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EMBASSY OF THE REPUBLIC OF KENYA

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REF. NoKET/ADM/1/11A/VOL.11/(41)

24th April, 2009

The Permanent Secretary
Ministry of Foreign Affairs
NAIROBI

(Attention: Mr. E.K. Korir)

PURCHASE OF PROPERTY IN TOKYO ON WHICH THE CHANCERY AND THE RESIDENCE OF THE AMBASSADOR ARE LOCATED

Please refer to your letter Ref. MFA.HSE.9/65A of 20th April, 2009 and the Mission's letter Ref. KET/ADM/1/11A/Vol.11/(33) dated 22nd April, 2009 on the above subject.

The Mission floated four (4) quotations to the following Legal and Real Estate firms:

1. Langley Enterprise
2. Nishimura and Asahi
3. Sakura Kyodo Law Offices
4. Yanagawa Legal Office

Out of the 4 firms which were invited to bid for the Contract, only two responded namely:-

1. Langley Enterprise; and
2. Shoji Yanagawa Legal Office.

A meeting to deliberate on the responses was convened today 23rd April, 2009 to open and award the Contract. Following the deliberations by the Mission's Procurement Committee to select the most competitive and qualified firm, the Committee made the following observations:-

1. Mr. Timothy Langley of Langley Enterprises

- ✓ He submitted his quotation by fax instead of a sealed envelope;
- ✓ He did not include a detailed Curriculum Vitae in accordance with the Terms of Reference;
- ✓ He is not registered with the Japan Federation of Bar Associations which enables a law firm to represent a client in any legal matters arising within the Japanese Legal system.
- ✓ His quotation was 3.5% of the total sale price of the property.

2. Shoji Yanagawa of Yanagawa Legal Office

- ✓ He is registered with the Japan Federation of Bar Associations.
- ✓ From the Curriculum Vitae it is evidence that he has represented similar Missions in the past.
- ✓ Total charge is 2.8% of the total sale price of the property.

RECOMMENDATION

Considering the aforementioned and taking into account the stipulated Terms of Reference, the Committee recommends that the Contract be awarded to Shoji Yanagawa Legal Firm, which meets the award criteria in accordance with the Public Procurement Act 2005.

It is further observed that the percentage cost quoted by the firm is below the 3% which is the average provision employed in such transactions.

Please find attached the following:

1. Minutes of the meeting held on the 21st April, 2009;
2. Minutes of the Meeting held on 24th April, 2009.

Submitted for your consideration and guidance.



JOHN K. NJERU
FOR: CHARGE D'AFFAIRES, A.I.

Encl. (2)