



**REPUBLIC OF KENYA**  
**COUNTY GOVERNMENT OF NYANDARUA**  
COUNTY TREASURY  
P. O. Box 701-20303-Ol Kalou  
Email: [finance@nyandarua.go.ke](mailto:finance@nyandarua.go.ke)



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**EXPRESSION OF INTEREST FOR PAYROLL FINANCING SERVICES**

### **Introduction**

In line with the County Budget implementation cycle, the 2020/21 Budget became operational on 1<sup>st</sup> July, 2020 as a consequence of the Appropriation Bill assent.

The County Budget funding is predominantly reliant on the National Transfers as informed by the County Allocation of Revenue Act as approved by the Parliament.

The determination of the Counties allocation is currently experiencing a challenge due to the stalemate on the consideration and approval of the third revenue sharing formula basis as proposed by the Commission on Revenue Allocation due to various fundamental factors.

This has resulted to various counties facing hardships in implementation of the budgets including meeting the personnel emoluments obligations on time.

### **Scope of the Assignment**

It is in view of the above understanding that the County wishes to source for a financial intermediary who will address this gap in the short term. The envisaged intermediary should;

- a) Be having its presence in Ol Kalou town/county headquarter,
- b) Offer the service at zero cost to the County and minimal cost to the payee. It is proposed that the charges to the employee/payee should not be than what they are being currently charged in their respective banks,
- c) Be able to effect the salary payment by 25<sup>th</sup> of every month as should be the case under normal circumstance,
- d) Be able to give the County sufficient grace period of at least 3 months before repayment of the bank's advance due to the erratic disbursements from National Government,
- e) Take care of net pay only,
- f) Accord this facility only with prior communication from County Treasury during cash flow hard times,
- g) Ensuring the integrity and confidentiality of payroll data by providing a secure data loader/ portal, and
- h) Guarantee a turnaround time of maximum 2 days between the request lodge and effecting of the same.

### **Eligibility Requirements**

The Financial Institution should provide:

1. A copy of the Certificate of Incorporation;
2. Copies of PIN and VAT certificates, (where applicable);

3. Evidence of Tax Compliance –KRA Tax Compliance Certificates valid as at the date of submission;
4. Copies of certified audited accounts by a reputable firm for the last two years (2018 and 2017);
5. Copy of a valid CBK Bank Operating License or regulated and licensed by Sacco Society Regulatory Authority (SASRA);
6. A copy of the Bank's most recent CR12;
7. Provide evidence of minimum core capital of 1 Billion;
8. Provide a Copy of the Business permit and Verified Official Notification of the Company Registered place of Business; and
9. Duly filled, signed and stamped Confidential Business Questionnaire.
10. Duly filled, signed and stamped Commitment to the Code of Ethics Form.

### **Submission of Expression of Interest**

Interested and eligible firms may obtain additional information from the Office of the Director Supply Chain Management Services, Department of Finance & Economic Development located at the County Government Headquarters during normal working hours (8.00AM-5:00PM). Completed Expression of Interest enclosed in plain sealed envelopes marked "Ref: NYA/CG/EOI/001/2020-2021" addressed to:

The Chief Officer, Finance  
Department of Finance & Economic Development  
Nyandarua County Government  
P.O Box 701- 20303  
Olkalou

Should be deposited in the tender box situated at the entrance of the County Headquarters' Offices along the Ol Kalou - Gilgil Road, so as to be received on or before 18<sup>th</sup> September, 2020. Request for Proposal documents will thereafter be sent to the successful firms with specific Terms of Reference.

**FORM OF CONFIDENTIAL BUSINESS QUESTIONNAIRE**

You are requested to give the particulars indicated in Part 1 and either Part 2(a), 2(b) or 2(c) whichever applies to type of business.

You are advised that it is a serious offence to give false information on this form.

**Part-General: -**

Business Name: - .....

Location of Business Premises: -.....

Plot No: -.....Street/Road..... Postal Address: -.....Tel No; -

Nature of Business: -.....

Current Trade License No: -..... Expiring Date: - .....

Maximum Value of Business, which you can handle at any one time

Kshs: .....

Name of Bankers.....Branch: .....

**Part 2(a) – Sole Proprietor**

Your Name in full..... Age.....

Nationality.....Country of Origin.....Citizenship Details: .....

**Part 2 (b) – Partnership**

Give details of partners as follows: -

<b>NO.</b>	<b>NAME</b>	<b>NATIONALITY</b>	<b>CITIZENSHIP DETAILS</b>	<b>SHARES</b>
1.....	...../.....	...../.....	...../.....	.....
2.....	...../.....	...../.....	...../.....	.....
3.....	...../.....	...../.....	...../.....	.....

**Part**

**2(c) – Registered Company**

Private/Public: .....

State the nominal and issued capital of the Company: -

Nominal Kshs: .....Issued Kshs: .....

Give details of all directors as follows: -

<b>NO.</b>	<b>NAME</b>	<b>NATIONALITY</b>	<b>CITIZENSHIP DETAILS</b>	<b>SHARES</b>
1.....	...../.....	...../.....	...../.....	.....
2.....	...../.....	...../.....	...../.....	.....

Date: -.....Signature of Applicant.....

- If Kenyan Citizen, indicate under “Citizenship Details” Whether by birth,
- Naturalisation or Registration
- GPK (L)

**Date -----Signature of Applicant -----**

## **COMMITMENT TO CODE OF ETHICS FORM**

### **PART I - Title - DECLARATION FOR CODE OF ETHICS**

This code may be cited as the Code of Ethics for Suppliers in Public Procurement & Disposal

#### **Interpretation**

**In this codes, unless the context otherwise requires-**

**“The Act” MEANS** The Public Procurement and Disposal Act, 2005 or any amendment or modification thereof

**“Candidate”** means a person who has obtained the tender documents from a public entity pursuant to an invitation notice by a procuring entity

**“Code of Ethics”** means a statement encompassing the set of rules based on values and the standards of conduct to which suppliers are expected to conform

**“Consultant”** is a person who provides services of predominantly intellectual, technical or advisory nature

**“Contractor”** means a person who enters into a procurement contract with a procuring entity to supply goods, works or services, and includes the main contractor

**“Ethics”** means values, customs, rules or principles, which govern right conduct

**“Gift”** has meaning assigned to it in the Leadership and Integrity Regulations, 2015

**“Integrity”** means the quality of being honest and having strong moral and ethical principles

**“Persons”** has meaning assigned to it in Article 260 of the Constitution and includes sole proprietorship

**“Procuring Entity”** means a public entity making a procurement to which the Public Procurement and Disposal Act, 2005 or any amendment or modification thereof applies

**“Public Officer”** has the meaning assigned to it in Article 260 of the Constitution

**“Regulations”** means regulations made under the Public Procurement and Disposal Act, 2005 or any amendment or modification thereof

**“State Officer”** has the meaning assigned to it in Article 260 of the Constitution.

**“Supplier”** means a candidate, bidder, and tenderer, Contractor, service provider or a consultant.

**“Tenderer”** means a person who submitted a tender pursuant to an invitation by a public entity

For purposes of this Code, all terms used, unless expressly defined herein, have the meaning assigned to them in the Act.

#### **1. Application of the Code**

- (i) This Code of Ethics is applicable to suppliers participating in public procurement or disposal of public assets.
- (ii) The objective of the Code is to set minimum standards of ethical behavior for Suppliers to ensure compliance with the Act and the Regulations and the adoption of good business practices.

### **PART II – REQUIREMENTS/OBLIGATIONS OF THE SUPPLIERS**

#### **2. Laws and Regulations**

- (i) All public procurement & disposal shall be undertaken in accordance with the values and principles of the Constitution of Kenya, 2010 (Article 10)
- (ii) All Suppliers shall comply with the rule of Law.

- (iii) Suppliers shall observe other laws, regulations, rules and practices relating to taxation, labour, health and safety standards as well as environmental protection.

**3. Professionalism**

- (i) Suppliers are required to comply with professional standards of their industry or of any professional body of which they are members. Where a supplier is a member of a professional body, the Supplier shall uphold the code of ethics of the respective profession and be of good standing.
- (ii) Suppliers shall maintain the highest standards of integrity and professionalism in their operations.
- (iii) Suppliers in public procurement shall accord mutual respect and courtesy to the public officer(s) and other suppliers without compromising their independent and distinct roles.
- (iv) Public procurement & disposal activities shall be undertaken with the objective of meeting the closest public scrutiny.

**4. Impartiality**

A supplier shall not engage in acts aimed at encouraging patronage, tribalism, cronyism and nepotism.

**5. Gifts, Favors and Corrupt practices**

- (i) A supplier shall not offer or give gifts of any kind to public entities and/or the employees.
- (ii) No supplier shall contact, unduly influence or exert pressure on any member of a committee or any other employee of a procuring entity to take a particular action which favours or tends to favour them.
- (iii) A supplier shall not engage in fraudulent, collusive, or corrupt practices, or inappropriate influences.
- (iv) A supplier shall not act inappropriately by attempting to interfere with the procurement process

**6. Conflict of Interest**

- (i) A supplier shall not accept contracts which would constitute a conflict of interest with any prior or current contract. Suppliers shall disclose to all concerned parties those conflicts of interest that cannot be reasonably avoided.
- (ii) A supplier shall not enter into a contract with a procuring entity if the supplier is:
  - An employee of the procuring entity or a member of a board or committee of the procuring entity;
  - A State Officer, public Officer or a member of a board or committee of the Government or any department of the Government or a person appointed to any position by the President or a Cabinet Secretary;
  - A person, including a corporation, who is related to a person described in paragraph (i) or (ii). A relative has meaning assigned to it in section 33(2) of the Public Procurement and Asset Disposal Act, 2015 or any amendment or modification thereof applies;
  - Debarred from participating in procurement proceedings.

**7. Performance of Duties**

8.1. A supplier shall:

- (i) Duly sign this code of ethics and include it in a tender, proposal or quotation submitted.
- (ii) Obtain and submit bid documents in the manner prescribed in the tender notice and tender documents

- (iii) Supply the right quantity and quality of the contracted item and deliver at the stipulated time(s) and shall not abandon the work that they have been contracted to do.
- (iv) Perform the obligations of the contracts efficiently and effectively
- 8.2. Suppliers shall not participate in procurement proceedings without invitation to tender and understanding the instructions to tenderers.
- 8.3. While responding to tenders, quotations or request for proposals, bidders should not include unfair, discriminatory or unreasonable conditions in their bids.
- 8.4. Suppliers should
  - (i) Ensure that their deliverables provide value for money in terms of cost, quality, quantity and timeliness of the delivered works, goods or services.
  - (ii) Ensure that competent persons carry out the contractual obligations of the supplier.
  - (iii) Accept full responsibility for all works, services or supplies provided
- 8.5. A supplier shall not
  - (i) Obstruct or hinder an officer of the Authority or any other authorized person from carrying out a duty or function or exercising a power relating to procurement and disposal.
  - (ii) Knowingly or in collusion with others lie to or mislead a person carrying out a duty or function or exercising a power relating to procurement and disposal.

**8. Communication and Accuracy of Information**

A supplier shall:

- (i) Observe strict communication limitations during the bidding process and as provided for in the Act
- (ii) Respond promptly and courteously to all proper requests for information, clarifications, complaints or enquiries from procuring entities, the Authority or any law enforcement agency.
- (iii) Ensure that all information provided to procuring entities is given in writing by Authorized Officers.
- (iv) Ensure that certified copies of all mandatory certificates are availed
- (v) Ensure that information given while participating in public procurement or disposal is true, accurate and fair, and not designed to mislead.

**9. Confidentiality**

Information obtained in the course of performance of a procurement contract in shall not be disclosed to unauthorized persons and shall not be used for the Supplier's advantage or material gain or for furtherance of private interest. The obligation to preserve the confidential information continues even after the business/contractual relationship with the Procuring Entity ends.

**10. Duty to report impropriety/corruption**

A supplier shall reject and report to the PPOA and/or the relevant agency any procurement practice which might be deemed improper.

**PART III - OVERSIGHT BY THE PPOA**

- 11. PPOA shall assist in undertaking continuous training of the suppliers to eliminate malpractices which might arise due to ignorance of the public procurement system.
- 12. PPOA will exercise oversight in the enforcement of this Code of Ethics, including taking remedial measures where the Code of Ethics is breached
- 13. PPOA shall revise the code of ethics as appropriate in consultation with the relevant stakeholders

**PART IV - COMPLIANCE & MONITORING**

14. A Procuring Entity may conduct due diligence, on-site evaluations and inspections of suppliers' facilities and/or project site, including those of their subcontractors and Joint Venture partners to review their compliance to this Code during execution of the Contract.
15. PPOA shall, on its own motion or upon receipt of a complaint, inquire into the allegation of the violation of the Code of Ethics and institute debarment proceedings in line with Regulation 90 of the Public Procurement and Disposal Regulations, 2006
16. PPOA shall establish a complaints management system for reporting and receipt of complaints on alleged violations of the Code of Ethics
17. PPOA may collaborate and partner with other agencies, organizations and professional bodies in enforcement of this Code of Ethics.
18. All Procuring Entities shall submit a report to PPOA, annually or upon request, of any breaches by suppliers, and any action taken against the breach, in such format as is provided by PPOA.

**PART V - ENFORCEMENT OF THE CODE**

19. Any person may lodge a complaint alleging a breach of this code by a supplier to the Authority or a Procuring entity.
20. Upon receipt of the complaint, the Authority or the Procuring entity shall register and carry out investigations into the complaint, and may take action against the supplier in accordance with the Act and any Regulations
21. A breach of this Code shall be subject to a debarment process as stipulated in the Act which may attract a debarment for a period not less than five years. The breach may further be subjected to a Court process that may lead to the imposition of other penalties as stipulated in the Act and other Laws.
22. A Procuring Entity may disqualify a supplier from further participation in a procurement or disposal proceeding or terminate a contract if it establishes a breach of this Code
23. A breach of this Code shall lead to termination of registration of a supplier
24. A supplier who violate the law or engage in unethical business dealings may be subject to disciplinary proceedings.

25. Declaration and Signature

- 25.1. I ..... (Supplier)  
Confirm that I have read and fully understood the contents of the Public Procurement & Asset Disposal Act 2015 and the Code of Ethics for Suppliers and my responsibilities under the Code.
- 25.2. I also certify that I am duly authorized to sign this Code on my own behalf and on behalf of my organization, and agree to comply with the Code of Ethics.

Name.....Sign.....

Position.....

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

E-mail.....

Name of the Firm.....

**(Company Seal/ Rubber Stamp where applicable)**

Sworn at.....

By the said .....

Deponent

This.....day of.....20.....

Before Me.....

**Commissioner for Oaths/Magistrate}**