



UNIVERSITY OF NAIROBI

**PRESENTATION MADE BY PROF. PETER M. F. MBITHI,
DEPUTY VICE-CHANCELLOR (A&F), DURING THE SEMINAR
ON PUBLIC PROCUREMENT FOR STAFF HELD ON MARCH 20,
2008 AT 12.00 NOON IN THE UNIVERSITY OF NAIROBI**

TOPIC: THE ROLE OF TENDER COMMITTEES

The role of tender committees in public bodies is properly
covered by the

Public Procurement and Disposal Act 2005, and explained in detail in the Public Procurement and Disposal Regulations, 2006.

According to the Second Schedule of the Public Procurement and Disposal Regulations 2006, the Public Universities Tender committee shall have the following membership structure:

Chairman: A head of department appointed in writing by the Vice-Chancellor.

Deputy Chairman: The Head of Finance Department appointed in writing by the Vice-Chancellor.

Other members:

The Head of Administration

The Head of Academic Affairs

A principal of college appointed by the Vice-Chancellor.

Three Heads of Faculty or school appointed in writing by the Vice-Chancellor.

Secretary: The officer heading the procurement Unit of the University.

According to the Regulations, the functions of the tender
Committee
shall be as follows:

- a) review, verify and ascertain that all procurement and disposal has been undertaken in accordance with the Act, the Regulations and the terms set out in the tender documents;
- b) approve the selection of the successful tender or proposal;
- c) award procurement contracts in accordance with thresholds prescribed in First Schedule i.e. the threshold matrix.
- d) Ensure that funds are available for the procurement under consideration;
- e) ensure that the procuring entity does not pay in excess of prevailing market prices;

- f) review and approve aggregation of procurements where proposed;
- g) review and approve the use of lots where packaging into lots has been proposed;
- h) review the selection of procurement method and where a procurement method, other than open tender, has been proposed, to ensure that the adoption of the other procurement method is in accordance with the Act, the Regulations and any guidelines stipulated by the Public Procurement Oversight Authority (hereinafter, the Authority)
- i) approve the list of tenderers in cases of restricted tendering pursuant to regulation 54(3).

- j) approve the list of persons qualified to submit proposals pursuant to section 80 of the Act;
- k) approve the list of persons to be given requests for quotations pursuant to regulation 59(2);
- l) approve negotiations under the Act, the Regulations and as may be stipulated by the Authority;
- m) approve the amendment of contracts previously awarded by the tender committee, in accordance with the Act and the Regulations;
- n) review the quarterly reports on quotations that have been awarded by the procurement committee;

- o) undertake any other functions and duties as are provided under the Act, the Regulations or as may be stipulated by the Authority.

In considering submissions made by the procurement unit or evaluation committees, the tender committee may:-

- a) approve a submission; or
- b) reject a submission with reasons; or
- c) approve a submission, subject to minor clarifications by the procurement unit or evaluation committee.

The tender committee shall not:

- a) modify any submission with respect to the recommendations for a contract award or in any other respect;
 - b) reject any submission without justifiable and objective reasons
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- Where the tender committee rejects the recommendation of the evaluation committee, the decision shall be reported to the head of the procuring entity or to the accounting officer.
 - Any submission rejected by the tender committee may be resubmitted and the tender committee shall provide an explanation and a justification for its decision thereof.