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**MINUTES FOR THE MINISTERIAL TENDER COMMITTEE MEETING
NO. MFA/MTC/07/2008-2009 HELD ON 25th MAY 2009 AT THE
MINISTRY'S CONFERENCE ROOM ON 4TH FLOOR AT 9.00 AM**

MEMBERS PRESENT

1. Mr. J.K. Ndathi	DA	Chairman
2. Amb B. Chepsongol	H/Americas	Member
3. Mr. A.M. Muchiri	DDA	Member
4. Mr. J.M. Weru	H/Economics & Trade	Member
5. Ms. N. Kinyungu	DDPA	Member
6. Mr. A.B. Masinde	Ag CFO	Alt. Member
7. Mr. E.K. Korir	PPO	Secretary

IN ATTENDANCE

1. Mrs. T. Kimondiu	Ministry of Lands
2. Mr. G. Githaiga	Ministry of Public Works (PWO)
3. Mr. T.O. Okemwa	Senior Accountant
4. Mr. L.S. Opicho	H/Security
5. Mr. P.M. Kaliih	H/ACU

SECRETARIAT

1. Ms. C. Kerich	P.O I
2. Ms. E. Obel	P.O I
3. Mr. D. Muyera	P.O II

**MINUTE NO. MFA/MTC/07/01/2008-2009 CONFIRMATION OF
MINUTES**

Minutes of Meeting No. MFA/MTC/06/2008-2009 held on 24th April, 2009. were confirmed as true record of the deliberations. Proposed by Ms. N. Kinyungu and seconded by Mr. A.M Muchiri

MINUTE No. MFA/MTC/07/02/2008-2009-MATTERS ARISING

There were no matters arising.

1. Confirmation of Minutes of 21st April, 2009

- The Charge d'Affaires a.i went through the minutes. There being no matters arising the minutes were confirmed as true records of the meeting after being proposed by SSF and seconded by FSA.
- It was further informed that the negotiating team from Nairobi had indicated that they would hold a meeting on 24th April, 2009 after which they would notify the Embassy on the departure date from Nairobi to Tokyo

2. Opening Tenders

- The four quotations were delivered to the four (4) firms on 21st and signed for by each receiving firm indicating the time received.
- Two quotations were received on 23rd April, 2009 before 5.00 p.m.
- The committee noted that out of the 4 firms that were invited to bid for the Contract, only two responded, namely; **Langley Enterprise** and **Yanagawa Legal Office**.

- After going through the documents the following was observed:

(a) Langley Enterprise.

- Submitted their quotation by fax instead of a sealed envelope as required by tender regulations.
- A detailed Curriculum Vitae was not included in accordance with the Terms of Reference.
- The company is not registered with the Japan Federation of Bar Association and therefore may not represent directly its clients in case of any legal dispute.
- The professional fee quoted is 3.5% of the total sale price of the property.

(b) Yanagawa Legal Office

1. The company is registered with the Japan Federation of Bar Association and a certificate to that effect was submitted.
 2. From the Curriculum Vitae submitted, it was observed that he has been engaged in similar transactions with both diplomatic and private entities.
 3. Total professional charge quoted is 2.8% of the total sale price of the property
- The Committee considered the aforementioned and in accordance with the Terms of Reference to the companies, the Committee recommended that the Contract be awarded to **Shoji Yanagawa Legal Firm**, which meets the award criteria as stipulated in the Public Procurement Act 2005.

3. Way Forward

- It was agreed that a letter be sent to Nairobi to seek concurrence in order that the Legal Firm may be notified officially.

COMMITTEE'S DECISION

The Ministerial Tender Committee at its meeting No MFA/MTC /07/2008-09 held on 25th May 2009 deliberated on the hire of legal/estate services for the proposed purchase of chancery and Ambassadors residence after noting the above points, the committee deferred the matter pending submission of schedule of professional fee charged for legal services by the Japanese Bar Association.

Immediate communication was allowed.