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Our Ref: KP1/9A.2/OT/07/18-19/vs

25th October, 2018

M/s

Dear Sir/Madam,

ADDENDUM III: TO THE TENDER NO. KP1/9A.2/OT/07/18-19 FOR PROVISION OF ROADS/PAVEMENT OPENING/CUTTING, DUCTING AND REINSTATEMENT SERVICES

The following amendment has been made to the specified provisions of the Tender document for PROVISION OF ROADS/PAVEMENT OPENING/CUTTING, DUCTING AND REINSTATEMENT SERVICES dated September 2018.

1. RELATIONSHIP WITH THE PRINCIPAL TENDER DOCUMENT

Save where expressly amended by the terms of this Addendum, the Principal Tender Document 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 as part of the Principal Tender Document.

2. RESPONSE TO CLARIFICATIONS

No.	SUBJECT	QUESTION	KPLC RESPONSE
1.	Joint Venture	Joint Venture has been included and explained in the KPLC column as follows:	1 Tenders submitted by a joint venture of two or more firms, as partners shall comply with the following requirements: - a) the Tender Form and in case of a successful tender, the Contract Agreement Form, shall be signed so as to be legally binding on all partners of the joint venture. b) one of the partners shall be nominated as being lead contractor, and this authorization shall be evidenced by submitting a Power of Attorney signed by legally authorized signatories of all the partners. c) The Power of Attorney which shall accompany the tender,

shall be granted by the authorized signatories of all the partners as follows:-

(i.) for local bidders, before a Commissioner of Oaths or a Notary Public or Magistrate of the Kenyan Judiciary.

(ii.) for a foreign bidder, before a Notary Public, or the equivalent of a Notary Public, and in this regard the bidder shall provide satisfactory proof of such equivalence.

d) the lead contractor shall be authorized to incur liability and receive instructions for and on behalf of any and all the partners of the joint venture and the entire execution of the contract including payment shall be done exclusively with the lead contractor.

2 All partners of the joint venture shall be liable jointly and severally for the execution of the contract in accordance with the contract terms, and a relevant statement to this effect shall be included in the authorization mentioned in paragraph 3.3.1 (b) above as well as in the Form of Tender and the Contract Agreement Form (in case of the accepted tender).

The JV must be in either of the following forms –

a) A registered JV agreement. The registration may either be :-

i) At the Ministry of Transport, Infrastructure, Housing and Urban Development or,
ii) At the Office of the Attorney General, or

b) A Letter of Intent to enter into a joint venture including a draft JV Agreement indicating at least the part of the Works to be executed by the respective partners.

a) The JV agreement should be signed by at least two directors from each company or firm that is a party to the JV

b) The JV agreement must be under the company or firm seal

c) The Letter of Intent should be signed by at least one director from each company or firm that is a party to the intended joint venture

3. A copy of the agreement entered into by the joint venture



			partners shall be submitted with the tender.
2.	Section I - Tender Submission Checklist	Amendment	Document Submission Format Bidders are advised to clearly label their documents while uploading on the portal as guided in the Checklist. The list is not limited to the requirements of the tender document. Bidders are advised to read the tender document in its entirety and adhere to ALL it's requirements.
3.	Tender Validity Period	Whether it is 180 days or 120 days	Tenders shall remain valid for One Hundred and Eighty (180) days after the date of tender opening as specified in the Invitation to Tender or as otherwise may be prescribed by KPLC, pursuant to paragraph 3.23.
4.	YWPWD – under AGPO	Can they participate in this tender	Yes, as long as they meet the threshold as provided for in the PPADA 2015 and the Regulations. The preference clause under section 3.31 of the Tender Document will apply.
5	Clarification of Documents	Deadline for clarifications sought by bidders – to KPLC	Clause 3.8.3 KPLC will respond in writing to any request for clarification of the Tender documents, which it receives not later than seven (7) days prior to the deadline for the submission of Tenders, prescribed by KPLC.
6	Performance Bond	Clarification	The PB will be a total sum of Kshs 300,000. 00 It shall be submitted after the notification of award to the successful bidder. For YWPWD the PB will be 1% of the contract sum - for a value of kshs 1,000,000.00 and above.
7	Description Of Tender	Is it a Pre-qualification	The Referenced Tender No. KP1/9A.2/OT/07/18-19 is an Open Tender, not a Prequalification. Where it is referred to as PRE-Q/Prequalification, kindly read 'Tender'

NB: all copies of documents must be certified by a commissioner for oaths

NB: for Youth Women and Persons with disability, the bidder should attach Registration of relevant Certificate with the national treasury or the respective County treasury within which they operate.

3. BIDDERS ARE REQUIRED TO NOTE THE FOLLOWING:

- a. Once a bidder is awarded the contract they will be seeking and paying for the work permits on behalf of KPLC. They will then be reimbursed since they will be including such expenses in their invoices. All relevant receipts must be attached at the point of submitting invoices for payment.

- b. The Government entities where permits will be required are Kenya Urban Roads Authority (KURA) Kenya National Highway Authority (KeNHA) and Kenya Rural Roads Authority KERRA. Also in all the 47 Counties permits are issued while working on their public properties.
- c. No permits are required in private premises but signed agreements (witnessed by a Government Administrator ie Chief) are sometimes necessary in order to reinstate the disturbed areas back to their former status after works are completed in which case KPLC will have initiated in writing to the owners indicating the intentions of such works.

4. APPENDIX TO INSTRUCTIONS TO CANDIDATES/TENDERERS

The following information regarding the particulars of the tender shall complement and or amend the provisions of the Instructions to Candidates *hereinafter abbreviated as ITC*. Wherever there is a conflict between the provisions of the ITC and the Appendix, the provisions of the Appendix herein shall prevail over those of the ITC.

No.	Requirements	Particulars of Appendix
1.	Eligible Candidates	<p>Only Local Registered contractors with National Construction Authority are eligible to apply</p> <p>*NOTE</p> <p>1. Directors in one Company should not be associated in any other bidding company within this Tender. If one or more directors appears in more than one Company, ALL those companies associated will be disqualified.</p> <p>2. If discovered that a director/s have other companies and bid through proxies, ALL those companies will be disqualified</p>
2.	Contract period	It shall last for Two (2) years from the date of appointment
3	Performance Bond	<p>The PB will be a total sum of Kshs 300,000.00</p> <p>It shall be submitted after the notification of award to the successful bidder.</p> <p>For YWPWD the PB will be 1% of the contract sum - for a value of kshs 1,000,000.00 and above.</p>
4.	Submission of Documents,	<p>Bidders shall ensure that:</p> <ul style="list-style-type: none"> they upload all the required documents in pdf format into the web portal. Documents shall be arranged according to order as guided in the in the check list and as requested in specific sections
5.	Documentary evidence of financial capability	The audited financial statements required must be those that are reported within 3 years (36) calendar months of the date of the tender document. The statement must be stamped and signed. The auditors must be currently registered as a practicing by ICPAK.

		<i>(For companies or firms that are registered or incorporated within the last one calendar year of the Date of the Tender Document, they should submit certified copies of bank statements covering a period of at least six months prior to the date of the tender document. The copies should be certified by the Bank issuing the statements. The certification should be original).</i>
6.	Mode of Award of Contract	<p><i>The Contractor shall choose ONLY ONE preferred FBBU, REGION or COUNTY and shall tick whether they will participate in Underground Cables Installation or Underground Cables Maintenance/Emergency Breakdown. No bidder is allowed to participate in both categories (Underground Cables Installation or Underground Cables Maintenance/Emergency Breakdown)</i></p> <p><i>The award of services shall be to the lowest evaluated bidder per FBBU, REGION or COUNTY (Either for Underground Cables Installation or Underground Cables Maintenance/Emergency Breakdown)</i></p>

5. SECTION V – PROPOSED RATES CHARGEABLE BY BIDDERS

ROAD CUTTING/PAVEMENTS OPENNING, DUCTING AND REINSTATEMENTS

OF UNDERGROUND CABLE WORKS/SERVICES

Bidders are required to tick against only one AREA out of the 24 numbered below and tick whether they will carry-out new underground cables installations or underground cables maintenance/breakdowns/emergency works. Each bidder can only tick one type of work category.

	KPLC FEEDER BASED UNITS(FBBUs), REGIONS OR /COUNTY	CATEGORY 1	CATEGORY 2
	AREAS	NEW UNDER/GROUND CABLES INSTALLATIONS	UNDER/GROUND CABLES EMERGENCIES/ MAINTENANCE
	KPLC REGIONS		
1	CENTRAL RIFT		
2	MT. KENYA		
3	NORTH EASTERN		
4	NORTH RIFT		
5	SOUTH NYANZA		
6	WEST KENYA		

	COUNTIES		
7	KAJIADO		
8	KILIFI		
9	KWALE AND LIKONI		
10	LAMU AND TANA RIVER		
11	MACHAKOS AND MAKUENI		
12	TAITA TAVETA AND CHANGAMWE		
	FBBUs		
13	DAGORETI AND NGONG		
14	DANDORA AND KARIOBANGI		
15	EASTLANDS AND NAIROBI CBD		
16	EMBAKASI AND MAVOKO		
17	INDUSTRIAL AREA		
18	KILELESWA AND RONGAI		
19	LANGATA		
20	MOMBASA ISLAND,NYALI AND RIBE		
21	MUTHAIGA AND WESTLANDS		
22	ROYSAMBU		
23	RUAI AND UMOJA		
24	UPPERHILL		

6. SECTION VI - EVALUATION CRITERIA

6.2.2 Detailed Technical Evaluation

***NOTE:**

1. **ALL** Participants shall submit copies of their ID (Identification Card) along with the academic credentials – as requested

PERSONNEL

1. KPLC requires that each registered contractor will maintain the staff whose credentials were submitted and evaluated during the registration period; to be on board, through-out the contract period.
2. Attach a written (signed and stamped) confirmation that they have the capability to mobilize at least two (2) to three (3) teams concurrently and at short notice – to attend to either New Underground Installations or Under/Ground Cables Emergencies/ Maintenance works.

*(Copies of Curriculum Vitae with certified copies of certificates for all the Management/Technical Personnel certified by an Advocate or Magistrate should be attached)

***NOTE:**

- **KPLC requires that each registered contractor will maintain the staff whose credentials were submitted and evaluated during the registration period; to be on board, through-out the contract period.**

- **In event that there is a change of staff/personnel, the Contractor shall notify KPLC immediately and in writing and thereafter within a period not exceeding 2 weeks, submit the credentials of their new staff who must have equal or higher qualifications, for evaluation and concurrence by KPLC.**

(ensure that the credentials and ID of the new staff are verified by a commissioner for oaths/ Magistrate before submission to KPLC)

- **Failure to adhere to these requirements/falsifying of documents or any form of fraud – once detected, will result to the award being annulled and subsequently the cancellation of contract as a result of breach of contract – and the culprits will be liable to criminal prosecution.**

6.3 Financial Evaluation Criteria -

6.3.1 This will include the following: -

b) Checking submission of audited financial statements required which must be those that are reported within 3 years (36) calendar months of the date of the tender document. The statement must be stamped and signed. The auditors must be currently registered as a practicing by ICPAK. (For companies or firms that are registered or incorporated within the last one calendar year of the Date of the Tender Document, they should submit certified copies of bank statements covering a period of at least six months prior to the date of the tender document. The copies should be certified by the Bank issuing the statements. The certification should be original).

c) Considering information submitted in the Confidential Business Questionnaire against other information in the bid including: -

d) Declared maximum value of business

e) Taking into account the cost of any deviation(s) from the tender requirements

6.3.2 Confirming the following: -

6.3.2.1 that the Supplier's offered Terms of Payment meets KPLC's requirements.

The Successful Tenderers shall be those who meets the minimum technical tender requirements and are successful at financial evaluation .

***NOTES: -**

1. Total tender value means the Tenderer's total tender price inclusive of Value Added Tax (V.A.T) for the services it offers to provide.

Additional mandatory requirements.

BANK ACCOUNT DETAILS

- Bidders are required to attach a letter from the bank detailing their bank account
- Signatures/signatories to the account should be for the Directors of the bidding company * NOTE At least Two (2) of the directors as per the CR12 submitted
- If the signatories are not directors of the given account, a notary of the high court should be attached/submitted
- The Bank account details shall remain the same for the period of contract. Any changes to this requirement will lead to cancellation of the contract

4.3 Due Diligence Evaluation For Technically Compliant Bidders

Prior to approval of recommended applicants, KPLC may carried-out due diligence to determine suitability and competence of bidders recommended to offer the services. The inspection will include but not limited to:

- Checking the physical office of the bidders
- Confirming availability of competent personnel as declared by the bidder
- Checking any other critical item as may be decided by the evaluation committee

5. PRE-BID MEETING

There will be a pre-bid meeting to be held at KPLC Stima Club – Ruaraka at 9.30am on **Thursday 1st November, 2018 at 9.30am**. Attendance for all prospective bidders is recommended

7. UPLOADED TENDER DOCUMENTS

In accordance with the below sections, as provided in the Tender Document, Bidders can withdraw their uploaded responses, modify them and upload again.

3.23 Modification and Withdrawal of Tenders

3.23.1 The Tenderer may modify or withdraw its Tender after it has submitted, provided that the modification, including substitution or withdrawal of the Tender is received by KPLC prior to the deadline prescribed for submission of tenders.

8. AMENDMENT OF CLAUSES UNDER SECTION III - INSTRUCTIONS TO TENDERERS (ITT)

The numbering of the following sections and clauses is amended with the below illustrated sequence:

- Section 3.23 – Modification& withdrawal of Tenders – subsequent clauses 3.23.1, 3.23.2 to 3.23.3
- Section 3.24 – Opening of Tenders - subsequent clauses 3.24.1, 3.24.2 to 3.24.4
- Section 3.25 – Process to be confidential - subsequent clauses 3.25.1, 3.25.2 to 3.25.3

- Section 3.26 – Classification Tenders & Contacting KPLC - subsequent clauses 3.26.1, 3.25.2 to 3.26.4

9. ADDITIONAL TENDER DOCUMENTS

- Engineer's Estimates
- Service Level Agreement
- Supplier Evaluation Performance Form

10. TENDER CLOSING DATE

The Tender closing date has been extended from **Tuesday 13th November, 2018 10.00 am** to **Tuesday 20th November, 2018 – 10.00am** at KPLC Stima Club – Ruaraka

All the other terms and conditions remain as per the tender document.

Yours faithfully,

FOR: THE KENYA POWER & LIGHTING COMPANY LIMITED


JOYCE OCHIENG
AG. GENERAL MANAGER, SUPPLY CHAIN





