



KENYA ELECTRICITY GENERATING COMPANY PLC

**PRE-QUALIFICATION FOR THE PROVISION OF LEGAL SERVICES FOR
KENGEN FOR THE PERIOD (2023 – 2026)
(KGN-LEG-01-2023)**

RFx: 5000011848

3rd March, 2023

CLARIFICATION NO. 1:

In accordance with the tender for ‘Pre-Qualification for ‘The Provision of Legal Services for KenGen’, KenGen hereby issues **Clarification No. 1** as follows;

NO.	CLARIFICATION REQUESTED	KENGEN RESPONSE
1.	MR 17 – mandatory pre-bid conference	A second mandatory pre-bid conference will be held on 10th March 2023 from 9:00 AM to 11:00 AM . As per Addendum 3 .
2.	In the prequalification document on Physical presence and networking, you intimate that maximum awardable marks are 10. We write to enquire more on this as when one calculates the marks, to acquire the full 10 marks means you have to have two main offices; one in Nairobi and another in the town/city that KENGEN operates & a Branch in any other town. Kindly clarify on this issue.	Yes. The interpretation is correct
3.	On the notes to table TR 4; the 4 th Paragraph states : “Evidence of Partner’s degree of responsibility shall be through an appointment or confirmation or recommendation or congratulatory letter, contract or other document, either which way from the organization or client or Government in respect of which responsibility was shouldered and performed. Any of the documents must	The letter addressed to the Partner suffices, however, a letter addressed to the Firm shall make reference to the specific Partner and assignment.

	clearly show that the Partner acted as such lead counsel in that assignment.”	
4.	If a firm submits a duly filled, signed and stamped Form Fin -3.1, are they required to also submit audited financial statements?	No, the Firm can submit either the audited financial statements for the last two years or a duly filled, signed and stamped Form FIN – 3.1 - Financial Situation and Performance. (For the avoidance of doubt, law firms must attach the auditors' ICPAK annual practicing license for each of the audited financial statements and Form FIN – 3.1 signed by an auditor)
5.	We noted that the prescribed form EXP 4.1 – 4.3, as required submissions in page 32 to 35 of the Prequalification document, have not been provided for under Section IV(Application forms) of the Prequalification document. We are requesting for clarification on whether these forms are required and if in the affirmative, we are requesting for them to be availed to form part of our application	EXP 4.1-4.3 to be deleted, alongside Page 31- to Page 35 of the Prequalification document. The Forms are not required for the purpose of this pre-qualification – Addendum to be issued
6.	Whether we can retype some of the Application forms on Section IV as from page 36. For instance, on the Application submission Letter there's hardly any space to write the ITT No and the Title of the tender.	Yes. this is allowed as long as the information lifted remains as per the tender document.
7.	Can we rearrange these forms by plucking them such that they are in sequence as per the Mandatory Requirements in Stage I of page 17	Yes. this is allowed.
8.	When submitting the final bid document, do we include the original tender document and our attachments and start serializing from the first page of the tender document downloaded from your site?	Bidders can submit their responses without attaching the original pre-qualification document. However, bidders must attach any Addendums and Clarifications
9.	In addition to the Managing Partner and three associates, will bidders be permitted to include the profiles and CVs of other partners within the firm? How many partner’s CV’s may be attached for Technical Requirement 4	Only one partner and a maximum of three associates CVs are applicable as per the tender document
10	If more than one partner can submit under Technical Requirement 4 – how will these CV’s be evaluated given that the maximum available marks are 16	The maximum available marks shall be awarded on the basis of one Partner’s CV

11	If only one partner can submit under Technical Requirement 4 – can the remaining partners submit under Technical Requirement No. 5 (in addition to the 3 associates)?	No. Technical Requirement No. 5 shall evaluate qualified Associates who shall be engaged on a day-to-day basis in providing services if successful
12	Can Tenderers select to bid for more than two categories	No, tenderers are required to choose to serve in a maximum of two (2) categories. For avoidance of doubt, submissions in more than two categories will render all the submissions ineligible for evaluation
13	MR 3 A copy of a tax compliance certificate valid as at the tender closing date	MR 3 is retained as it is
14	MR 11 – Can tenderers submit both electronic and physical bids?	No. Submissions are to be done online
15	MR 15 – Financial statement	This is allowed
16	Clause 6, Stage 2; Technical Evaluation. Please consider a minimum score of 70 marks	No. To be retained at 80 marks
17	Consider amendment of the marks awarded for location of the main office in Nairobi, or any other town, or any branches	No. to be retained as per the original prequalification document.
18	KenGen to consider extending the deadline for submission of bids	This acceptable. Deadline extended through Addendum No. 3.
19	List of law firms that attended the mandatory pre-bid meeting – the minutes refer to annex 1 which contains the list of prospective bidders that attended the mandatory pre-bid meeting. The annex has not been attached to the minutes. Kindly resend the minutes incorporating the annex.	Bidders who attended the pre-bid meeting need not attach evidence of attendance to their bid document as the procuring entity will be in possession of the same.
20	KenGen to clarify if the font is Century Gothic Size 12 or the font 12 Century Gothic.	The Curriculum Vitae font is Century Gothic size 12.
21	Assistance to bidding firms facing challenges.	Bidders who encounter challenges downloading the pre-qualification documents, uploading and/or using the KenGen website and/or the e-procurement platform are advised at the earliest time possible before the date of tender closing to liaise with the Karibu Center Office located on ground floor, KenGen Pension Plaza II,

		<p>Kolobot Road, Parklands, open from 8:00 am and 5:00 pm on weekdays.</p> <p>Assistance is also available via email through: eprocurement@kengen.co.ke; and tenders@kengen.co.ke;</p>
22	Notes in table TR No.4 – KenGen to clarify if a valid certificate of membership is sufficient proof of professional membership.	Refer to TR No.4 notes number 3.1, 3.2,3.3 and 3.4 which give several options through which a Partner can provide evidence of professional membership and/or status.

BIDDER’S ACKNOWLEDGEMENT OF CLARIFICATION NO.1

We, the undersigned hereby certify that the addendum is an integral part of the document and the alterations set out in Addendum have been incorporated in our tender document.

Signed

Tenderer

Date