



## Kenya Power

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Our Ref: *KP1/9AA-2/OT/56/CACS/16-17/JO/vs*

Dear Sirs/ Madams,

**RE: ADDENDUM NO. 1 TO THE TENDER NO. KP1/9AA-2/OT/56/CACS/16-17  
PREQUALIFICATION FOR LEGAL SERVICES**

Please refer to the above Pre-Qualification Tender dated February 2017.

At our own initiative we make the following clarifications and amendments to the Principal Tender Document (hereinafter abbreviated as the PTD) for Prequalification for Legal Services:

1. RELATIONSHIP WITH THE PRINCIPAL TENDER DOCUMENT  
Save where expressly amended by the terms of this Addendum, the PTD shall continue to be in full force and effect. The provisions of this Addendum shall be deemed to have been incorporated in and shall be read and construed as part of the PTD.
2. INTRODUCTION; ITEM NO. 3; NATURE AND SCOPE OF THE PREQUALIFICATION TENDER; PAGE NO. 6  
Clause 3.1.1 is deleted and replaced with the following: -  
*“to be listed on its Panel for the three-year period between June 2017 to June 2020 or as may be extended”.*
3. SECTION III – INSTRUCTIONS TO TENDERERS (ITT); ITEM NO. 3.2; ELIGIBLE LAW FIRMS; PAGE 17
  - 3.1 Clause 3.2.3 is amended to include the following: -
    - “e) **Category E law firms – (New Law Firms)**
      - (i) *Has a Professional Indemnity Cover of not less than KSh. 5 Million*
      - (ii) *Has all its lawyers admitted not earlier than July 1<sup>st</sup> 2016.”*
  - 3.2 At clause 3.2.4 delete the year and words ‘2016 practicing certificate’ and replace with –  
*“2017 Practising Certificate or valid receipt issued by the Law Society of Kenya in full payment for the 2017 Practising Certificate”.*

4. SECTION III – ITT; ITEM NO. 3.18; PROFESSIONAL INDEMNITY COVER (BEFORE APPOINTMENT); PAGE 24  
At the end of clause 3.18.1 a new sentence is added as follows:-  
*“New Law Firms shall furnish as part of its Tender a Professional Indemnity Cover of no less than Kenya Shillings Five Million.”*
  
5. SECTION III – ITT; ITEM NO. 3.30; FINANCIAL EVALUATION; PAGE 28  
The following new clause 3.30.2 is added: -  
*“Former In-House Counsel in practice for no more than 18 months prior to the Date of the PTD and New Law Firms shall be financially evaluated on the basis of the letter from their Bank confirming their financial position or soundness”.*
  
6. SECTION III – ITT; ITEM NO. 3.35; NOTIFICATION OF APPOINTMENT; PAGE 29  
Clause 3.35.4 is deleted and replaced with the following: -  
*“Appointment will be done as follows: -*
  - a) Category A, super-size law firms- Between three (3) and five (5),*
  - b) Category B, large law firms- Between one (1) and three (3),*
  - c) Category C, medium law firms- Between four (4) and six (6),*
  - d) Category D, standard law firms- Between five (5) and seven (7),*
  - e) Category E, new law firms- Between one (1) and three (3).”*
  
7. SECTION III – ITT; ITEM NO. 3.38; PROFESSIONAL INDEMNITY COVER (AFTER APPOINTMENT); PAGE 31  
At the end of clause 3.38.3 a new sentence is added as follows: -  
*“New Law Firms shall furnish the PI Cover of no less than Kenya Shillings Ten Million or that which it submitted for purposes of evaluation, whichever is higher.”*
  
8. SECTION IV – SCHEDULE OF REQUIREMENTS; ITEM NO. 4; BRIEF SCHEDULE OF SERVICES REQUIRED; PAGE 32  
Clause 4.1.1 is deleted and replaced with the following: -  
*“to be listed on its Panel for the three-year period between June 2017 to June 2020 or as may be extended”.*
  
9. SECTION VI – EVALUATION CRITERIA; ITEM NO. 6.1; PART I, PRELIMINARY EVALUATION UNDER PARAGRAPH 3.27 OF THE ITT; PAGE 36
  - 9.1 Delete the words ‘at least six’ at clause 6.1.10.
  - 9.2 Delete clause 6.1.11 (d) entirely and replace with the following: -  
*“Current (2017) Practising Certificate issued by the Judiciary or a valid receipt issued by the Law Society of Kenya in full payment for the 2017 Practising Certificate”.*

10. SECTION VI – EVALUATION CRITERIA; ITEM NO. 6.2; PART II, TECHNICAL EVALUATION AND COMPARISON OF TENDERS UNDER PARAGRAPH 3.29 (FORMERLY APPEARING AS 3.32) OF THE ITT; PAGE 39

At Sub-Part B - Detailed Evaluation, clause 10 Qualification and Scoring, the following new paragraph is added: -

*“10.2A “For firms eligible under category E (New Law Firms), minimum marks shall be 30 from the Tables out of the 132 awardable”.*

11. SECTION VI – EVALUATION CRITERIA; ITEM NO. 6.3; PART III, FINANCIAL EVALUATION CRITERIA UNDER PARAGRAPH 3.30 (FORMERLY APPEARING AS 3.32) OF THE ITT; PAGE 62

The following new clause 6.3.1 (e) is added: -

*“Former In-House Counsel in practice for no more than 18 months prior to the Date of the PTD and New Law Firms shall be financially evaluated on the basis of the letter from their Bank confirming their financial position or soundness”.*

12. SECTION VIII – GENERAL CONDITIONS OF APPOINTMENT; ITEM NO. 8.5; PROFESSIONAL INDEMNITY COVER; PAGE 67

At the end of clause 8.5.3, a new sentence is added as follows: -

*“New Law Firms shall furnish the PI Cover of no less than Kenya Shillings Ten Million or that which it submitted for purposes of evaluation, whichever is higher.”*

i) DEADLINE FOR SUBMISSION OF TENDER

The Prequalification Tender Closing Date is hereby extended to **Friday, 5<sup>th</sup> May 2017 at 10.00 am**. Tenders will be **opened** electronically on **Friday, 5<sup>th</sup> May 2017 at 10.30 am**.

All other terms and conditions remain as per the Principal Tender Document. Whilst all care has been taken to ensure the numbering and identification of various paragraphs, clauses and

contents in the PTD and the Addendum issued herein correspond and are in the correct sequential manner, any errors arising therefrom will be deemed inconsequential to the extent that they do not cause any confusion and are not misleading.

Yours faithfully,

**FOR: THE KENYA POWER & LIGHTING COMPANY LIMITED**

  
**BERNARD K. NGUGI**  
**GENERAL MANAGER, SUPPLY CHAIN**