

**SOUTH AFRICAN HIGH COMMISSION: THE SOUTH AFRICAN HIGH
COMMISSION IN NAIROBI, KENYA**

**REQUEST FOR PROPOSALS FOR THE PURCHASE OF A SUITABLE
OFFICE BUILDING FOR THE SOUTH AFRICAN HIGH COMMISSION
IN NAIROBI, KENYA.**



TERMS OF REFERENCE

1. PURPOSE

The South African High Commission in Nairobi, Kenya intends to purchase a building/property to be utilized as a Chancery in Nairobi, Kenya.

2. PROJECT BACKGROUND

The South African High Commission in Nairobi Kenya is located in Runda an affluent neighbourhood located in the northern part of Nairobi. The South African High Commission is currently accommodated in a double storey leased building in Runda. Runda hosts some of Kenya's most elite citizens including politicians, ambassadors, top-ranking businessmen and blue-chip CEOs – these are the heads of companies that are well-know, well-established and economically sound.

DIRCO intend to acquire an Office building through purchase with a total lettable area of between 900 - 1200 m2 to accommodate the South African High Commission personnel and provide required accommodation space requirements. The new property must be in the following areas Runda, Muthaiga or Gigiri which have a presence of similar chanceries.



Figure 10-1: Runda, Muthaiga or Gigiri in Nairobi, Kenya.

2.1 Understanding User Needs

The following are the minimum requirements that address the user needs. The building must in principle adhere to the following:

- 2.1.1 The building must adhere to the MINIMUM-SECURITY REQUIREMENTS FSC_ P4AC02 **Appendix A**.
- 2.1.2 The building must comprise a minimum of 900 - 1200 m2 (GLA) depending on the configuration, measured according to the Method for Measuring Floor Areas (MOMFA) for Offices see attached **Appendix B**.
- 2.1.3 The square meters indicate the intended offices, workspace, support- and special areas provided in the new space norms for the South African High Commission attached, see attached **Appendix C**.
- 2.1.4 Must be a stand-alone building with a minimum of six (6) parking spaces within the fence/boundary of the plot.
- 2.1.5 The building must be located in one of the following areas: Runda, Muthaiga or Gigiri in Nairobi, Kenya.

Note Appendix A is a confidential extract from the Foreign Service Code.

2.2 Project Objectives and Goals

- 2.2.1 The primary objective of issuing this TOR is for DIRCO to conclude an Offer to Purchase Agreement with a suitably qualified Successful seller.

3. OUTPUT SPECIFICATIONS OF THE PROJECT

The TOR document sets out the detailed space requirements for the South African High Commission in Nairobi. **Appendix C**.

3.1 Deliverables

The service provider/s shall be responsible for submitting the checklist of returnable schedule and documents for all proposed property.

3.1.1 CHECKLIST OF RETURNABLE SCHEDULES AND DOCUMENTS

Please adhere to the following instructions

- **Tick in the relevant block below, the documents and schedules that form part of your response**
- **Use the prescribed sequence in attaching the annexes that complete the Bid Document**

NB: Please note that All RETURNABLE SCHEDULES AND DOCUMENTS are mandatory.

	ITEM	MANDATORY	CHECK BOX (✓)
Annexure A.	Proof of ownership of building	✓	
Annexure B.	Building Details	✓	
Annexure C.	Proof of zoning of the property as business and /Consent of use	✓	
Annexure D.	Approved Building plans and as-builts	✓	
Annexure E.	Building Condition and maintenance Plan	✓	
Annexure F.	Up to date Municipal Account and proof of payment of accounts not older than three (3) months and not over three (3) months in arrears)	✓	
Annexure G.	Up to date Levy Statement and proof of payment of levy not older than three (3) months and not over three (3) months in arrears) (if property in an office block)	✓	
Annexure H.	Declaration of any liens against the property	✓	
Annexure I.	A schedule of legal/litigation disputes involving the property (pending)	✓	
Annexure J.	Declaration of threatened litigation (involving the property)	✓	
Annexure K.	Security agreement or guarantees involving the property	✓	
Annexure L.	Declaration of any other material information that DIRCO may need to know involving the property	✓	
Annexure M.	Declaration of existing occupants/tenants in the building and plan to exit from existing agreements	✓	
Annexure N.	Certificate(s) of Compliance	✓	
Annexure O.	Pricing Schedule	✓	

4. EVALUATION METHODOLOGY

The South African High Commission has set minimum standards (Phases) that a Service Provider needs to meet in order to be evaluated and selected as a successful Service Provider. The quote will be evaluated in three phases (i.e. **Phase 1**: Responsive criteria, **Phase 2**: Site Visit, **Phase 3**: Functionality and **Phase 4**: Price).

5. PHASE 1: RESPONSIVE CRITERIA

The bidder's proposals must include requirements outlined herein, failure to do so will result in the disqualification of your bid.

- 5.1 Proof of ownership of the building in the form of the either of the following: Title Deed or Bank Documents (if property still bonded) and Deeds office property search print out (most recent, not more than 1 (one) month old). **(Annexure A)**.
- 5.2 The building must comprise a minimum of 900 - 1200 m² (GLA) depending on the configuration, measured according to the Method for Measuring Floor Areas (MOMFA) for Offices. **(Annexure B)**.
- 5.3 Must be a stand-alone building with a minimum of six (6) parking spaces within the fence/boundary of the plot. **(Annexure B & D)**.
- 5.4 Proof that the building is located in one of the following areas: Runda, Muthaiga or Gigiri in Nairobi, Kenya. **(Annexure C)**.
- 5.5 **Legal documents requirements**
 - Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears) OR
 - No liens against the property
 - No legal/litigation disputes involving the property (pending)
 - No threatened litigation (involving the property)
 - No security agreement or guarantees involving the property.
 - No material information that DIRCO may need to know involving the property.
 - No existing occupants/ tenants in the building or plan to exit from existing agreements.
- 5.6 The pricing Schedule must be completed. **See Annexure O**.

PHASE 2: SITE VISIT

For purposes of comparison and in order to ensure a meaningful evaluation, bidders are requested to furnish detailed information in substantiation of compliance with the criteria listed below:

SITE VISIT	Weight												
<p>SAFETY & SECURITY</p> <p>Property must adhere to MINIMUM SECURITY REQUIREMENTS FSC_ P4AC02 See Annexure P for details on heading 1 – 16 below:</p> <ul style="list-style-type: none"> (i) Enclosure (ii) Gates in the Enclosure (iii) Construction of Exterior Boundary Walls (iv) Construction of Interior Walls (v) Doors (vi) Windows (vii) Ceilings and Roofs (viii) Power Supply and Lighting (ix) Alarms (x) Air-conditioning Systems (xi) Reception Area (xii) Floors (xiii) Ceilings/Roofs (xiv) Electrical Power (xv) Soundproofing (xvi) Communication Centre <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">Sub-criteria</th> <th style="width: 30%;">Score</th> </tr> </thead> <tbody> <tr> <td>Fulfil 0 of 16 of the above criteria</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Fulfil 4 of 16 of the above criteria</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Fulfil 8 of 16 of the above criteria</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Fulfil 12 of 16 of the above criteria</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Fulfil 16 of 16 of the above criteria</td> <td style="text-align: center;">4</td> </tr> </tbody> </table>	Sub-criteria	Score	Fulfil 0 of 16 of the above criteria	0	Fulfil 4 of 16 of the above criteria	1	Fulfil 8 of 16 of the above criteria	2	Fulfil 12 of 16 of the above criteria	3	Fulfil 16 of 16 of the above criteria	4	60
Sub-criteria	Score												
Fulfil 0 of 16 of the above criteria	0												
Fulfil 4 of 16 of the above criteria	1												
Fulfil 8 of 16 of the above criteria	2												
Fulfil 12 of 16 of the above criteria	3												
Fulfil 16 of 16 of the above criteria	4												
<p>Confirmation of location and positioning within the three identified regions....</p> <p>Matrix: Not located within the specified/identified regions: 0 Points Located within the specified/identified region: 5 points</p>	40												
TOTAL	100												

Bidders should score/obtain 60 % of the weight score to qualify for the next phase which is functionality criteria.

PHASE 3: FUNCTIONALITY CRITERIA

TECHNICAL CRITERIA	SCORE														
<p>BUILDING CONDITION AND MAINTENANCE PLAN</p> <p>Maintenance plan must include detailed information on the following aspects of the building:</p> <ul style="list-style-type: none"> (i) Age and refurbishment history of the proposed building, (ii) Structural integrity of building, (iii) Generator and UPS provided, maintenance records and age, (iv) Water tank/s integrated into the building water supply system, (v) LED lighting and energy efficiency, and (vi) Maintenance Plan including any maintenance and renovation costs to bring the building up to legal standards for office building. <table border="1" data-bbox="288 904 1182 1196"> <thead> <tr> <th>Sub-criteria</th> <th>Score</th> </tr> </thead> <tbody> <tr> <td>Fulfil 0 of 6 of the above criteria</td> <td>0</td> </tr> <tr> <td>Fulfil 1-2 of 6 of the above criteria</td> <td>1</td> </tr> <tr> <td>Fulfil 3 of 6 of the above criteria</td> <td>2</td> </tr> <tr> <td>Fulfil 4 of 6 of the above criteria</td> <td>3</td> </tr> <tr> <td>Fulfil 5 of 6 of the above criteria</td> <td>4</td> </tr> <tr> <td>Fulfil 6 of 6 of the above criteria</td> <td>5</td> </tr> </tbody> </table>	Sub-criteria	Score	Fulfil 0 of 6 of the above criteria	0	Fulfil 1-2 of 6 of the above criteria	1	Fulfil 3 of 6 of the above criteria	2	Fulfil 4 of 6 of the above criteria	3	Fulfil 5 of 6 of the above criteria	4	Fulfil 6 of 6 of the above criteria	5	40
Sub-criteria	Score														
Fulfil 0 of 6 of the above criteria	0														
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Fulfil 4 of 6 of the above criteria	3														
Fulfil 5 of 6 of the above criteria	4														
Fulfil 6 of 6 of the above criteria	5														
<p>Condition assessment of the building not older than three (3) years.</p> <table border="1" data-bbox="212 1301 1200 1516"> <thead> <tr> <th>Sub-criteria</th> <th>score</th> </tr> </thead> <tbody> <tr> <td>Did not provided a condition assessment not older than three (3) years</td> <td>0 Points</td> </tr> <tr> <td>Provided a condition assessment not older than three (3) years</td> <td>5 Points</td> </tr> </tbody> </table>	Sub-criteria	score	Did not provided a condition assessment not older than three (3) years	0 Points	Provided a condition assessment not older than three (3) years	5 Points	20								
Sub-criteria	score														
Did not provided a condition assessment not older than three (3) years	0 Points														
Provided a condition assessment not older than three (3) years	5 Points														

TECHNICAL CRITERIA	SCORE						
<p>PROPOSED REFURBISHMENT AND FIT OUT</p> <p>Ability to comply with the DIRCO Space Requirements, measured in terms of estimated cost (in Rm) to fit out the building to comply with the DIRCO Space Requirements:</p> <p>Detailed fit out work programme, a breakdown of all costs to be incurred per m² and the overall fit out costs.</p> <table border="1" data-bbox="252 672 799 880"> <thead> <tr> <th>Sub-criteria</th> <th>score</th> </tr> </thead> <tbody> <tr> <td>Did not provided a fit-out cost proposal</td> <td>0 Points</td> </tr> <tr> <td>Provided a fit-out cost proposal</td> <td>5 Points</td> </tr> </tbody> </table>	Sub-criteria	score	Did not provided a fit-out cost proposal	0 Points	Provided a fit-out cost proposal	5 Points	20
Sub-criteria	score						
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<p>FIBRE CONNECTIVITY</p> <table border="1" data-bbox="252 1120 799 1373"> <thead> <tr> <th>Sub-criteria</th> <th>Score</th> </tr> </thead> <tbody> <tr> <td>Not in a fibre enabled area and/or building not connected</td> <td>0</td> </tr> <tr> <td>Fibre enabled area and building connected</td> <td>5</td> </tr> </tbody> </table>	Sub-criteria	Score	Not in a fibre enabled area and/or building not connected	0	Fibre enabled area and building connected	5	20
Sub-criteria	Score						
Not in a fibre enabled area and/or building not connected	0						
Fibre enabled area and building connected	5						
TOTAL	100						

Bidders should score/obtain 60 % of the weight score to qualify for the next phase which is pricing.

6. PHASE 4: PRICING

Subsequent to the evaluation of essential minimum Criteria and functional criteria, the third stage of evaluation of the Bids will be in respect of price. Please complete annexure O (Pricing schedule) to indicate bid price.

Price proposals should be submitted in Kenyan Shilling and Tax inclusive (**VAT**).

Bidders to complete Annexure O: Pricing Schedule.

6.1 PLEASE NOTE:

6.1.1 THE BIDDERS SALE PRICE SHOULD NOT INCLUDE FIT OUT COSTS.

6.1.2 BIDDERS THAT OMIT AN ITEM FROM THE PRICING SCHEDULE CANNOT ADD THE ITEM ONCE THE TENDER HAS BEEN AWARDED

7. CONFIDENTIAL INFORMATION

- 7.1 Respondents agree to keep information provided pursuant to this TOR confidential ("**Confidential Information**").
- 7.2 All Confidential Information provided (including all copies thereof) remains the property of the DIRCO and must be delivered to the DIRCO on demand.
- 7.3 By receiving this TOR each Respondent and each of its Members agree to maintain its submission in response to this TOR confidential from third parties other than the DIRCO and its officials, officers and advisors who are required to review the same for the purpose of the procurement of the Project.
- 7.4 The Confidential Information provided by the DIRCO may be made available to a Respondent's Relevant Entity, members, employees and professional advisors who are directly involved in the appraisal of such information (who must be made aware of the obligation of confidentiality).
- 7.5 Respondent's Relevant Entity, members, employees and professional advisors shall not be entitled to, either in whole or in part; copy, reproduce, distribute or otherwise make available to any other party the Confidential Information without the prior written consent of the DIRCO.

8. INTELLECTUAL PROPERTY

All materials and data which are submitted by Respondents shall become the sole property of the DIRCO, except for copyrighted material, trade secrets or other proprietary information clearly identified as such by Respondents.

9. INDEMNITY

Respondents shall be deemed by their submission of a proposal to agree to indemnify the DIRCO and hold it harmless from any claim or liability and defend any action brought or legal step against the DIRCO for its refusal to disclose materials marked confidential, trade secret

or other proprietary information to any person seeking access thereto.

10. GOVERNING LAWS AND RULES

10.1 The primary enabling legislation for the Project is the PFMA together with the Foreign Service Act, which regulate and create the competency of the DIRCO to procure and implement the Project.

10.2 This TOR is issued by the DIRCO in terms of the Foreign Service Act and SCM read with the PFMA, as the formal step of the procurement process.

10.3 Procurement of the Project will be carried out following prescribed legislation, which includes the Constitution and the PFMA.

10.4 Respondent's Responsibilities

10.4.1 If a Respondent identifies any ambiguities, errors or inconsistency between the various documents that form part of this TOR, the Respondents should notify the DIRCO and the DIRCO will provide clarification as to the intended position.

10.4.2 To the extent that any inconsistency exists between the terms of the Offer To Purchase and any other provision in the TOR, but such inconsistency is not identified by any Respondent and/or clarified by the DIRCO prior to submission of the Respondent's Proposal, the terms of the Offer To Purchase shall prevail.

10.5 Offer to purchase

10.5.1 This TOR initially is not an offer to enter into contractual relations but merely a solicitation of proposals to select a Successful Bidder and to conclude negotiations with such Successful Bidder. Thereafter the Successful Bidder together with the DIRCO shall enter into a contractual relationship on the basis of the Offer To Purchase.

10.6 Independent Submission

By responding to this TOR each Respondent and its constituent Members certifies that:

Its proposal has been submitted independently, without consultation, communication, or agreement for restricting competition, with any other Respondent or to any other competitor or potential competitor. Unless otherwise required by law, the relevant proposal has not been knowingly disclosed by it and will not knowingly be disclosed by it prior to opening, directly or indirectly to any other Respondent, member of another Respondent or to any competitor or potential competitor; and no attempt has been made or will be made by it to induce any other person or firm to submit a proposal for the purpose of restricting competition.

10.6.1 Any material failure on the part of a Bidder to comply with the Mandatory Response Requirements and Essential Minimum Requirements in this TOR, to the extent that same are not waived by the DIRCO, may result in a proposal being treated as non-compliant. Non-compliant responses may be rejected without being further evaluated.

10.7 GROUNDS FOR DISQUALIFICATION

10.7.1 The following events, in addition to any other events contained in this TOR, constitute (without being exhaustive) grounds upon which a Respondent (or if appropriate in the DIRCO's determination, any Member thereof) may be disqualified at any stage of the Project procurement process:

10.7.1.1 an infringement of the confidentiality undertaking by any Respondent, Member or any director, officer, agent, trustee or advisor of the Respondent and/or Member.

10.7.1.2 past, present, or future participation by any Respondent, Member or any director, officer, agent, trustee or advisor of the Respondent and/or Member in any activity which may constitute corruption, bribery or impropriety, during the Project procurement process, or any other government procurement process.

10.7.1.3 an infringement by any Respondent, Member or any director, officer, agent, trustee, or advisor of the Respondent and/or Member of any one or more of the provisions of Contact Policy, Independent Submission, or Corruption or any portion of such section(s).

10.7.1.4 Any Respondent and/or their constituent Member(s) that engages or communicates with any of the officials, agents or advisors to the Project on any matter concerning the Project at any time during the Project procurement process, without due authority of the Project Officer, shall be disqualified from further participation in the procurement process.

10.7.1.5 Respondents are required to submit correct and true information. Failure to provide correct and true information constitutes a ground for disqualification.

10.7.1.6 Any change in composition, control or structure of a Respondent or any one or more of its members from that set out in their response to the TOR, without the prior written consent for the DIRCO constitutes a ground for disqualification.

10.8 **Undertaking by Respondents**

10.8.1 By signing a submission in response to this TOR, each Respondent signatory warrants that save as disclosed in writing to the DIRCO, the response to the TOR and the information supplied by it (and its constituent members) remains true and warrants further that, save for any disclosures in writing to the DIRCO, each Member of the Respondent has:

10.8.1.1 not passed a resolution nor is the subject of an order by the court for the company's winding-up.

10.8.1.2 not been convicted of a criminal offence relating to the conduct

of its business or profession.

10.8.1.3 not committed an act of grave misconduct in the course of its business or profession.

10.8.1.4 not made any misrepresentation in providing any of the information required in relation to the above; and

11. INCORRECT OR MISLEADING INFORMATION

DIRCO may disqualify any Respondent and/or revoke any decision in respect of the selection of a Successful Bidder or the announcement of the successful conclusion of negotiations with the Successful Bidder if such decision was based on incorrect information which the Respondent or its constituent members, advisors and/or agents provided in response to this TOR.

Annexure A. Proof of ownership

(Attach documentary evidence of Bidder's Legal title to the Property)

Annexure B. Building Details (Bidders to complete the building details form below)

a. Size of Building (number of floors, land extent, and floor area per floor.)

b. Number of Parking bays in the different categories

B1. Number of Parking Bays

	Description	Number
1	Covered Parking Bays	
2	Open / Uncovered Parking Bays	
3	Covered parking bays for persons with disabilities, close to office entrance / complex entrance	
4	Covered bays for motorcycles	
5	Provision for delivery vehicles through a separate entrance to a goods delivery bay	

B2. Particulars of Access/ Entrances

Provide details of accessibility to site.

1	Stipulate number of gates.	
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c. Location of Building

	Description of particulars required	
1	Street address	
2	Erven number/plat number as registered on Title deed.	
3	GPS co-ordinates	
4	Google Maps satellite print out clearly identifying the building	Attach to this Annexure

Annexure C. Proof of Zoning of the building

Annexure D. Approved Building plans and As built plans

(Attach up to date building layouts)

Annexure E. Building Condition and Maintenance Plan

(Insert Write up on the Condition Assessment, and a Maintenance plan that has been conducted in respect of the property.)

Annexure F. Up to date Municipal Account and proof of payment of accounts not older than three (3) months and not over three (3) months in arrears)

(If there is an amount outstanding, provide Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted.)

Annexure G. Up to date Levy Statement and proof of payment of levy not older than three (3) months and not over three (3) months in arrears) (if property in an office block)

(If there is an amount outstanding, provide Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date Levy Statement account cannot be submitted.)

Annexure H. Declaration of any liens against the property

(If there is any liens provide details and reasons.)

Annexure I. A schedule of existing legal/litigation disputes involving the property

(If there are any existing legal/litigation disputes involving the property, provide details and reasons.)

Annexure J. Declaration of threatened litigation (involving the property)

(If there are any threatened litigation (involving the property), provide details and reasons.)

Annexure K. Security agreement or guarantees involving the property

(If there are any security agreement or guarantees (involving the property), provide details and reasons.)

Annexure L Declaration of any other material information that DIRCO may need to know involving the property

Annexure M. Declaration of existing occupants/tenants/employees in the building and plan to exit from existing agreements

Annexure N. All Certificates of Compliance (COC).

