



KenGen

KENYA ELECTRICITY GENERATING COMPANY PLC

KGN-GDD-078-2022

TENDER FOR CONSTRUCTION OF GEOTHERMAL TRAINING CENTRE FACILITIES.

(World Bank Procurement Plan Activity Number KE-KENGEN-288718-CW-RFB)

(OPEN NATIONAL)

CLARIFICATIONS No. 2

Dated August 11th, 2022

Item	Area	Concern	Clarification Response
1	Open National Tender- As uploaded in the KenGen Website	<p>Prospective bidders sought for the qualifications of tenders falling under “Open National”</p> <p>The Consultant’s interpretation is that the tender is reserved for companies registered/incorporated in Kenya. However, the document in ITB 4.4 states that “A Bidder may have the nationality of any country, subject to the restrictions pursuant to ITB 4.8.”</p> <p>Clarification required:</p> <ol style="list-style-type: none">1. Nationality of bidding firms2. If the tender is open to all nationalities, why was it not advertised under “open international”3. Verification criteria on registration in domicile country.	<p>This is an Open National Tender. However, in accordance with World Bank procurement regulations, bids from international bidders that satisfy the eligibility criteria as well as other qualification criteria will be considered.</p>
2	4.1 Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last Fifteen (15) years, starting 1st January 2007	<p>The difference in years from 1st January 2007 to the date of tendering is 15years 8Months and not 15Years as indicated.</p> <p>Clarification required:</p> <p>Further Clarification on the duration that takes precedence.</p>	<p>According to World Bank’s guidelines, the base date of 1st January 2007 is on purpose to keep the standard to all Standard Procurement Documents and the experiences can be counted starting from there hence it cannot be amended.</p>
3	<p>Specific Construction & Contract Management Experience.</p> <p>A minimum number of Five similar contracts specified below that have been satisfactorily and substantially completed</p>	<p>Similar contracts definition is not clear.</p> <p>Clarification Required</p> <p>More details required for similarity e.g. if similar contracts refer to TVET institutions</p>	<p>The definition of “similar” relates to but is not limited to the nature of the project i.e., <u>building works project, value and magnitude</u> of the reference project, and industry in which the project was undertaken.</p>

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4	<p>Specific Construction & Contract Management Experience</p> <p>Volume executed</p> <ul style="list-style-type: none"> - Excavation - Masonry Walling - Concreting 	<p>The documents that will be used to verify volume of work done.</p> <p>Clarification Required</p> <p>Need to clarify if bidders should attach payment certificates for volumes of work done</p>	<p>The contractors should attach copies of contracts, the certificate of practical completion, excerpt from the bills of quantities, and a letter from the supervising consultant informing on proof of work.</p>
5	<p>Legal Requirements to Operate as a Contractor in Kenya</p>	<p>Registration to operate as a Contractor in Kenya is not requested for e.g. NCA for both Main and Sub-Contractors, tax compliance etc.</p> <p>If not clarified, there is a like hood that it may lead to variations when requesting for certifications before commencement of works</p>	<p>Whereas statutory legal registration requirements are not mandatory in the Eligibility and Qualification Criteria, the contractor is required by law to fulfil the legal requirements such as Certificate of Incorporation / Registration, NCA Certification (for Kenyan companies), Tax Compliance Certificates, Single Business Permits, Registered Office and any other certifications required to operate as a contractor and to undertake any government projects. These will be verified during due diligence exercise by the tender evaluation committee (Contractors should, therefore, ensure their legal documents are in order.)</p>
6	<p>In the Section III - Evaluation and Qualification Criteria,</p>	<p>Clause 4 Key Personnel sub clauses III, IV, V of the Bid document, it is indicated that the following 3 officers i.e., Environmental Officer, Social Safeguard officer, Health & Safety Officer are Key Personnel in this project. We would like to clarify if it is mandatory that the above Key Personnel in this project required to be on site for the execution of the works?</p>	<p>It is mandatory for the Environmental Officer, Social Safeguard officer, Health & Safety Officer be on site during execution of the project.</p>
7	<p>In VOLUME II BILL OF QUANTITIES FOR BUILDERS WORKS in item D</p>	<p>The Provisional Sum for ESHS; It is indicated that the Contractor required to submit ENVIRONMENTAL SOCIAL HEALTH & SAFETY (ESHS) MANAGEMENT STRATEGIES AND IMPLEMENTATION PLANS. We would like to clarify that this Provisional Sum is only for submission of the plans as indicated in the item and not implementation of the plans.</p> <p>Additionally, we would like to clarify in what Bills of Quantities we supposed to insert all ESHS activities required for the project</p>	<p>The Provisional Sum for ESHS should cater for both preparation of the plans and execution / implementation of the same during the implementation phase of the project.</p>
8	<p>In Section 9 Particular Conditions of the Contract Clause GCC 40.7</p>	<p>It is indicated that if the Contractor fail to comply with ESHS obligation under the Contract, the Project Manager may determine and withhold value the works. We would like to clarify what will be the maximum amount that the Project Manager may withhold from the Interim Payment Certificate.</p>	<p>This shall be discussed and determined during the contract negotiation stage with the successful bidder.</p>

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9	ESMMP matrix as it appears in ESIA Study for the project	<p>ESHS costs are not included in Total Approximate Cost of Implementation of the ESMMP 2,600,000 ksh. Instead, under the column of Cost Estimates in the ESMMP Matrix, it is indicated the following:</p> <ul style="list-style-type: none"> • Cost determined by Service Provider. • Included in Contractor's costs. • WRA to advice on permit costs. • Included in BOQ under item 4. • Included in BOQ under item 9. • Included in BOQ under item 3 and 9. 	<p>The Provisional Sum figure of KES. 1,500,000 as provided for in Pg. 1/6 of the BOQ - Builders, Item D takes precedent over the figure of Kshs. 2,600,000 in the ESIA report. This PS is only for ESMMP implementation and not other construction costs, including WRA Permits.</p>
10	ESMMP matrix as it appears in ESIA Study for the project	<p>Additionally, we have not seen costs for the following activities in ESSMP Matrix.</p> <ul style="list-style-type: none"> a) EIA report and obtaining the license for the Camp site. b) Engagement of 3 key personnel during the entire period of the project: Environmental Expert, Safety Expert, Social Expert. c) Environmental and Safety Monitoring Consultancy Costs. d) Traffic Management Costs and purchase of Traffic Safety Devices & Appliances.; Purchase of PPE's & First Safety devices & Appliances. e) Decommissioning EIA Report for Camp site and Compliance letter/license. f) Every aspect where indicated the cost will be provided by Service provider. g) Other ESHS costs required as per Contract requirements 	<ul style="list-style-type: none"> a) The NEMA license is the client's direct cost and not part of the ESSMP provisional sum. b) The three personnel are to be remunerated directly by the contractor and not from the ESMMP provisional sum. c) Environmental and safety monitoring consultancy cost is not the contractor's responsibility. d) Traffic management costs are the contractor's costs, including safety gear which is standard. Purchase of PPEs and safety gear is a standard construction cost whether expressly required in the contract or not. These are accommodated in the preliminary costs (see page 1/12 item B of the tender document). e) The decommissioning report will be prepared by the ESIA expert on the consultant team. Compliance Letter to be provided by the Client. f) Costs shall be as described above.
11	ESMMP matrix as it appears in ESIA Study for the project	<p>Clarify if the 2,600,000 ksh amount, indicated as Total Approximate Cost of Implementation of the ESMMP, is the expected maximum cost for ESSMP implementation and also includes in the cost of 3Key Personnel i.e. Environmental Officer, Social Safeguard Officer and Health & Safety Officer and all other activities which were not casted in the above table.</p>	<p>The Provisional Sum figure of KES. 1,500,000 as provided for in Pg. 1/6 of the BOQ - Builders, Item D takes precedent over the figure of Kshs. 2,600,000 in the ESIA report.</p> <p>Please note the ESHS provisional sum does not cater for remuneration for the 3 key personnel who will form part of the contractor's site personnel. The personnel are to be remunerated directly by the contractor as part of their operation costs.</p>
12	Bill No 1: Solar Hybrid System	<p>The BoQ does not mention the supply of batteries. Is it an omission or the items are available on site, please clarify?</p>	<p>The Solar PV system to be installed is a grid tied hybrid system which does not require batteries</p>

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13	Bill No 12: External Lighting	The BoQ does not mention the supply of light fittings to be mounted on the 35No. Octagonal-section steel poles (item 12.02). Please clarify?	The light fitting and the respecting pole are both captured in the bills of quantities. Item 12.01 outlines the light fitting while item 12.02 outlines the pole specifications.
15a	1.Reference: Tender Document Clause: Section IX: Particular Conditions of Contract - GCC 49.1 Description: Advance Payment shall be applicable at 20% of the contract sum	Clarification Sought: Please clarify the contradiction between the Tender Document and the Bills of Quantities for Builders Works	In accordance with GCC 49.1, Advance Payment shall be applicable.
15b	1.Reference: Bills of Quantities for Builders Works Clause: Section I: Preliminaries - Page 1/3 Description: Advance Payment is not applicable and therefore shall not be granted in this contract		
16a	2.Reference: Tender Document Clause: Section IX: Particular Conditions for Contract - GCC 4 3 (b) (ii) Description: The Contract Price shall include all applicable taxes except VAT, IDF, RDL and any other applicable importation duties and shall not be adjusted for any of these costs	Clarification Sought: Please clarify the contradiction between the Tender Document and the Bills of Quantities for Builders Works	In accordance with the Bills of Quantities for Builders Works, Section I: Preliminaries - Page 1/6, Unit Prices quoted shall include all applicable taxes: VAT, IDF, RDL etc
16b	2.Reference: Bills of Quantities for Builders Works Clause: Section I: Preliminaries - Page 1/6 Description: V.A.T is included in this contract and no claims whatsoever will be allowed for in respect of V.A.T if the tenderer fails to include them in his unit rates		
17	3. Reference: Bills of Quantities for Electrical Engineering Works Clause: Part F: Technical Specifications for Passenger Lift Installations Description: 1.01: Extent of Work - The quantity of lift is indicated as one (1No.). The maintenance contract describes annual maintenance cost for 2No. Lifts. The lift BoQ under items 1.03 and 1.05 indicate quantities for 2No. Lifts.	Clarification Sought: Please clarify.	Maintenance covers only 1No. Lift as described in Item 1.01. Only 1 lift is provided in the project.
18	4. Reference: Bills of Quantities for Electrical Engineering Works Clause: Structured Cabling: Bill No. 8, Item No. 8.00 Description: Fully programmable, 25 No. User Capacity Hybrid Electronic PABX complete with an integral control unit/MDF assembly and all accessories as described in the Technical Specifications (Part F). The set to be fully configured.	Clarification Sought: The Part F referred to in the description is missing. Please provide. The Part F in the document describes Technical Specifications for Passenger Lift Installations	The Part F referred to is not required as all specifications are as outlined in the BoQ for Electrical Engineering Works. Please ignore the reference accordingly.

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19	<p>6. Reference: Bills of Quantities for Grid Tied Solar Hybrid System Installations</p> <p>Clause: Solar Hybrid System: Bill No. 1, Item No. 1.0b and 1.0c</p> <p>Description: 1.0b. 15 KV A pure sine wave string inverter, weather proof IP66 as Sunny Tripower 25000TL or equal and approved equivalent 1.0c. 10KVA pure sine wave inverter/charger as Sunny Island 8.0H- or equal and approved equivalent complete with power monitoring and control accessories</p>	<p>Clarification Sought: The 15KV A sine wave is used for solar hybrid system that does utilize battery storage.</p> <p>The 10KVA inverter charger is utilized when batteries are used.</p> <p>Both batteries are mentioned in the BoQ.</p> <ol style="list-style-type: none"> 1. Provide the battery storage capacity in kWh, as it is not provided in the BoQ. 2. Advice on the battery type required i.e. Lithium ion or lead acid 	<p>The Solar PV system to be installed is a grid tied hybrid system which does not require batteries</p>

SUPPLIER ACKNOWLEDGEMENT OF CLARIFICATION No. 2

We, the undersigned hereby certify that the **Clarification No. 2** is an integral part of the document and the alterations set out in clarification has been incorporated in the Tender for Construction of the Geothermal Training Centre Facilities.

Tenderer _____

Signed _____

Dated _____