prejudice due to the rejection of its bid, the Board has on numerous

Ground 5 - Loss

as it was able to file its Request for Review in time. However, the Board finds that the Applicant did not suffer any prejudice

Based on the different modes of dispatch, there's no doubt that the Successful Bidder was not notified at the same time as the unsuccessful bidders. This contravened Section 67 (2) of the Act which states that "At the same time as the person submitting the successful tender is notified, the procuring entity shall notify all other persons submitting tenders that their tenders were not successful."

Having perused through the submitted documents, the Board notes that the letters of Notification to all bidders were dated 3rd December, 2012. The Board further notes that the letters to Riley Services Ltd (Applicant) and that of G4S Security were posted via ordinary mail on 4th December, 2012 as evidenced by the Procuring Entity's record of outward registered articles while that of Gilly's Security (the Successful Bidder) was hand-delivered on 4th December, 2012 and signed for by a Mr. Michael as evidenced by the Procuring Entity's Delivery Book.

In response, the Procuring Entity stated that it notified all tenderers including the Applicant simultaneously of the outcome of the tender process. It further stated that all the letters informing the bidders of their success or otherwise were dated 3rd December 2012 and were posted on the same date and that the alleged failure by Applicant to receive the same on time was not occasioned by the Procuring Entity.

occasions in the past ruled that the tendering process is a business risk borne by both parties. Further, in open competitive tendering, there is no guarantee that a particular tender will be accepted and just like any other bidder, the Applicant took a commercial risk when it entered into the tendering process.

Accordingly, this ground of review also fails.

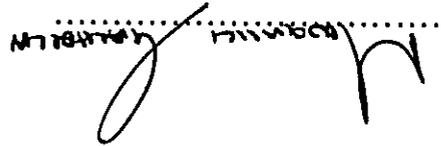
In view of the foregoing, the Request for Review fails and is hereby dismissed.

In these premises, the Board orders, pursuant to Section 98 of the Act, that the procurement process may continue.

Further, there are no orders as to costs.

Dated at Nairobi on this 21st day of January, 2013

CHAIRMAN
PPARB


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AG. SECRETARY
PPARB


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