



**PWANI UNIVERSITY STAFF RETIREMENT
BENEFITS SCHEME**

ADVERTISEMENT:

INVITATION TO SUBMIT A PROPOSAL

FOR THE PROVISION OF LEGAL SERVICES:

1. Amendment of the Trust Deed and Rules for the Pwani University Staff Retirement Benefits Scheme
2. Stamping and obtaining Approval of the Amended Trust Deed and Rules from The Retirement Benefits Authority (RBA)
3. Preparation of Scheme Members Information Booklet.

**ALL APPLICANTS ARE ADVISED TO READ CAREFULLY THIS TENDER
DOCUMENT IN ITS ENTIRETY BEFORE MAKING ANY BID**

PUSRBS/RFP/001/2024-2025

**SUBMISSION DEADLINE: TUESDAY 31ST DECEMBER , 2024
TIME: AT 5.00 P.M**

REQUEST FOR PROPOSALS (RFP)

FOR THE PROVISION OF LEGAL SERVICES:

1. **AMENDMENT OF THE TRUST DEED AND RULES FOR A RETIREMENT BENEFITS SCHEME**
2. **STAMPING AND OBTAINING APPROVAL OF THE REVISED TRUST DEED AND RULES FROM THE RETIREMENT BENEFITS AUTHORITY (RBA)**
3. **PREPARATION OF A MEMBERS INFORMATION BOOKLET FOR A RETIREMENT BENEFITS SCHEME**

Date:

Issued By:

Contact Information:

Postal Address: The chairperson,
Board of Trustees,
P.o.Box 195-80108.
Kilifi ,
KENYA.

Soft Copies

- **Email:** {botchair@pu.ac.ke}
- **Website:** {www.pu.ac.ke}

INTRODUCTION

PWANI UNIVERSITY STAFF RETIREMENT BENEFITS SCHEME, a registered retirement benefits scheme in Kenya, is seeking proposals from qualified legal practitioners or law firms with expertise in pensions, trust law, and retirement benefits legislation. The firm or individual will be responsible for providing comprehensive legal services for amendment (review, revision, and overhaul) of the Trust Deed and Rules of its Retirement Benefits Scheme (the “Scheme”), ensuring full compliance with the applicable legislative and regulatory frameworks. Additionally, the service provider will facilitate the stamping of the revised documents at the Ministry of Lands and ensure the approval of the Retirement Benefits Authority (RBA). Lastly, the service provider will also be responsible for the drafting/preparation of the schemes Members Information Booklet.

OBJECTIVE

The primary objective is to bring the Scheme's Trust Deed and Rules in line with current legislative requirements, regulatory guidelines, and industry best practices, as well as to secure the necessary regulatory approval from the RBA. The legal services to be provided will ensure that the Scheme remains compliant with applicable laws, maintains good governance standards, and is properly structured to serve its members and stakeholders effectively.

SCOPE OF WORK

The scope of work under this RFP is detailed below and should be addressed thoroughly in the proposals:

1. Review of the Current Trust Deed and Rules:

- Conduct a thorough analysis of the existing Trust Deed and Rules and any Deeds of Amendments.
- Identify provisions that are outdated, non-compliant, or which require change based on recent amendments in legislation and industry best practices.
- Advise on the impact of recent changes in pensions, trust law, and retirement benefits legislation on the Scheme.

2. Incorporation of Legislative and Regulatory Updates:

- Ensure the revised Trust Deed and Rules are compliant with the most recent legal and regulatory amendments, including but not limited to:
 - The Retirement Benefits Act (Cap 197 of the Laws of Kenya).
 - The Retirement Benefits (Good Governance Practices in the Management of Retirement Benefits Schemes) Guidelines, 2018.
 - The Data Protection Act, 2019, especially concerning personal data protection for scheme members.
 - The NSSF Act, 2013 and its regulations, including provisions on contracting out.
 - Retirement Benefits (Post-Retirement Medical Fund) Guidelines.
 - Other relevant statutes, guidelines, and practice notes as issued by the RBA, Ministry of Lands, and Kenya Revenue Authority (KRA).

3. Trustee Consultation and Engagement:

- Engage with the Scheme's trustees and relevant stakeholders to ensure the proposed changes are understood and acceptable.
- Organize at least two meetings with the trustees to present the draft document (present recommended amendments, address concerns, and incorporate feedback) and final document.

4. Drafting and Preparation of Revised Trust Deed and Rules:

- Draft a revised Trust Deed and Rules incorporating the necessary changes to align with current legal standards and governance requirements.
- Ensure that all aspects of the law are properly addressed to protect the interests of the scheme members and scheme sponsor.

5. Stamping of Documents and Regulatory Approval:

- Facilitate the stamping of the revised Trust Deed and Rules with the Ministry of Lands, ensuring all legal formalities, including payment of stamp duty, are completed.
- Submit the revised Trust Deed and Rules to the Retirement Benefits Authority (RBA) for approval, managing any queries or requests for additional information that may arise from the RBA review.

6. Drafting and Preparation of the Members Booklet.

- To ensure that a schemes members booklet is developed and draft is presented to the BOT for concurrence before preparing the final document.

7. Finalization and Delivery of Executed Documents:

- Provide the finalized and legally executed Trust Deed and Rules, and the members booklet to the Scheme's Trustees.
- Ensure that all statutory requirements, including filings, registrations, and approvals, are met in a timely manner.

DELIVERABLES

The following are the expected deliverables for this assignment:

1. A revised and compliant Trust Deed and Rules document ready for execution.
2. Proof of stamping from the Ministry of Lands.
3. Approval documentation from the Retirement Benefits Authority (RBA).
4. A finalized Scheme Members Booklet ready for use

QUALIFICATIONS AND EXPERIENCE

Bidders must meet the following qualifications and experience requirements:

- A licensed advocate, law firm or service provider with at least 5 years of experience in trust law, pensions, and retirement benefits schemes.
- Demonstrated expertise in drafting, reviewing, and revising Trust Deeds and Rules for retirement schemes.
- Strong knowledge of the Retirement Benefits Act (Cap 197), the Data Protection Act, and other relevant regulations.
- A proven track record in securing RBA approval for retirement benefits schemes.
- Experience working with public and private pension schemes, and an understanding of the regulatory frameworks applicable to both.

METHODOLOGY AND WORK PLAN

Bidders are required to submit a detailed methodology and work plan outlining how they will approach the assignment. The work plan should cover the following areas:

1. **Timeline:**
 - Provide a timeline for the project, breaking down each stage, from document review to final Trust Deed and Rules submission to RBA and approval. Highlight key milestones, such as the completion of the first draft, consultations with trustees, and submission to the RBA taking into consideration that these documents are urgently needed.
 2. **Engagement Approach:**
 - Outline your approach to engaging the Scheme's trustees, including the frequency and format of meetings or consultations. Specify how you will incorporate their feedback into the revised Trust Deed and Rules and the Members Booklet.
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FEE PROPOSAL

The fee proposal should include a detailed breakdown of costs as follows:

1. **Fees:**
 - A detailed breakdown of fees for each stage of the assignment (review, drafting, consultations, stamping, RBA submission, and finalization of ALL the 3 stated assignments).
 2. **Disbursements:**
 - A clear outline of anticipated disbursements, including stamp duty, registration fees, and other administrative costs.
 3. **VAT:**
 - All prices quoted must include VAT at the prevailing rate.
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EVALUATION CRITERIA

Proposals will be evaluated based on the following weighted criteria:

1. **Technical Expertise (score 40):**
 - The expertise of the bidder in trust law, pensions, and retirement benefits schemes.
2. **Proposed Methodology and Work Plan (score 20):**
 - The soundness of the proposed approach, engagement plan, and timeline.
3. **Past Performance (Score 20):**
 - Demonstrated experience in similar assignments, including evidence of successful overhauls of Trust Deeds and obtaining RBA approval (Provide a list of at least 3 clients served with similar assignment).
4. **ONLY BIDDERS SCORING ATLEAST 60%(score 48/80): Will be subjected to financial evaluation**
5. **Bidders must demonstrate:** The cost-effectiveness and transparency of the fee structure in relation to the scope of services.

SUBMISSION GUIDELINES

All submissions must include the following:

1. A detailed proposal, including qualifications, experience, methodology, and a work plan.
2. Fee proposal, including anticipated disbursements.

Deadline for Submission:

- All proposals must be submitted by 31st December, 2024 to the following email address: botchair@pu.ac.ke

CONTACT INFORMATION

For any inquiries or clarifications regarding this RFP, please contact:

**The Chairman
Board of Trustees,
Pwani University Staff Retirement Benefit Scheme,
P.O.Box 195-80108.
Kilifi.
KENYA.**

Soft Copies to:

- **Email:** botchair@pu.ac.ke

We look forward to receiving your proposal and collaborating with a qualified partner to ensure the stated Scheme's documents meet the highest legal and regulatory standards.

NOTE: A Post qualification due diligence may be carried out to confirm and verify the qualifications of the bidder who submits the lowest evaluated responsive tender.

PWANI UNIVERSITY STAFF RETIREMENT BENEFITS SCHEME

CHAIRMAN

BOARD OF TRUSTEES.

CONFIDENTIAL BUSINESS QUESTIONNAIRE

You are requested to give the particulars indicated in Part 1 and either Part 2 (a), 2(b) or 2(c) whichever applied to your type of business.

You are advised that it is a serious offence to give false information on this form.

Part 1 General

Business Name.....

Location of Business Premises

..... Plot No,

..... Street/Road

Postal addressTel No.....Fax..... Email

.....

Nature of Business

Registration Certificate No..... Maximum value of
business which you can handle at any one time – Kshs.

.....

Part 2 (a) – Sole Proprietor

Your name in full.....Age.....

Nationality.....Country of Origin.....

Citizenship details

.....

Part 2 (b) – Partnership

Given details of partners as follows

Name	Nationality	Citizenship details	Shares
1.
2.
3.
4.

Part 2 (c) – Registered Company Private or Public State the nominal and issued capital of company Nominal Kshs.....Issued

Kshs.....

Give details of all directors as follows

Name	Nationality	Citizenship details	Shares
1.			
2.			
3.			
4.			

Date.....Signature of Candidate.....

SELF DECLARATION FORMS REPUBLIC OF KENYA

**SELF DECLARATION THAT THE PERSON/TENDERER WILL NOT ENGAGE IN ANY
CORRUPT OR FRAUDULENT PRACTICE**

I,.....of P.O. Box.....being a resident
of.....in the Republic of do hereby make a
statement as follows:-

THAT I am the Company Secretary/ Chief Executive/ Managing Director/ Principal
Officer/ Director of.....(insert name of the Company) who is a
Bidder in respect of **Tender No.**..... for (insert tender title/description)
for..... (insert name of Procuring entity) and duly
authorized and competent to make this statement.

THAT the aforesaid Bidder, its servants and/or agents / subcontractors will not engage
in any corrupt or fraudulent practice and has not been requested to pay any inducement
to any member of the Board, Management, Staff and/or employees and/or agents
of (i.....insert name of the Procuring entity) which is the Procuring entity.

THAT the aforesaid Bidder, its servants and/or agents / subcontractors have not
offered any inducement to any member of the Board, Management, Staff and/or
employees and/or agents of.....(insert name of the Procuring entity).

THAT the aforesaid Bidder will not engage / has not engaged in any corrosive practice
with other bidders participating in the subject tender .

THAT what is deposed to hereinabove is true to the best of my knowledge, information
and belief.

.....
(Title-Name) **(Signature)** **(Date)**

Bidder Official Stamp