



## Kenya Power

The Kenya Power & Lighting Co. PLC.  
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Stima Plaza, Kolobot Road

Our Ref: KE-KPLC-417990-CW-RFB/SM/mo

21<sup>st</sup> June, 2024

TO: ALL PROSPECTIVE BIDDERS

Dear Sir/ Madam

**CLARIFICATION NO. 1 FOR TENDER NO: KE-KPLC-417990-CW-RFB- PROCUREMENT OF DESIGN, SUPPLY, INSTALLATION AND COMMISSIONING OF STAND-ALONE SOLAR PHOTOVOLTAIC SYSTEMS WITH BATTERY ENERGY STORAGE FOR COMMUNITY FACILITIES IN TURKANA, WEST POKOT, MARSABIT, ISIOLO, SAMBURU, MANDERA, WAJIR, GARISSA, TANA RIVER, NAROK, LAMU, KILIFI AND KWALE COUNTIES IN KENYA WITH 7 YEARS O&M SERVICES DATED 23<sup>RD</sup> APRIL, 2024.**

### **CLARIFICATION TO BID DOCUMENT**

The following responses are made to clarifications sought on various issues in the issued bidding document for procurement of Design, Supply, Installation and Commissioning of stand-alone solar photovoltaic systems with battery energy storage for community facilities in Turkana, West Pokot, Marsabit, Isiolo, Samburu, Mandera, Wajir, Garissa, Tana River, Narok, Lamu, Kilifi and Kwale Counties in Kenya with 7 years O&M services.

No.	Bidder Query/ comment	KPLC Response
1.	Is there any document fee of this tender? If there is, how much?	No. The documents can be downloaded free of charge from the KPLC website <a href="http://www.kplc.co.ke">www.kplc.co.ke</a>
2.	What are the required certificates/ standards and technical specification to join the tender.	The requirements shall be as per the issued bidding document.
3.	What does it mean when you say a bidder who qualifies for TWO lots, the TWO lots must be in the same cluster. Which are the clusters and how do you identify the clusters?	The number and identification of Clusters is as provided in bidding documents, Volume I (Part 1&3), Bidding Procedures and Conditions of Contract and Contract Forms, Section II-Bid Data Sheet, ITB 1.1 – Scope of Bid and Section III-Evaluation and Qualification Criteria, item 1.3 Multiple Contracts (ITB 35.6).

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4.	<p>please clarify the following: A bidder will not be awarded in more than ONE CLUSTER</p>	<p>Bidders have the option to bid for any one or more lots, however, a bidder can be awarded only one lot, or a maximum of two lots if the two lots are in the same cluster. The contract will be awarded to the Bidder or Bidders offering a substantially responsive Bid(s) and the most advantageous to the Employer for clusters and combined lots, subject to the selected Bidder(s) meeting the required qualification criteria for a lot or combination of lots as the case may be. A bidder will not be awarded in more than one cluster.</p>
5.	<p>Please clarify the following: FOR GOODS SUPPLIED FROM ABROAD the supplier will be responsible for clearance of equipment but KPLC shall pay direct to KRA the costs for custom duties, IDF, VAT AND KRDL</p>	<p>For Goods to be supplied from abroad, the supplier shall be responsible for clearance of the equipment. However, KPLC shall make direct payment to Kenya Revenue Authority (KRA) for the cost of the following;</p> <ul style="list-style-type: none"> <li>i) Custom Duties</li> <li>ii) Import Declaration Fees</li> <li>iii) Value Added Tax (VAT)</li> <li>iv) Kenya Railway Development Levy (KRDL)</li> </ul> <p>The bidders shall include in their Bid the agency fees for clearing and forwarding charges for Mombasa Port, inland container depots and border points. The clearing and forwarding charges shall be included in the Price Schedule for Plant to be supplied from abroad (Schedule No1).</p>
6.	<p>It was mentioned that KPLC will require a letter from a verified bank to accompany the 5- year audited reports. Could you kindly provide further details regarding the contents and format of the bank letter? Additionally, I would appreciate clarification on the relationship and reference of this bank letter to the 5- year audited reports, considering that the audit will be conducted by an independent auditing firm rather than the specified bank</p>	<p>There is no bank letter required to verify the 5-year audited reports. Where supplier indicates source of funding/ financing is from a bank facility, the Bank will provide the letter confirming existence of the said facility.</p>
7.	<p>We are kindly requesting for an extension in the deadline submission by two weeks, that is, from 4th June, 2024 to 18th June, 2024. This comes as a result of unforeseen circumstances resulting in delays in gathering all the necessary documentation and completing the necessary preparations to ensure that our bid is comprehensive and competitive. The extension will allow us the necessary time to refine our proposal and ensure that it aligns perfectly with your project goals and expectations</p>	<p>Refer to Addendum No. 3</p>
8.	<p>We would appreciate guidance on whether the bidding company needs to register in advance at any specific platform or entity before participating in the bidding process</p>	<p>There is no advance registration required.</p>

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9.	We are proposing to use 48V LiFeP04 for systems below 3kW and 512V LiFeP04 for the three- phase systems. The systems will however, meet all the other requirements	The bidders should follow the system voltages as specified in the bidding document.
10.	The system proposed in KOSAP require Lithium Ion Batteries, we did request on the voltage limitations and you promised to get back. Kindly update because of the viable and efficient Lithium Ion batteries are 48V Packages.	The bidders should follow the system voltages as specified in the bidding document.
11.	<p>From a simple analysis, looking at LOT 5, the total PV plant capacity for all the 66 sites is 145.10 kWp and the cumulative battery energy storage system is 907.25kWh. To charge this battery to full capacity from a simple calculation:</p> <p>PV plant to charge battery= (design energy*30% for losses)/ specific production/ hours of insolation i.e.  <math>(907.25*1.3)/5.3= 222.53kWp</math></p> <p>The above size is exclusive of the energy that will be used directly during the day.</p> <p>Please clarify whether you will issue a performance guarantee that if batteries are not charged fully, you will not pass that liability to contractor because the contractor submitted the proposals based on your sizing</p>	The battery capacity sizing should be as per the bidding document.
12.	We have checked with several inverter manufacturers and they inform us that inverters below 3kw are IP20 and not IP65 as required in the tender specifications. Since the installations will be done inside the specified enclosures providing additional protection, we would like to request for clarification if IP20 rating is acceptable for inverters 3kW and below which forms bulk of the site requirements.	<p>Indoor inverters to have minimum rating of IP21, but must be housed in the housing enclosure for equipment specified in bidding documents, Volume II (Part 2), Section VII, Employer's Requirements, Technical Specifications and Drawings, Clause 4.14.</p> <p>Outdoor inverters to have minimum rating of IP65. (Refer to Addendum no. 3)</p>
13.	I am writing to inquire how I can participate in the bidding	Please refer to the issued bidding document.
14.	Whether the installation sites have grid connected. If yes, is the mains power allowed to charge the battery?	They are not grid connected.
15.	What are the installation height requirements for photovoltaic panels on the ground? Is it required to set up fences for the photovoltaic panels?	<p>The PV panels installation height requirements will be as specified in the bidding document (The minimum clearance between the lower edge of the modules and developed ground level shall be adequately elevated above relevant flood plain. Minimum 1000mm and to employer's approval).</p> <p>Fencing is required as per the specifications in the bidding document.</p>

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16.	Are the inverters and batteries installed indoors or outdoors?	Inverters can be installed indoors or outdoors but must meet all the required specifications in the bidding documents including IP ratings requirements. Batteries are to be installed indoors in the housing enclosure for equipment specified in bidding documents, Volume II, Clause 4.14. (Refer to Addendum No 3)			
17.	Are metering and billing required for each site? Whom is the billing data be sent to if required?	Metering shall be as per bidding document. For each community facility site, prepaid customer energy meter to be supplied by KPLC and installed by contractor. The customers shall be billed on KPLC systems and payments shall be made to KPLC accounts. In addition, a solar energy export meter to be supplied and installed by the contractor for each site.			
18.	In the tender documents, the battery voltage is limited to 24V and 48V. Can the bidder propose batteries and inverter products using other voltage levels?	No, the bidders should follow the system voltages as specified in the bidding document.			
19.	Whether KPLC requires remote monitoring of all equipment?	Remote monitoring of all equipment is not a mandatory requirement, but a contractor may install necessary facilities for remote monitoring for O&M purposes. However, inverters must have communication interface suitable to be connected to local data monitoring system and also remotely via the web.			
20.	Please clarify the item "plant" in the technical proposal from the Section IV - Bidding Forms. What is the requirement of the information we need to provide?	Refer to Addendum No. 3			
21.	Please advise on the coordinates of the highlighted site, it seems to be in a different county.	Refer to Addendum No. 3			
20	Lamu	Lamu East	School	Mudani	-1.9711373, 41.2951080
21	Lamu	Lamu East	School	Mangai	-1.7509033, 41.1725635
22	Lamu	Lamu East	School	Mararami	-1.7030079, 41.3027462
23	Lamu	Lamu West	Clinic	Pandarquo Dispensary	-2.2352575, 40.4703403
24	Lamu	Lamu East	Clinic	Kangwi Dispensary	-1.9315157, 40.9752262
25	Lamu	Lamu West	Clinic	Bahamidi Dispensary	0.97079237, 36.7301669
26	Lamu	Lamu West	School	Masha Masha secondary	-2.4120711, 40.5400110
27	Lamu	Lamu West	School	Majembeti Secondary School	-2.3246921, 40.6126195
28	Kaji	Magarini	School	Karana Secondary school	-2.7392400, 40.1447716

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22.	Secondly, in Lot 5, site 3 and site 26 have same coordinates, please clarify.					Refer to Addendum No. 3
<b>Table 32: Locational Details - Lot 5 (Garissa, Tana River and Narok Counties)</b>						
	No.	County	Subcounty	Facility Type	Name of Facility	Coordinates
	1	Garissa	Fah	Clinic	Sargole Dispensary	-1.5043124, 40.5955193
	2	Garissa	Lagdera	Clinic	Alwein Dispensary	0.25355399, 39.3560851
	3	Garissa	Hara	Clinic	Korle health center	-1.9701203, 40.2003624
	4	Garissa	Fah	Office	ACC office/residence Galmagala	-1.1922259, 40.7067853
	5	Garissa	Dadaab	Office	ACC office/residence Joranka	-0.3387314, 40.9714334
	21	Garissa	Hara	Clinic	Bulohama Dispensary	-1.769699, 40.4423831
	22	Garissa	Lagdera	Clinic	Ejan Dispensary	0.76403094, 39.3096359
	23	Garissa	Balambala	Clinic	Danyere Health Centre	0.00684362, 38.7403959
	24	Garissa	Fah	Clinic	Hagarbal Dispensary	-0.0969841, 39.9856997
	25	Garissa	Dadaab	School	Aidan secondary school	0.21256925, 40.6268377
	26	Garissa	Hara	Clinic	Hara health center	-1.9701203, 40.2003624
	27	Garissa	Dadaab	Clinic	Sarebo Dispensary	-0.0230703, 40.1375045
	28	Tana River	Galele	Office	Waldan's APF	-1.6111417, 39.6763934
23.	<p>Volume 3, Section IV: Schedule 1: Battery Storage System: Please clarify what "sensor" is required in the battery system. Most manufacturers include a sensor for heat regulation already in their batteries, so we require clarification if this refers to the same sensor or if it's different</p>					<p>In the bidding documents, Volume III, Section IV, Schedule of Rates and Prices, Schedule No. 1, 'Other Solar Power Generation Plant (SPGP) Items'; All balance of system components for the solar equipment and necessary for complete operation of the system including all necessary sensors shall be included in the bidder's cost.</p>

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24.	<p>Volume 3, Section IV: Schedule 2: Plant and Mandatory spare parts supplied from within the Employer's country:</p> <p>a. The mandatory spares quantity is equal to the original tender quantity- please clarify this is correct</p> <p>b. Pricing for spares is EXW (even items supplied from abroad); original tender quantity is CIP Nairobi- Please confirm the spares pricing terms is correct</p> <p>c. Please confirm who is responsible for the storage of these spares: i.e. KPLC or supplier</p>	<p>a, b) In the bidding documents, Volume 3, Section IV: 'Schedule No. 1-Plant And Mandatory Spare Parts Supplied From Abroad' and 'Schedule No. 2-Plant and Mandatory Spare Parts Supplied From Within the Employer's Country' are not spare parts but materials to be used for the plant. These items can either be supplied from abroad or from within the country.</p> <p>The mandatory spares to be supplied are the responsibility of the bidder, to be used during the 7 years Operations and Maintenance (O&amp;M) period, hence they are not included in schedule 1 or 2. The bidder shall meet the cost of all spares and replacement of the same in the 7-years of the O&amp;M period. The cost of the spares and replacement of the same shall be part of the O&amp;M quoted cost.</p> <p>The contractor should ensure sufficient stocks of spare parts are always available during the O&amp;M period to be able to promptly attend to breakdowns and meet performance requirements stated in the bidding document.</p> <p>c) The contractor shall be responsible for the storage of the spares.</p>
25.	<p>Volume 3, Section IV: Schedule 4: Installation Commissioning and other services (Civil Works)</p> <p>a. Chain link fencing is included under the scope for installation, but there is no provision to input the pricing and specification of this item. Please clarify on the gauge thickness, height, mesh sizing, etc, so we can ensure we quote appropriately for compliance with the intended design</p>	<p>For details of the chain linking fencing, refer to bidding documents, Volume II, Employer's Requirements, Technical Specifications and Drawings.</p> <p>Input for pricing of chain link fencing is provided in Volume III, Schedule of Rates and Prices, Schedule No. 4- Installation Commissioning and Other Services (Civil Works).</p>
26.	<p>Volume 3, Section IV: While Volume 2 indicates the need for the Lightning Arrestor (ESE type), there is no provision for us to input costs for this in Volume 3 for Lots 5&amp;6</p>	<p>Input for pricing of lightning arrestors is provided in Volume III, Schedule of Rates and Prices, Schedules No. 1/2, 'Other Solar Power Generation Plant (SPGP) Items' (Earthing materials and accessories (including lightning arrestors, DC earthing, AC earthing, earthing at beneficiary premises)).</p>
27.	<p>Please confirm:</p> <p>a. Whether we could prepare two volumes for each lot i.e. Technical proposal &amp; Financial proposal</p> <p>b. Whether we can show the bid prices in the letter of bid</p>	<p>a. Yes. Kindly ensure that volumes of documents submitted are complete.</p> <p>b. Yes, letter of bid should have the bid prices.</p>
28.	<p>Please confirm whether the currency of bid include US Dollar</p>	<p>The currencies of bid shall be as provided for in bidding documents, Volume I, Section I – Instructions to Bidders, ITB 18.</p>

No.	Bidder Query/ comment	KPLC Response
29.	There are 347 sites. Does each site need a security guard? Will we be responsible for the loss of equipment?	The Contractor shall be responsible for the security of the site and equipment during Supply & Installation and Operations & Maintenance phases. Contractors shall deploy security personnel as may be required.
30.	When does the employer arrange the acceptance and take over the plant and facilities? Will they take over directly after completion? Or will they arrange to take-over at another time?	The contractor shall handover the plant after 7 years of Operations and Maintenance.
31.	<p data-bbox="268 450 836 510">ITB 11.1 (n) mentioned the requirements for bidder's previous experience as follows:</p> <div data-bbox="276 539 828 1626" style="border: 1px solid black; padding: 5px;"> <p data-bbox="284 546 820 734">n) Documentary evidence to support bidder's previous experience (to demonstrate experience given in Section III, Evaluation and Qualification Criteria, clause 4.1, 4.2(a), 4.2 (b) and 4.2(c) as below;</p> <ul style="list-style-type: none"> <li data-bbox="331 770 820 920">i. Client's name, active and clear email addresses and physical addresses as well as name and telephone number of the contact person</li> <li data-bbox="331 927 820 1021">ii. Completion/ commissioning and operational/ take- over certificates provided</li> </ul> <p data-bbox="284 1055 820 1402">o) Active and clear contact details of the bidder's cash flow resources such as liquid assets, unencumbered real assets, lines of credit and other financial means. The contact details should include the financial provider e.g. Bank's telephone number, email addresses and name of contact person (These will demonstrate financial capabilities given in Section III, Evaluation and Qualification Criteria, clause 3.3).</p> <p data-bbox="284 1435 820 1621"><b>Note:</b> Upon award of contract, the contractor shall be required to meet the registration requirements for Energy and Petroleum Regulatory Authority (EPRA) and National Construction Authority (NCA)</p> </div> <p data-bbox="276 1659 836 1850">Kindly clarify whether we should provide copies of contracts. Award letters, completion/ commissioning and operational/ take- over certificates for general experience &amp; specific experience or not.</p>	<p data-bbox="858 450 1430 607">Yes, the bidder should provide documentary evidence to support previous experience. Refer to bidding documents, Volume I, Section II - Bid Data Sheet and Section III - Evaluation and Qualification Criteria.</p>

No.	Bidder Query/ comment	KPLC Response
32.	<p>The Specifications and GTP forms attached in APPENDIX 4 – KPLC TECHNICAL SPECIFICATIONS DOCUMENTS; contained in Volume II of the tender document are not legible at all and cannot be filled. We are requesting that you share legible form of the Specifications and GTP forms, and preferably, in MS. Word format.</p>	<p>Clear copies have been uploaded in KPLC website labelled as 'Appendix 4 – KPLC Technical Specifications Documents for KOSAP Stand Alone Systems Tender No. KE-KPLC-417990-CW-RFB'</p>
33.	<p>As per the tender, the warranty specification required for the battery is 10 years' which our OEM is not fully compliant. We would like to hear opinion and suggestions on this matter. We can provide 7 years warranty instead of 10 years.</p>	<p>The requirement shall be as per the issued bidding document.</p>
34.	<p>Kindly clarify the voltage for MPPT Charge controllers, Battery Inverter Charger &amp; Hybrid Inverter. 24V DC or 48V DC?</p>	<p>Scope and characteristics of solar systems for community facility sites are provided in the issued bidding documents, Volume II, Employer's Requirements, Technical Specifications and Drawings, including capacities of the equipment and DC Voltage. Systems having less than 3kWp PV capacity shall have a DC System Voltage of 24V - all the equipment i.e. Batteries, Inverters and Charge Controllers must be rated 24VDC. Conversely, systems having 3kWp or more of PV capacity shall have a DC system voltage of 48V- all the equipment i.e. Batteries and Inverters must be rated 48VDC.</p>
35.	<p>The technical specification asks for 60A, 75A and 90A for MPPT Charge Controller. Kindly clarify whether we can meet the requirements through parallel operation or not.</p>	<p>The requirement shall be as per the issued bidding document.</p>
36.	<p>Item 4.2a. 1 or 2 Projects of Similar value (Solar)</p> <p>a. The document calls for experience in proposed plant ie Battery Storage System BESS. Solar Power Generation is relatively simple compared to other forms of Power Generation. As the Photovoltaic Systems become bigger, the Photocell part becomes smaller and knowledge of other field increases in importance. Meaning experience in Energy as an EPC Company increases in importance. This requirement locks the Tender to a select group who have had a chance to do a Project in Solar Power. And all of them had a starting point.</p> <p>b. International Companies who build large Projects all over the World including Kenya do not have this requirement</p> <p>c. Solar Mini Grids is a recent field and such Projects are rare. Paralleling principles are the same whether in a small grid or large Grid.</p>	<p>The experience requirement shall be as per the issued bidding document.</p>



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	<p>d. If the experience can be changed to Energy Projects rather than specifically Solar projects.</p> <p>e. Any Power Generation system operating in Parallel operates with similar Principles and therefore Diesel + Solar will have similar paralleling principles and Hydro+Diesel or Solar + Hydro etc. 1kW or 10kW or 100kW Solar has the same Technology. If you could consider Experience in any Power System Generation as being sufficient.</p> <p>f. The Criteria as set out actually means: Those who have been the Business to continue and monopolize. Those who have been never in it CANNOT enter. There is no entry level. We feel the user (KPLC) could also support Capacity Building in this sector.</p>	
37.	<p><b>Section 2.5 Contractors Representative and Key Personnel:</b></p> <p><b>Item 4: Requirement for T3 Licence:</b></p> <p>a. We agree T3 is necessary for regulation of any Technicians and Artisans involved in Domestic Solar Systems. This is necessary for Rural Technicians. However, it is restricting development of capacity to undertake large Projects. Once somebody has relevant experience in Energy, whether Diesel, Thermal, Hydro etc, the Principles are the same.</p> <p>b. T3 is a Technician Licence according to EPRA. It has not defined the roles of Experienced Engineers and waters down the experience of Professional Engineers.</p> <p>c. For a Large Solar Plant eg 40 MW, the scope as defined in T3 cannot Design, Install and Commission such a plant.</p> <p>d. Solar power Generation is the simplest form of Power Generation and whereas other forms more complex like Gas Turbines, Diesel Generators, Hydro Power Plants, Geothermal Power Plants, Wind Turbines exist and we all learn thorough Self Education, we feel T3 requirement is locking out more experienced Engineers and Technicians.</p> <p>e. International Companies operating abroad do not require T3 to employ anybody. T3 is more of a Local qualification.</p> <p>f. Foreign Companies which undertake very complex Solar Projects like Huawei, Sterling Wilson, CAMCE, and large EPCs do not have a T3.</p> <p>We feel an Engineer or Technician with Relevant Power Generation experience should be sufficient.</p>	<p>Bidders shall provide Energy and Petroleum Regulatory Authority (EPRA) Solar PV System Class T3 licence (for local Solar PV specialists) or equivalent (for foreign Solar PV Specialists) from their respective licensing body).</p> <p>Also note that upon award of contract, the contractor shall be required to meet the class registration requirements for Energy and Petroleum Regulatory Authority (EPRA).</p>

No.	Bidder Query/ comment	KPLC Response
38.	<p>I am writing to seek clarification regarding the costing approach for the KOSAP tender, which is scheduled to close on <b>2nd July 2024</b>. As you are aware, the proposed Kenya Finance Bill 2024 is projected to take effect on <b>1st July 2024</b>. This bill includes an eco-levy on solar equipment, which is likely to impact the costing of the equipment adversely.</p> <p>Given this context, could you kindly provide guidance on how bidders should factor in the potential cost implications of the eco-levy when preparing their proposals? Specifically, should bidders include a provisional sum to account for the anticipated increase in costs, or will there be an opportunity to adjust the pricing post-award to reflect the new fiscal measures?</p>	<p>Refer to ITB 17.5 of the issued bidding document (Bid prices and discounts including all taxes, duties, levies and charges payable in the Employer's Country as of twenty-eight (28) days prior to the deadline for submission of Bids).</p>
39.	<p>Kindly clarify whether we can combine two lots in one cluster and print out or not. For example, we bid for lot 1 &amp; lot 2 in cluster 1. Should we print out lot by lot or two lots in one cluster?</p>	<p>Bidders are required to print per lot.</p>
40.	<p>Our company, DCP (Differ Community Power), was established in 2020, and our first full year of operations was in 2021. As a result, we have a total of three years of financial data, with the first year having a relatively limited turnover. Could you kindly confirm whether it would be acceptable to use only the latest two years of financial data to calculate the average annual turnover for our bid?</p>	<p>The requirement shall be as per issued bidding document</p>

Yours faithfully,

**For: THE KENYA POWER & LIGHTING COMPANY PLC**



**Dr. JOHN NGENO, OGW**  
**GENERAL MANAGER, SUPPLY CHAIN & LOGISTICS**