



KCB BANK RWANDA PLC

PREQUALIFICATION OF SERVICE PROVIDERS

FOR

PROVISION OF LEGAL SERVICES

Release Date:	Friday	12th March 2021
Closing Date:	Friday	26th March 2021

ISSUE OF PREQUALIFICATION DOCUMENT TO PROSPECTIVE BIDDERS

PREQUALIFICATION OF LEGAL SERVICE PROVIDERS

This form serves as an acknowledgement of receipt of the prequalification document and participation.

This page is to be completed immediately on downloading/receiving the document and a scan copy e-mailed to procurement@rw.kcbbankgroup.com

Firms that do not register their interest immediately in this manner may not be sent the RFP addenda should any arise or clarifications required to be shared to all firms.

Item	Supplier Details
Name of Person	
Organization Name	
Postal Address and Physical location	
Tel No	
Fax No	
Email Address (this e-mail address should be clearly written as communication with bidders shall be through e-mail)	
Signature:	
Date	
Company Stamp	

SECTION 1: INTRODUCTION

1.1. Background

KCB Bank Rwanda PLC, a member of the KCB Bank Group of Companies, has been in operation in Rwanda since December 2008, and continues to grow its banking business in the country. The bank has 14 branches and 27 ATMs in Rwanda, and is on an ambitious strategy of expanding its footprint on the frontier of Digital Financial Services.

KCB Bank Rwanda PLC wishes to invite all interested and qualified Lawyers and Professional Court Bailiffs in the country to make a bid for provision of such services.

1.2. Clarification on Prequalification Document

All correspondence related to the document shall be made in English. Any clarification sought by the bidder in respect of the project shall be addressed at least three (3) days before the deadline for submission of bids, in writing to the Head of Operations and Logistics.

Enquiries for clarifications should be sent by e-mail to: procurement@rw.kcbbankgroup.com

1.3. Important Notes to Suppliers

- a) The purpose of this document is to assist KCBR in the identification and evaluation of potential service provider who may subsequently be shortlisted for the provision of legal services.
- b) Prospective Service Providers must have experience of offering similar services to financial institutions comparable to KCBR and complexity and must demonstrate the willingness and commitment to meet the criteria as per the questionnaire below.
- c) You may also be asked to clarify your answers or provide more details. Please answer every question. If the question does not apply to you please write N/A; if you don't know the answer please write N/K.
- d) Failure to complete this questionnaire and/or to provide written answers to any further questions or requests for additional information or requests for clarification will result in the supplier's elimination from further consideration.
- e) Please note that by responding to this questionnaire you accept that all answers provided in this questionnaire **are legally binding** on the service provider and should the need arise, may be used as evidence in any court of law, which has jurisdiction. Further, KCBR reserves the right without further recourse to verify at its own cost the accuracy of any answers provided herein.
- f) All expenses and costs incurred by a respondent in connection with this Prequalification, for preparation and lodging for submission (without limitation) shall be the sole responsibility of the respondent.

- g) Nothing in the Prequalification shall be construed to give rise to contractual obligations with the KCBR .
- h) Without limiting its right at law or otherwise KCBR, may at its absolute discretion, suspend or defer this Prequalification process.
- i) It is the KCBR 's policy to require that Applicants observe the highest standard of ethics during selection and execution of such contracts. In pursuance of this policy, KCBR:
 - a) Defines, for the purpose of this provision, the terms set forth below as follows:
 - i. "Corrupt practice" means the offering, giving, receiving or soliciting of anything of value to influence the action of an officer of KCBR in the pre-qualification process; and
 - ii. "Fraudulent practice" means a misrepresentation of facts in order to influence the pre-qualification process to the detriment of KCBR, and includes collusive practices among Applicants (prior to or after submission of Applications) designed to give false sense of expertise
 - b) Will declare an Application ineligible, for pre-qualification if at any time it determines that the Applicant has engaged in corrupt or fraudulent practices in competing for, or in providing legal services; and
 - c) Will have the right to inspect the business premises of the applicant.
 - d) Lawyers/Law firms who have previously been removed from the KCBR 's Panel or had all matters transferred away from such law firm's will not be considered in this Pre-qualification
- j) Applicants shall furnish information as described in the pre-qualification application document.
- k) Where necessary and if insufficient space has been provided on the questionnaire for the answers, please provide the answers as supplements on separate sheets.

1.4. Instruction to Prospective Service Providers

- a) Please provide comprehensive information as requested in this questionnaire.
- b) To qualify for consideration, the response must be received by **Procurement Department** as instructed in c) below.
- c) Your response shall be addressed to the following address and dropped at the tender box on **3rd Floor, Rugigana House on KN 4 Avenue De la Paix on or before the closing date.**

Head of Operations & Logistics
KCB Bank Rwanda PLC
3rd Floor Wing B, Avenue De la Paix
P.O. Box 5620
Kigali, Rwanda

So as to reach not later than **Friday, 26th March 2021 at 3.00 pm Kigali Time, (GMT+2)**

- d) Responses should bear the same title as in this document.

- e) Please **BIND** your response before submitting.
- f) All correspondence related to the document shall be made in English
- g) KCBR will examine the documents to determine completeness, general orderliness and sufficiency of response. Failure to complete this questionnaire and/or to provide written answers to any further questions or requested additional information for clarification will result in the applicant's elimination from further consideration.
- h) Any information given and later found to be incorrect shall lead to disqualification of the Applicant.
- i) Information given by the applicant shall be treated in strict confidence.
- j) Applicants to kindly note that this does not amount to any contractual obligation on the part of KCB Bank Rwanda PLC, and that the Bank is not obliged to invite tenders/quotation from any or all who express interest by responding to this pre-qualification process.
- k) If insufficient space has been provided on the questionnaire for the answers, please provide the answers as supplementary on separate sheets.
- l) The original document shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the applicant. Any such corrections must be initialed by the person(s) who sign(s) the document.
- m) Applicants will meet all costs associated with preparation and submission of their applications.
- n) Canvassing will lead to automatic disqualification of the applicant.
- o) Late submission will not be acceptable. Any application(s) received after the date of closure will be considered as late and disqualified
- p) KCB Bank Rwanda PLC reserves the right to accept or reject applications made pursuant to this prequalification at its own discretion without assigning any reason thereof. Any subsequent appointment made pursuant to the prequalification is subject to invitation to tender for specific jobs/services.

Done in Kigali, 12th March 2021



RESTUTA NDAMAGE
Ag. HEAD OF OPERATIONS & LOGISTICS

SECTION 2 – PREQUALIFICATION QUESTIONNAIRE

The prospective suppliers should demonstrate capability to fulfil the bank’s requirements to qualify for this prequalification.

2. PREQUALIFICATION QUESTIONNAIRE

Suppliers willing to be considered for the prequalification are expected to furnish the Bank with among others the following vital information, which will be treated in strict confidence by the Bank.

No.	PARTICULARS	RESPONSE														
2.1	Full name of organization: _____															
	Is your organization (Please answer Yes or No)	<table border="1"> <thead> <tr> <th data-bbox="737 877 1351 930"><u>Question</u></th> <th data-bbox="1351 877 1526 930"><u>Response</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="737 930 1351 1087">i) A public limited company? If yes, please attach copies of the company’s memorandum of association and articles including any change of name</td> <td data-bbox="1351 930 1526 1087"></td> </tr> <tr> <td data-bbox="737 1087 1351 1192">ii) Public listed company? If yes, attach copies as (i) above</td> <td data-bbox="1351 1087 1526 1192"></td> </tr> <tr> <td data-bbox="737 1192 1351 1287">iii) A limited company? If yes, attach copies as (i) above</td> <td data-bbox="1351 1192 1526 1287"></td> </tr> <tr> <td data-bbox="737 1287 1351 1381">iv) A partnership? If yes attach partnership deed</td> <td data-bbox="1351 1287 1526 1381"></td> </tr> <tr> <td data-bbox="737 1381 1351 1476">v) A sole trader? If yes attach business certificate</td> <td data-bbox="1351 1381 1526 1476"></td> </tr> <tr> <td data-bbox="737 1476 1351 1556">vi) other (please specify)</td> <td data-bbox="1351 1476 1526 1556"></td> </tr> </tbody> </table>	<u>Question</u>	<u>Response</u>	i) A public limited company? If yes, please attach copies of the company’s memorandum of association and articles including any change of name		ii) Public listed company? If yes, attach copies as (i) above		iii) A limited company? If yes, attach copies as (i) above		iv) A partnership? If yes attach partnership deed		v) A sole trader? If yes attach business certificate		vi) other (please specify)	
<u>Question</u>	<u>Response</u>															
i) A public limited company? If yes, please attach copies of the company’s memorandum of association and articles including any change of name																
ii) Public listed company? If yes, attach copies as (i) above																
iii) A limited company? If yes, attach copies as (i) above																
iv) A partnership? If yes attach partnership deed																
v) A sole trader? If yes attach business certificate																
vi) other (please specify)																
2.2	Date of Registration of your company (Attach a copy of Company Registration Certificate):															
2.3	Full physical address of principal place of business: NB: This may be used for site visit															
	Full postal address of the principal place of business(include the postal code):															
2.4	No of branches and locations															

2.5	Registered address if different from the above:	
	Map: Provide a description of significant features / roads next to the business premises.	
2.6	Office telephone number(s)	
	Landline: Mobile:	
2.7	Fax number: where applicable	
2.8	E-mail address:	
2.9	Website address (if any):	
2.10	Company Tax No: (Kindly Provide a copy of the Tax Certificate and current Tax Compliance Certificate)	
2.11	Compliance with statutory payments i.e. Social Security Fund (please attach evidence of payments for the company staff)	
2.12	Period in which you have been in the specific business for which you wish to be prequalified.	
2.13	Names of the Shareholders, All directors and Partners (Please indicate the citizenship of the directors)	
2.14	Name of (ultimate) parent/holding company (if this applies):	
2.15	Companies Registry number of parent/holding company (if this applies):	
2.16	Contact person within the organization to whom enquiries about this prequalification should be directed:	NAME:
		TITLE
		TELEPHONE
		EMAIL:

****THIS SPACE HAS BEEN LEFT OUT INTENTIONALLY****

3. FINANCIAL INFORMATION

No.	PARTICULARS			
3.1	What was your turnover in the last two years?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"> for year ended --/--/---- </td> <td style="width: 50%; text-align: center;"> for year ended --/--/---- </td> </tr> </table> for year ended --/--/---- for year ended --/--/----
..... for year ended --/--/---- for year ended --/--/----			
3.2	Has your organization met all its obligations to pay its creditors and staff during the past year?	Yes / No		
	If No, please give details			
3.3	What is the name and branch of your bankers (who could provide a reference)?	Name of Bank:		
Branch:				
Bank Account number(s):				
Telephone Number:				
Postal Address:				
Contact Person Name:				
Contact Person's Position				
Contact Person's E-mail:				
3.4	State your company's Credit period(minimum proposed is 45 days)			

4. BUSINESS ACTIVITIES & EXPERIENCE

No.	PARTICULARS	
4.1	What are the main (core) business activities of your organization? (Please specify).	
4.2	<p>How many staff does your organization have?Please provide a functional organization chart with number of staff in each function.</p> <p>Indicate the number under each category</p> <p>i. Technical (Permanent....., Temporary.....)</p> <p>ii. Semiskilled (Permanent....., Temporary.....)</p>	
4.3	List the information on contracts or LPOs won over the last five (5) years –Attach Evidence	
4.4	List the information on up to three ongoing projects – Attach Evidence	
4.5	How many years has your firm been engaged in the legal services and management	
4.6	Describe nature of legal services and management rendered by your firm/business	
4.7	How many years of experience have you had in the type of work described in (4.6) above(provide evidence)	
4.8	Have you previously been contracted by KCBR?	
4.9	If so in (4.8) above, describe the contract and nature of services denoting when & how long	

5. BUSINESS PROBITY AND LITIGATION MANAGEMENT

5.1	Is the organization bankrupt or being wound up, having its affairs administered by the court, or have you entered into an arrangement with creditors, suspended business activities or any analogous situation arising from similar proceedings in Rwanda or the country it is established?	
5.2	Please provide a statement of any material pending or threatened litigation or other legal proceedings where the claim is of a value in excess of Rwf. 500,0000/= (equivalent to USD 5,000)	
5.3	Has any partner, director, shareholder or employee whom you would propose to use to deliver this service been convicted of an offence concerning his professional conduct?	
5.4	Please state if your organization or any of its shareholders, directors, or employees has ever been the subject of public allegations, under investigation, charged, prosecuted, or convicted, has had its assets blocked, seized or frozen or has a judgment entered against in respect of national or international law relating to the following; Money laundering, economic crime, corruption, bribery, terrorism & any other economic offence	
5.5	Has the organization been charged for not fulfilling its obligations relating to the payment of any statutory deductions or contributions such as, VAT, income tax, RSSB as required under Rwandan law or the laws of the country in which it is established?	
5.6	Please state if any Director shareholder/ Partner and / or Company Secretary of the Organization is currently employed or has been employed in the past three years by KCB Bank Rwanda PLC	
5.7	Please state if any Director / Partner and / or Company Secretary of the Organization has a close relative who is employed by KCB Bank Rwanda PLC and who is in a position to influence the award of any supply. For purpose of pre-qualification process close relative refers to parents, siblings, spouse or children	
5.8	Please state if your organization, any predecessor to your organization or any member of your organization is currently a party to any litigation that is in progress or has been within the last three years that is directly related to the conduct of your business.	
5.9	Please state if your organization or any of its shareholders, directors or employees has ever offered gifts or bribes to facilitate award of business or to facilitate payments or to obtain business advantage.	

6. QUALITY ASSURANCE

- a) Please provide details of any quality accreditations for which you have applied.
- b) Please state what awards, if any, your company has been awarded.
- c)

7. TRADE REFERENCES

- Please provide in the table below and in Annex one (1) details of at least (5) **top** customers that the firm has provided similar services over the last five (5) years, or that are relevant to this prequalification document.
- **Attach copies of LPO's, Letters of award/signed contracts/ Recommendation letter.** Note that the referees may be contacted without further references to you.

	Prior Services Performed for:	Response
1	Company Name	
	Description of Contract	
	Date of Commencement	
	Areas of Practice & Legal focus	
	Approx. value Contract	
	Person contact at the company	
	Telephone and Email of the person contact	
2	Company Name	
	Description of Contract	
	Date of Commencement	
	Areas of Practice & Legal focus	
	Approx. value Contract	
	Person contact at the company	
	Telephone and Email of the person contact	
3	Company Name	
	Description of Contract	
	Date of Commencement	
	Areas of Practice & Legal focus	
	Approx. value Contract	
	Person contact at the company	
	Telephone and Email of the person contact	
4	Company Name	
	Description of Contract	
	Date of Commencement	
	Areas of Practice & Legal focus	
	Approx. value Contract	
	Person contact at the company	
	Telephone and Email of the person contact	
5	Company Name	
	Description of Contract	
	Date of Commencement	
	Areas of Practice & Legal focus	
	Approx. value Contract	
	Person contact at the company	
	Telephone and Email of the person contact	

8. PROFESSIONAL ORGANIZATION

Please indicate which professional or trade bodies your company belongs to and any relevant industry awards.

9. CUSTOMER SERVICE POLICY/SYSTEM

- a) Indicate the customer service and support system in place.

10. DOCUMENTS REQUIRED FOR EVALUATION

(a) Requirements for Evaluation

This order and arrangement shall be considered as the Tender Submission Format. Tenderers shall tick against each item indicating that they have provided it.

No.	Description
1.	Duly Completed Questionnaire Form
2.	Declaration Form
3.	Copy of Company or Firm's Registration Certificate
4.	Copy of VAT Certificate
5.	Copy of Valid Tax Compliance Certificate
6.	Certificate of Confirmation of Directors and Shareholding
7.	Audited Financial Statements for two (2) years i.e. for years 2020 and 2019
8.	List at least five (5) top customers that the firm has provided similar services for banks or financial institutions over the last three (3) years
9.	Professional Indemnity Cover
10.	Attach copies of LPO's, Letters of award/signed contracts/reference letters
11.	Professional Certifications/ Accreditations for both the firm and staff
12.	Curriculum Vitae for the team
13.	Any other document or item required by the Tender Document. (The Tenderer shall specify such other documents or items it has submitted)

(b) Additional Requirements

Attach any relevant catalogues and brochures.

(c) Minimum Score to Be Prequalified

Only those vendors whose qualifications are accepted by KCBR, after the completion of the prequalification process will be prequalified.

11. DECLARATION

Please complete the declaration below and attach this document in its entirety to your response. Also ensure that you have indicated the areas of interest and that you have answered all questions in the same order and numbering as given in this document.

I/we certify that the information provided in response to this Questionnaire is accurate and complete as at the date set out below.

I/we understand that the provision of false information in response to this Questionnaire could result in the Company being excluded from the list of those who may be invited to tender for a contract with KCB Bank Rwanda PLC.

I/we undertake to inform KCB Bank Rwanda PLC promptly following any matter which would alter or add to any of the information given in response to this Questionnaire.

I/we make this declaration for and on behalf of the Company.

Signed:

Name:

Position:

Date:

Company stamp

ANNEX I: Requirements of KCB Bank Rwanda PLC – Legal Services and Management Qualifications

External Lawyer:

1. Tasks and services to be provided:
 - Introduce the lawsuits on behalf of the Bank;
 - Follow up the fixation of hearings;
 - Follow up issuance of summons by the court's registry and advise on their servicing;
 - Draft submissions and replies;
 - Ensure pleadings;
 - Attend pronouncement of judgment on behalf of the Bank;
 - Advise the Bank and negotiate with the clients for amicable dispute settlement.

2. Requirement and qualifications (To provide evidence for each requirement)
 - The attorney(s) should be duly licensed by the Rwanda Bar Association;
 - The attorney(s) should present a ILPD Diploma or equivalent;
 - To have at least A0 degree in law preferably in business law or any private law field;
 - To have an experience of at least 3 years at Bar as a private attorney or state attorney(s) and experience with any other financial institution will be an added advantage;
 - To indicate the team of lawyers that will attend to assignment;
 - The candidate should submit the references and any other experience and track record, including published decisions and clients list.

Professional Court Bailiff:

3. Tasks and services to be provided:

Without being restrictive, the duties of the Bailiff shall be as follows:

- Identification and seizure of the current and fixed assets of defaulting debtors.
- Carrying out all necessary legal steps required before sale of movable and immovable property of defaulting clients
- Collaborate with Notary Public office where required
- Sale of real property not registered in the land registry pursuant to court orders.
- Sale of movable property pursuant to court orders.
- Preparation of monthly progress reports on the case files under his custody.
- Preparation of a written report within 48 hours after the sale of a debtor's current or fixed assets.
- Execution of a court decision or any other enforcement order

4. Requirement and qualifications (To provide evidence for each requirement)

- The Bailiff (s) should be duly licensed by the bailiff Association
- Have at least A0 degree in law preferably in business law or any private law field
- Have an experience of at least 3 years acting as bailiff
- The candidate should submit: 3 Recommendation letters from Public or Private Institutions; a Recommendation letter from bailiff association to testify his/her professionalism; an valid Criminal record certificate from RPPA.

ANNEX II: SCOPE OF THE TENDER FOR PREQUALIFICATION

i. Scope of the Tender for Prequalification

a. Scope of Legal Services

The legal services being procured include but not limited to: Commercial, Conveyancing and Land law, Civil Litigation and Practice, Tax law, Labour law, Criminal Law and Arbitration and Alternative Dispute Resolution. The Lawyers will be expected to primarily work closely and under the auspices of the Legal Department

Successful law firms shall provide the Services in accordance with this tender and the ensuing Service Level Agreement (SLA) as may be entered between the law firm and KCBR .

b. Professional Qualifications

The Advocates must be members of the Law Society of Rwanda and must hold current practicing certificates.

c. Professional Insurance Indemnity

The firm/advocates must have taken out a Professional Insurance Indemnity from a reputable Insurance Company, which will be reviewed depending on the brief at hand.

d. Firm Profile and Expertise

The law firms should attach their firm profiles stating the type of matters handled and their success rate in litigation (time taken and outcome). The firms should also provide a list of clients handled which should include a minimum of eight (8) Banking institutions, private companies, public companies, and local and international companies. The profile should indicate experience in handling High Court, Court of Appeal, Tribunals and Lower Court cases. Expertise in any particular area of practice should be demonstrated. The document must distinguish the experience of the individual lawyers and the experience of the firm.

e. Firm's History

The following information should be provided:

- 2.5.1. Period for which the law firm has been in operation which should be a minimum of 10 years.
- 2.5.2. Number of partners and their standing in the bar
- 2.5.3. Number of Associates and their standing in the bar
- 2.5.4. Number of pupils
- 2.5.5. Number of paralegal staff
- 2.5.6. Number of support staff
- 2.5.7. Areas of Specialisation

f. Facilities

The applicant to indicate what facilities it has which enables the firm to provide services speedily and efficiently e.g. legal library, access to online law reports or other legal resources, computers, internet connectivity etc to enable them to provide adequate services and facilitate real-time communication.

g. Litigation against KCBR

The Firms to disclose if they are engaged with past or pending litigation against KCBR and the nature of the litigation in order to avoid conflict of interest.

2.8. Pre-Qualification Evaluation

All tender responses will be evaluated as per the requirements in this prequalification document

2.9. Preferred Areas of Practice

Please indicate as appropriate the areas of specialization of practice where you wish to be considered for provision of legal services.

No.	Areas of Practice & Legal Knowledge	Names of Personnel attached to the Area of practice	Brief of any recent experience in an assignment of a similar nature (not more than 3 years old).
1	Civil Litigation & Practice		
2	Commercial law		
3	Conveyancing and Land Law Practice		
4	Environmental Law		
5	Tax and Trade Law		
6	Arbitration and ADR Law and Practice		
7	Securities Law		
8	General Legal Practice		

Any others: Please specify

Firms are free to indicate all the Areas.