

# HATI YA UTOAJI HUDUMA KWA WANANCHI (UMMA)



HUDUMA	MAHITAJI	GHARAMA KWA MTUMIAJI	MUDA WA KUHUDUMIWA
<b>MAOMBI YA MUUNGANO WA MTU YEYOTE AU KAMPUNI</b>			
A. Muungano unaohitaji uchambuzi wa kina	<ul style="list-style-type: none"> <li>i) Fomu ya taarifa ya muungano iliyojazwa na kupigwa muhuri;</li> <li>ii) Taarifa za kifedha za miaka mitatu iliyotangulia na zilizokaguliwa;</li> <li>iii) Nakala ya mkataba wa mauzo au ununuzi iliyotiwa sahihi;</li> <li>iv) Uamuzi wa bodi ya wakurugenzi ya kuidhinisha mauzo au ununuzi;</li> <li>v) Fomu ya usiri wa taarifa iliyojazwa.</li> <li>vi) Kithibitisho cha malipo ya maombi ya muungano</li> </ul>	<p>Ada zinalipwa kama ifuatavyo:</p> <p>Jumla ya mauzo ya mwaka au mali ya makampuni yanayoungana</p> <ol style="list-style-type: none"> <li>1. Chini ya shilingi bilioni moja (zimetengwa)-hakuna malipo</li> <li>2. Bilioni moja hadi bilioni 50, malipo ni shilingi milioni moja</li> <li>3. Zaidi ya bilioni 50, malipo ni shilingi milioni mbili</li> </ol>	Uamuzi wa ombi la muungano ndani ya siku 60 baada ya kupokelewa habari yote husika
B. Maombi ya muungano yatakayotengwa	<ul style="list-style-type: none"> <li>i) Kujaza ratiba ya kwanza (I) na ya nne (IV) ya fomu ya taarifa ya muungano;</li> <li>ii) Nakala ya mkataba wa mauzo au ununuzi iliyotiwa sahihi;</li> <li>iii) Taarifa za kifedha za miaka mitatu iliyotangulia na zilizokaguliwa;</li> <li>iv) Uamuzi wa bodi ya wakurugenzi ya kuidhinisha mauzo au ununuzi.</li> <li>v) Fomu ya usiri wa taarifa iliyojazwa</li> </ul>	Bure	Ndani ya siku 14 za kazi baada ya habari husika na kamilifu kupokelewa.
<b>ULINZI WA WATUMIAJI HUDUMA NA BIDHAA</b>			
Uchunguzi wa malalamishi	<ul style="list-style-type: none"> <li>i) Ushahidi kutoka kwa mlalamishi</li> <li>ii) Mawasiliano na mlalamishi/mtuhumiwa</li> <li>iii) Mawasiliano na Halmashauri za Serikali</li> </ul>	Bure	<p>Tathmini ya kwanza itafanywa ndani ya siku 10 na baadaye mlalamishi kufahamishwa kuhusu uamuzi ndani ya siku 5</p> <p>Uchunguzi kamili utafanyika ndani ya siku 30 pindi habari yote husika itakapopokelewa na baadaye maamuzi kuafikiwa ndani ya siku 30.</p>
<b>KUTOA MSAMAHA NA KUDHIBITI MIENENDO YA KIBIASHARA INAYOLETA VIZUIZI</b>			
A. Uchunguzi wa mienendo ya kibiashara inayoleta vizuizi	<ul style="list-style-type: none"> <li>i) Mahojiano na mlalamishi iwapo itahitajika</li> <li>ii) Kupeana habari ya ziada na ufafanuzi ikilazimu</li> <li>iii) Fomu ya kombi usiri wa taarifa iliyojazwa.</li> </ul>	Bure	<p>Tathmini ya kwanza utafanyika ndani ya siku 14 baada ya kupokelewa kwa habari yote husika na baadaye uamuzi kutolewa ndani ya siku 5, ikiwa ni pamoja na uamuzi wa malalamishi yasiyoshugulikiwa kwa mujibu wa Competition Act.</p> <p>Malalamishi tata yanayohitaji uchunguzi kamili ikiwa ni pamoja na kesi zilizo na nakala kubwa za ushahidi, na malalamishi yaliyo na wahusika wengi na yenye kupingwa, yatachunguzwa na kuamuliwa ndani ya siku 180 baada ya kupokelewa kwa habari yote na ushirikiano wa pande zote husika.</p>
B. Maombi ya msamaha wa kushiriki mienendo ya kibiashara inayoleta vizuizi	<ul style="list-style-type: none"> <li>i. Fomu ya maombi ya msamaha iliyojazwa kikamilifu;</li> <li>ii. Fomu ya kuomba usiri wa taarifa iliyojazwa;</li> <li>iii. Mahojiano iwapo yatahitajika;</li> <li>iv. Kupeana habari ya ziada na ufafanuzi ikilazimu.</li> </ul>	Bure	Ndani ya siku 30 baada ya kupokelewa kwa habari yote husika ikiwemo iliyoitishwa kutoka kwa wadau (kupitia kwa gazeti rasmi la Serikali) na mashirika ya Serikali ya kudhibiti sekta.
<b>UTUMIZI MBAYA WA NGUVU ZA MNUNUZI</b>			
Uchunguzi	<ul style="list-style-type: none"> <li>i) Fomu ya malalamishi iliyojazwa</li> <li>ii) Stakabadhi za ushahidi:</li> </ul> <p>Kwa mfano Mkataba uuzaji na ununuzi, Ankara ya kibiashara, Agizo la ununuzi na kadhalika.</p>	Bure	<p>Uchunguzi wa awali utafanywa ndani ya siku 10 baada ya kupokelewa kwa habari yote husika na baadaye uamuzi kutolewa ndani ya siku 5 ikiwa malalamishi hayo hayashugulikiwa kwa mujibu wa Competition Act.</p> <p>Ikiwa malalamishi yanashugulikiwa kwa mujibu wa Competition Act, uchunguzi kamili utafanyika ndani ya siku 30 pindi habari yote husika itakapopokelewa na baadaye uamuzi kuafikiwa na mlalamishi kufahamishwa ndani ya siku 5.</p> <p>Malalamishi tata yanayohitaji uchunguzi kamili ikiwa ni pamoja na kesi zilizo na nakala kubwa za ushahidi, na malalamishi yaliyo na wahusika wengi na yenye kupingwa, yatachunguzwa na kuamuliwa ndani ya siku 120 baada ya kupokelewa kwa habari yote na ushirikiano wa pande zote husika.</p>
<b>OMBI LA RUZUKU YA USIRI</b>			
Tathmini ya ombi la ruzuku ya usiri	Fomu ya usiri wa taarifa iliyojazwa.	Bure	Ndani ya siku 10
<b>MAOMBI YA MAONI YA USHAURI</b>			
Kushughulikia maombi ya maoni ya ushauri	-	Bure	Ndani ya siku 14 baada ya kupokelewa kwa maombi
<b>MALIPO KWA WASAMBAZAJI WA HUDUMA NA BIDHAA</b>			
Malipo	Stakabadhi za kuthibitisha utoaji wa huduma na uuzaji wa bidhaa (Kwa mfano: Utaratibu wa ununuzi wa ndani; Rekodi ya usambazaji huduma au bidhaa; Ankara; Rekodi ya kupokea bidhaa - yaani, LPO, LSO, Mkataba, Delivery Note, Invoice, Goods Received Note, Cheti cha Ukaguzi na Ukubalifu)	Bure	Malipo kufanyika ndani ya siku 30 baada ya kuwasilisha ankara.
<b>HUDUMA NYINGINEZO</b>			
Kuthibitisha kupokelewa kwa maombi ya habari na mawasiliano	Maombi au mawasiliano yaliyopokelewa	Bure	Ndani ya siku 3
Kujibu simu za wateja	Simu zinazoingia	Bure	Ndani ya milio 3
Kupokea wageni	Wageni	Bure	Ndani ya dakika 5 baada ya kufika kwenye meza ya mapokezi
Kushughulikia malalamishi ya kawaida ya wateja	Kukamilisha fomu ya malalamishi	Bure	Malalamishi tata - uamuzi ndani ya siku 60 na baada ya kupokea habari yote husika na ushirikiano wa pande zote husika

Wanachama wa Bodi, Usimamizi na Wafanyakazi wa Halmashauri ya Ushindani wa Kibiashara Nchini (Competition Authority of Kenya) wamejitolea kutoa huduma bora kwa Umma na Uchumi wa Kenya.

**Kwa maswali, malalamishi na pongezi kuhusu huduma zetu, wasiliana na:**

<p><b>Mkurugenzi Mkuu</b> Halmashauri ya Ushindani wa Kibiashara Nchini, Mnara wa Pensheni wa CBK Sakafu ya 15 - 18 Barabara ya Harambee S.L.P. 36265-00200, City Square NAIROBI, KENYA</p>	<p>Simu: +254-20-2628233 Simu ya Moja kwa Moja: +254-20-2779000 Tovuti: <a href="http://www.cak.go.ke">www.cak.go.ke</a> Barua Pepe: <a href="mailto:info@cak.go.ke">info@cak.go.ke</a> Facebook: Competition Authority of Kenya Twitter: @CAK_Kenya</p>	<p><b>AU</b> Tume ya Haki na Utawala Jumba la West End, Gorofa ya Pili S.L.P. 20414-00200 <b>Westlands, NAIROBI</b> Simu: +254-20-2270000 / 2303000 / 2603765 / 2441211/8030666 Barua Pepe: <a href="mailto:complain@ombudsman.go.ke">complain@ombudsman.go.ke</a></p>
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**“Ni haki yako kupokea Huduma bora”**





# CITIZENS' SERVICE DELIVERY CHARTER



SERVICE	REQUIREMENTS	USER CHARGES	TIMELINES
<b>MERGER APPLICATION</b>			
A. Merger requiring full analysis	<ul style="list-style-type: none"> <li>i) Duly filled and stamped /sealed Merger Notification Form;</li> <li>ii) Audited Financial Statements for the preceding 3 years;</li> <li>iii) Signed copy of sale/purchase agreement;</li> <li>iv) Board resolutions approving transaction;</li> <li>v) Duly filled confidentiality claim form; and</li> <li>vi) Evidence of payment of merger filing fees.</li> </ul>	Combined annual turnover or assets (whichever is higher) <ol style="list-style-type: none"> <li>1. KES 500 million to KES 1B - (excluded) no filing fees</li> <li>2. Over KES 1B to KES 10B = KES 1M</li> <li>3. Over KES 10B to KES 50B = KES 2M</li> <li>4. Over KES 50B = KES 4M</li> </ol>	Determination within the statutory timelines of 60 days after receipt of all relevant and complete information.
B. Exclusion	<ul style="list-style-type: none"> <li>i) Fill Schedule I and IV of the Merger Notification Form;</li> <li>ii) Signed copy of sale/purchase agreement;</li> <li>iii) Audited Financial Statements for the preceding 3 years;</li> <li>iv) Board resolutions approving the transaction; and</li> <li>v) Duly filled confidentiality claim form.</li> </ul>	Free	Exclusion within 14 days after receipt of all relevant and complete information.
<b>CONSUMER PROTECTION</b>			
Investigations of consumer complaints	<ul style="list-style-type: none"> <li>i) Duly filled complaint form;</li> <li>ii) Supporting evidence from complainant(s);</li> <li>iii) Engagement(s) with complainant and accused; and</li> <li>iv) Engagement (s) with other relevant Government Agencies</li> </ul>	Free	Preliminary investigations within 10 days.  Complainant informed of the outcome within 5 days of decision.  Full investigations within 30 days upon receipt of full information.  Determination issued within 30 days thereafter.
<b>CONTROL OF RESTRICTIVE TRADE PRACTICES AND EXEMPTIONS</b>			
A. Investigation of RTPs	<ul style="list-style-type: none"> <li>i) Conduct interviews where necessary;</li> <li>ii) Provide additional information and clarifications, where necessary; and</li> <li>iii) Duly filled confidentiality claim form.</li> </ul>	Free	Preliminary investigations within 14 days upon receipt of the requested information and decisions on matters including those which do not fall within the Act issued within 5 days.  Complex complaints requiring full investigations (including contested matters, cases with large volumes of evidence and involving multiple parties) investigated and finalized within 180 days upon receipt of all requested information and cooperation of the parties involved.
B. Exemption Application	<ul style="list-style-type: none"> <li>i. Duly filled exemption application form;</li> <li>ii. Duly filled confidentiality claim form;</li> <li>iii. Conduct interviews where necessary; and</li> <li>iv. Provide additional information and clarifications, if need be.</li> </ul>	Free	Within 30 days after receipt of all relevant information, including that requested from interested stakeholders (through the Kenya Gazette) and sector regulators.
<b>ABUSE OF BUYER POWER</b>			
Investigation of Abuse of Buyer Power	<ul style="list-style-type: none"> <li>i) Duly filled complaint form;</li> <li>ii) Provide evidence: Contractual agreements, Local Purchase Orders, Delivery Notes, Invoices, Goods Received Notes, communication between parties, among others.</li> </ul>	Free	Screening of complaints within 10 days upon receipt of full information and communication about the decision, including complaints that do not fall within the Act, given within 5 days of the decision.  Preliminary investigations within 30 days upon receipt of all necessary information and communication of the determination made within 5 days thereafter.  Complex complaints requiring full investigations (including contested matters, cases with large volumes of evidence and involving multiple parties) will be investigated and finalized within 120 days upon receipt of all the requested information & cooperation of the parties involved.
<b>REQUEST FOR CONFIDENTIALITY</b>			
Consideration of confidentiality request	Duly filled Confidentiality Claim Form.	Free	Determination within 10 days.
<b>REQUEST FOR ADVISORY OPINION</b>			
Issuance of an advisory opinion	-	Free	Within 14 days.
<b>SUPPLIERS' PAYMENTS</b>			
Payments to suppliers	Supporting documents (LPO, LSO, Contract, Delivery Note, Invoice, Goods Received Note, Inspection and Acceptance Certificate, Completion Certificate.	Free	Within 30 days after submission of the invoice.
<b>OTHER SERVICES</b>			
Acknowledgement of correspondences and requests for information	Correspondences or requests received	Free	Within 3 days
Answering Telephone Calls	Incoming calls	Free	Within 3 rings
Receiving Visitors	Visitors	Free	Within 5 minutes upon arrival at the reception
Handling Customers' Service Complaints	Receipt of complaint either verbally, telephone call, e-mail, letter or complaint form.	Free	Preliminary investigations will be carried out within 14 days upon receipt of all relevant information and determination issued within 5 days.  Complex complaints requiring full investigations (including contested matters, cases with large volumes of evidence and involving multiple parties) will be investigated and finalized within 40 days upon receipt of all the requested information & cooperation of the parties involved.

The Members of the Board, Management and staff of the Competition Authority of Kenya are committed to deliver the best services to the Kenyan Public and Economy.  
**For any questions, complaints, and compliments regarding the quality of service, please contact:**

**The Director General**

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**“It is Your Right to Receive Efficient Service”**

