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StimaPlaza, Kolobot Road
Nairobi, Kenya

Our Ref: KP1/9B.1/1.4.5/OT/02/18-19/ro

21st March, 2019

M/s -----

RE: ADDENDUM NO. I TO THE TENDER NO. KP1/9B.1/1.4.5/OT/02/18-19 FOR DISPOSAL OF SCRAP TRANSFORMERS & OTHER SCRAP ITEMS

The following clarifications and amendments are made to the Principal Tender Document (*hereinafter abbreviated as the PTD*) for Disposal of Scrap Transformers and other Scrap items

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. CLARIFICATIONS

The clarifications are made as below: -

| | Clause No./item | Query | KPLC Response |
|----|--|---|---|
| 1 | Table of Contents | Pagination not correct | Pagination has since been corrected. |
| 2. | Appendix to Instructions to Tenderers Clause 3.2.1 | Eligible Tenders Is the tender open to Scrap Metal dealers or Smelters or Individual bidders? | The tender is open to Scrap Metal dealers, Smelters or individual bidders as long as they have the requisite documents required in the tender document. |
| 3. | Appendix to Instructions to Tenderers Clause 3.2.7: Opening of Tenders | The tender opening date indicated is wrong. | Tenders will be opened on the date and time indicated in the KPLC Portal. |
| 4. | Section I -1.4 :Submission of Tender Documents. | The Tender period given is too short given the | KPLC will extend the tender as indicated in item 3- Change in |

| | | | |
|----|--|---|---|
| | | upcoming festive season. Bidders were requesting extension by 30 days to enable them visit all the depots where the scrap Transformers & other items are being disposed from since the Viewing is a mandatory requirement. | closing time below. |
| 5. | 3.15.1: Validity of tenders | The time taken to award tenders should be reduced to less than 120 days to allow the bidders gain from the offer prices. | KPLC clarifies that awards are to be made before the expiry of the tender validity period of 120 days. KPLC will strive to award the tender within the shortest time possible. |
| 6. | 3.37: Collection of awarded obsolete items | The tender is skewed to favour KPLC. When the awarded buyers delay in collecting the items, they are penalized but when they go for materials and fail to get them in the stores, there is no penalty for KPLC. | The items indicated in this tender document are available and ready for collection immediately the winning bidder(s) pay for them and any subsequent items identified will only be awarded when they are ready for collection. |
| 7 | | A bidder requested to know whether successful bidders will be allowed to dismantle Scrap Power Transformers on site. | KPLC will allow successful bidders to dismantle the scrap Power Transformers on site due to their sizes. |
| 8. | Appendix to Instructions to Tenderers Clause 3.11.4: Tender Prices | The bidders indicated that the prices should not remain valid for two years due to market price fluctuations unless KPLC introduces a formula for calculating the price changes to be used to determine the selling price over the contract period of two years. | KPLC anticipates that the next lot of Scrap transformers under identification and segregation will be disposed off within the first year of the contract. KPLC will therefore maintain the two year validity to allow the process conclusion. |
| 9. | Section IV (A) Schedule of items offered Reserve Prices on the Lot Sheets. | Bidders felt that the Reserve prices were too high and KPLC should have left the award criteria of allowing bidder who quote 60% or 40% of the indicated items to remain valid. | KPLC has already addressed this issue in the new Lot sheets attached in the E-Portal. |

| | | | |
|-----|--|--|--|
| 10. | | A bidder felt that the Scrap Transformers are very many and KPLC requested whether KPLC can share out the Scrap amongst the many bidders. | KPLC is not in a position to share out the Scrap Transformers. This can only happen if bidders tied in their offer prices. |
|-----|--|--|--|

3. CHANGE OF CLOSING DATE

The closing date has been extended from 28th March, 2019 at 10,00 am to **24th April, 2019 at 11.00 a.m.**

All other terms and conditions remain as per the Principal Tender Document (PTD).

Yours faithfully,

FOR: THE KENYA POWER & LIGHTING COMPANY LIMITED



JOYCE OCHIENG
SUPPLY CHAIN MANAGER, LOGISTICS

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| | | |
|-----|---|--|
| 9. | 3.3 General Provisions of Tender – Storage Charges | Failure to remove the goods within the allowed duration will attract storage charges at the rate of Kshs. 10,000 per week until all items paid for are collected. |
| 10. | 3.3.1 Eligible goods | Assorted Obsolete and Scrap Items at Various KPLC stores |
| 11. | 3.3.3 -Performance Security | Within seven (7) days of the date of notification of award from KPLC, the successful Tenderer shall furnish KPLC with a Performance Security amounting 10 % of the tendered price, in form of a bank guarantee or cash. |
| 12. | 3.3.4 Sorting of Awarded Items | The items shall be awarded and collected on the “as is where basis is” therefore sorting and segregation shall NOT be allowed on Kenya Power grounds. |
| 13. | 3.11.4 Tender Prices | The tender to be submitted (quoted) by the tenderer shall Remain fixed for the contract period which is two years from the date of contract signing. The quoted prices shall be used for any additional and subsequent quantities of Scrap Transformers & other Scrap items identified in this tender within the contract period. |
| 14. | 3.30.1 Award of Contract | <ul style="list-style-type: none"> ▪ Award will be to the highest evaluated bidders whose quoted price is equal to/or above the Reserve Prices. ▪ The awarded price will remain valid for the contract period of two years from date of signed contract. Further, the awarded bidder will collect items listed in the Schedule of Items offered for Disposal which are ready, and the same bidder will be notified to collect similar items that will be subsequently available for disposal, upon payment at the same price and within the contract period. ▪ In event that the highest evaluated bidder declines the award, KPLC will seek to award the next highest bidder as long as the next highest bidder's price s are equal to/or above the Reserve Price. |

SECTION IV – SCHEDULES OF ITEMS

SCHEDULE OF ITEMS OFFERED FOR DISPOSAL

KENYA POWER & LIGHTING COMPANY

AS IS WHERE BASIS IS”.

| Item No. | Brief Description | Item Code | Qty | Unit of Measure | LOT No. | Depot/Location | Reserve Price Per Lot/Kg |
|--|---|-----------|-------|-----------------|-----------|----------------|--------------------------|
| I - Transformers & Switchgear | | | | | | | |
| 1 | Assorted Empty Transformer Shells | | 2,713 | Lot | 1E – 56E | Roysambu | |
| 2 | Assorted Scrap Transformers complete with windings. | | 5,250 | Lot | 1C – 105C | Roysambu | |
| 3 | Assorted Empty Transformer Shells | | 250 | Lot | 16E - 20E | Rivatex | |
| 4 | Assorted Scrap Transformers complete with windings. | | 221 | Lots | 1C - 6C | Rivatex | |
| 5 | Assorted Empty Transformer Shells | | 500 | Lot | 1E – 10E | Kisumu | |
| 6 | Assorted Empty Transformer Shells | | 102 | Lot | 1E – 2E | Mbaraki | |
| 7 | Assorted Scrap Transformers Complete with Windings | | 53 | Lot | 1C | Kilifi Stores | |
| 8 | Assorted Scrap Transformer Empty Shells | | 50 | Lot | 1E | Kilifi Stores | |
| 9 | Auto Voltage Regulator (AVR) Complete with windings | | 3 | Lot | 2C | Kilifi Stores | |
| 10 | Assorted Power Transformers | | 14 | Lot | 107C | Roysambu | |
| 11 | Auto Voltage Regulator (AVR) Complete with windings | | 5 | Lot | 106C | Roysambu | |
| 12 | Assorted Scrap Transformers | | 21 | Lot | 108C | Roysambu | |

| | | | | | | | |
|----|---|--------|---------|-----|--|---------------|--|
| | Complete with windings. | | | | | | |
| | II- Scrap Copper & other Scrap items | | | | | | |
| 13 | Obsolete/Scrap Copper Cable | 108823 | 100,000 | Kgs | | Nairobi South | |
| 14 | Scrap Copper | | 10,000 | Kgs | | Eldoret | |
| 15 | Scrap Wires | | 4000 | Kgs | | Lanet | |
| 16 | Scrap Aluminium Bare & PVC | | 1000 | kgs | | Naivasha | |
| 17 | Scrap Wire/Steel/Metal | | 5000 | Kgs | | Nyeri | |

Notes to bidders:

Quantities in Item II- Scrap Copper and other Scrap Items are Estimates. The following will apply upon collection of items;

1. Where quantity collected is less than that indicated in the tender document, KPLC will refund the cash equivalent of the uncollected items.
2. Where quantity collected is more than that indicated in the tender document, the supplier will be required to pay for the extra quantity as long as it is within the allowed quantity variation as indicated in Clause 3.33 of Instructions to tenderers.

SECTION V
(A) PRICE SCHEDULE OF ITEMS OFFERED FOR DISPOSAL

KENYA POWER & LIGHTING COMPANY

"AS IS WHERE IS BASIS".

| Item No. | Brief Description | Item Code | Qty | Unit of Measure | LOT No. | Unit Price | VAT | Total Price VAT Incl | Depot/Location |
|---------------------|---|-----------|-----|-----------------|---------|------------|-----|----------------------|----------------|
| Transformers | | | | | | | | | |
| 1 | Assorted Empty Transformer Shells | | | Lot | | | | | Roysambu |
| 2 | Assorted Scrap Transformers complete with windings. | | | Lot | | | | | Roysambu |
| 3 | Assorted Empty Transformer Shells | | | Lot | | | | | Rivatex |
| 4 | Assorted Scrap Transformers complete with windings. | | | Lot | | | | | Rivatex |
| 5 | Assorted Empty Transformer Shells | | | Lot | | | | | Kisumu |
| 6 | Assorted Empty Transformer Shells | | | Lot | | | | | Mbaraki |
| 7 | Assorted Scrap Transformers Complete with Windings | | | Lot | | | | | Kilifi Stores |
| 8 | Assorted Scrap Transformer Empty Shells | | | Lot | | | | | Kilifi Stores |
| 9 | Auto Voltage Regulator (AVR) Complete with windings | | | Lot | | | | | Kilifi Stores |
| 10 | Assorted Power Transformers | | | Lot | | | | | Roysambu |
| 11 | Auto Voltage Regulator (AVR) Complete with windings | | | Lot | | | | | Roysambu |
| 12 | Assorted Scrap Transformers | | | Lot | | | | | Roysambu |
| | | | | | | | | | |

| | Other Items | | | | | | | | |
|----|-----------------------------|--------|--|-----|--|--|--|--|---------------|
| 13 | Obsolete/Scrap Copper Cable | 108823 | | Kgs | | | | | Nairobi South |
| 14 | Scrap Copper | | | Kgs | | | | | Eldoret |
| 15 | Scrap Wires | | | Kgs | | | | | Lanet |
| 16 | Scrap Aluminium Bare & PVC | | | Kgs | | | | | Naivasha |
| 17 | Scrap Wire/Steel/Metal | | | kgs | | | | | Nyeri |
| | | | | | | | | | |
| | | | | | | | | | |

(B) SUMMARY OF ITEMS BIDDED FOR BY LOTS

| Item No. | Item Description | Lot No | Store | Unit Price (V.A.T. Exclusive) | V.A.T | Total Unit Price (V.A.T. inclusive) | Total Bid Price (V.A.T. inclusive) |
|----------------------------------|------------------|--------|-------|-------------------------------|-------|-------------------------------------|------------------------------------|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| GRAND TOTAL VAT INCLUSIVE | | | | | | | |

Notes to Bidders:

- Summary of items bid for may be expanded to accommodate the all your bids.
- The grand total indicated in the above Summary Table is the figure that will be entered in the KPLC portal.

Name of Bidder

Name and Designation of authorised person signing the Tender

Signature of authorized person signing the Tender

Stamp of Bidder

SECTION VI - SUMMARY OF EVALUATION PROCESS

Evaluation of duly submitted tenders will be conducted along the following criteria: -

- 6.1 This shall include confirmation of the following: -
- a) Submission, verification of copy of Tender Security and sufficiency of the amount paid
 - c) Submission and considering the Confidential Business Questionnaire fully filled and duly signed.
 - d) Submission and considering the Tender Form duly completed and signed.
 - e) Submission of Company or Firm's Registration Certificate, Pin Certificate (where applicable)
 - f) That the Tender is valid for the period required
 - g) Submission of copies of Pin, VAT certificates & Business registration certificate
 - h). Proof of having viewed the items prior to quoting, rubber stamp and the signature of the administration officer in-charge in all the regions companywide.
 - i) Submission and considering the certificate of directors and shareholding (CR12)

All the above are mandatory

- h) Confirmation of compliance of previous contract(s) in accordance with its/ their terms and conditions where applicable.
- i) Correction of arithmetical errors.
- j) Conducting and comparing the prices offered.

NOTES: -

1. The successful Tenderer(s) shall be the one(s) with the highest evaluated price.

TABLE OF CLAUSES ON GENERAL CONDITIONS OF CONTRACT

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SECTION VIII – SPECIAL CONDITIONS OF CONTRACT

The Special Conditions of Contract hereinafter abbreviated as SCC shall form part of the Conditions of Contract. They are made in accordance with the law and KPLC's guidelines, practices, procedures and working circumstances. They shall amend, add to and vary the GCC. The clauses in this section need not therefore, be completed but must be completed by KPLC if any changes to the GCC provisions are deemed necessary. Whenever there is a conflict between the GCC and SCC, the provisions of the SCC shall prevail over those in the GCC.

| No. | GCC Reference Clause | Particulars of SCC |
|-----|-------------------------|--|
| 1. | 7.6.1 Collection Period | Time duration of 60 days after payment for the obsolete and scrap items. |
| 2. | 7.6.2 Storage Charges | Failure to collect items within the allowed duration shall attract storage charges at the rate of Kshs. 10,000 per week until all the awarded items are collected. |
| 3 | 7.7 Prices | Prices offered by the purchaser shall remain fixed for the contract period which is two years from the date of contract signing. The offered prices shall be used for any and subsequent quantities of Scrap Transformers & other Scrap items identified in this tender within the contract period. |

SECTION IX - TENDER FORM

Date: -----

Tender No.KP1/9B.1/1.4.5/OT/02/18-19

To:

The Kenya Power & Lighting Company Limited,
Stima Plaza,
Kolobot Road, Parklands,
P.O Box 30099 – 00100,
Nairobi, Kenya.

Ladies and Gentlemen,

1. Having read, examined and understood the Tender Document including all Addenda, the receipt of which is hereby duly acknowledged, we, the undersigned Tenderer, offer to purchase and collect all the items offered to us in accordance and conformity with the said tender document for the sum of.....
.....
.....
(total tender amount in words and figures) or such other sums as may be ascertained in accordance with the Price Schedule attached herewith and made part of this Tender.
2. We undertake, if our Tender is accepted, to pay for and collect the items in accordance with the requirements of the Tender.
3. We agree to abide by this Tender for a period of.....days from the date fixed for tender opening as per the Tender Document, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.
4. This Tender, together with your written acceptance thereof and your notification of award, shall not constitute a contract, between us. The contract shall be formed between us when both parties duly sign the written contract.
5. We understand that you are not bound to accept the highest or any tender you may receive.

Yours sincerely,

Name of Tenderer

Signature of duly authorized person signing the Tender

Name and Capacity of duly authorised person signing the Tender

Stamp or Seal of Tenderer

SECTION XII - DECLARATION FORM

Date _____

To:

The Kenya Power & Lighting Company Limited,
Stima Plaza,
Kolobot Road, Parklands,
P.O Box 30099 – 00100,
Nairobi,
KENYA.

Ladies and Gentlemen,

The Tenderer i.e. (full name and complete physical and postal address) _____

Declare the following: -

- a) That I/ We have not been debarred from participating in public procurement by anybody, institution or person.
- b) That I/ We have not been involved in and will not be involved in corrupt and fraudulent practices regarding public procurement anywhere.
- c) That I/We or any director of the firm or company is not a person within the meaning of paragraph 3.2 of ITT (Eligible Tenderers) of the Instruction to Bidders.
- d) That I/ We are not insolvent, in receivership, bankrupt or in the process of being wound up and is not the subject of legal proceedings relating to the foregoing.
- e) That I/ We are not associated with any other tenderer participating in this tender.
- f) That I/we have not been implicated in theft cases at any time by KPLC
- g) That I/ We do hereby confirm that all the information given in this Tender is accurate, factual and true to the best of our knowledge.

Yours sincerely,

Name of Tenderer

Signature of duly authorized person signing the Tender

Name and Capacity of duly authorized person signing the Tender

Stamp or Seal of Tenderer

SECTION XIII – DRAFT LETTER OF NOTIFICATION OF AWARD

To: *(Name and full address of the Successful Tenderer)*.....

Date.....

Dear Sirs/ Madams,

RE: NOTIFICATION OF AWARD OF TENDER NO KP1/9B.1/1.4.5/OT/02/18-19

We refer to your Tender dated..... and are pleased to inform you that following evaluation, your Tender has been accepted as follows: -

.....
.....

This notification does not constitute a contract. The formal Contract Agreement, which is enclosed herewith shall be entered into upon expiry of seven (7) days from the date hereof but not later than thirty (30) days after expiry of tender validity pursuant to the provisions of the Public Procurement and Disposal Act, 2005 *(or as may be amended from time to time or replaced)*.

Kindly sign, and seal the Contract Agreement. Further, initial and stamp on all pages of the documents forming the Contract that are forwarded to you with this letter. Thereafter return the signed and sealed Contract together with the documents to us within seven (7) days of the date hereof for our further action.

We take this opportunity to remind you to again note and strictly comply with the provisions as regards the Tender Security, Signing of Contract and Performance Security as stated in the Instructions to Tenderers.

We look forward to a cordial and mutually beneficial business relationship.

Yours faithfully,

FOR: THE KENYA POWER & LIGHTING COMPANY LIMITED

GENERAL MANAGER, SUPPLY CHAIN DIVISION

Enclosures

SECTION XIV – DRAFT LETTER OF NOTIFICATION OF REGRET

To: *(Name and full address of the Unsuccessful Tenderer)*.....

Date:

Dear Sirs/ Madams,

RE: NOTIFICATION OF REGRET IN RESPECT OF TENDER NO KP1/9B.1/1.4.5/OT/02/18-19

We refer to your Tender dated..... and regret to inform you that following evaluation, your Tender is unsuccessful. It is therefore not accepted. The brief reasons are as follows:-

1.
2.
3.etc...

The successful bidder was

However, this notification does not reduce the validity period of your Tender Security. In this regard, we request you to relook at the provisions regarding the Tender Security, Signing of Contract and Performance Security as stated in the Instructions to Tenderers.

You may collect the tender security from our *Legal Department (Guarantees Section), on the 2nd Floor, Stima Plaza, Kolobot Road, Parklands, Nairobi* only after expiry of twenty five (25) days from the date hereof. It is expected that by that time KPLC and the successful bidder will have entered into a contract pursuant to the Public Procurement and Disposal Act, 2005 *(or as may be amended from time to time or replaced)*. When collecting the Security, you will be required to produce the original of this letter.

We thank you for the interest shown in participating in this tender and wish you well in all your future endeavors.

Yours faithfully,

FOR: THE KENYA POWER & LIGHTING COMPANY LIMITED

GENERAL MANAGER, SUPPLY CHAIN DIVISION

SECTION XV- CONTRACT AGREEMENT FORM

THIS AGREEMENT made this.....day of.....20.... BETWEEN THE KENYA POWER & LIGHTING COMPANY LIMITED, a limited liability company duly incorporated under the Companies Act, Chapter 486 of the Laws of Kenya, with its registered office situated at Stima Plaza, Kolobot Road, Parklands, Nairobi in the Republic of Kenya and of Post Office Box Number 30099-00100, Nairobi in the Republic aforesaid (hereinafter referred to as "KPLC") of the one part,

AND

..... (Purchaser's full name and location) of Post Office Box Number.....(full address of Purchaser), (hereinafter referred to as the "Purchaser") of the other part;

WHEREAS KPLC invited tenders for disposal of certain items that is to say for Scrap Transformers & other Scrap Items under Tender Number **KP1/9B.1/1.4.5/OT/02/18-19**

AND WHEREAS KPLC has accepted the Tender by the Purchaser for the items in the sum of (KPLC specify the total amount in words which should include any payable taxes and duties including Value Added Tax (V.A.T.)) (Hereinafter called "the Contract Price").

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS: -

1. In this Agreement words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract and the Tender Document.
2. Unless the context or express provision otherwise requires: -
 - a) reference to "this Agreement" includes its recitals, any schedules and documents mentioned hereunder and any reference to this Agreement or to any other document includes a reference to the other document as varied supplemented and or replaced in any manner from time to time.
 - b) any reference to any Act shall include any statutory extension, amendment, modification, re-amendment or replacement of such Act and any rule, regulation or order made thereunder.
 - c) words importing the masculine gender only, include the feminine gender or (as the case may be) the neutral gender.
 - d) words importing the singular number only include the plural number and vice-versa and where there are two or more persons included in the expression the "Purchaser" the covenants, agreements obligations expressed to be made or performed by the Purchaser shall be deemed to be made or performed by such persons jointly and severally.