



# **KenGen**

**KENYA ELECTRICITY GENERATING COMPANY PLC**

**KGN~SALE ~010~2021**

**TENDER FOR SALE OF CERTIFIED EMISSION  
REDUCTIONS**

**(Open International)**

Kenya Electricity Generating Company PLC  
Stima Plaza Phase III, Kolobot Road, Parklands  
P.O. BOX 47936-00100  
NAIROBI.

Website: [www.kengen.co.ke](http://www.kengen.co.ke)

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## TABLE OF CONTENTS

A.	Address for obtaining further information and for purchasing tender documents .....	3
B.	Address for Submission of Tenders .....	3
C.	Address for Opening of Tenders .....	4
<b>SECTION I - INSTRUCTIONS TO TENDERERS .....</b>		<b>5</b>
1.0.	Eligible Tenderers .....	5
4.0.	The Tender Document.....	5
5.0.	Clarification of Documents .....	5
6.0.	Amendment of Documents .....	6
7.0.	Tender Prices and Currencies.....	6
8.0.	Tender deposit.....	6
9.0.	Validity of Tenders .....	6
10.0.	Viewing of Tender Items .....	7
11.0.	Sealing and Marking of Tenders .....	7
12.0.	Deadline for Submission of Tenders .....	7
13.0.	Modification of tenders .....	7
14.0.	Withdrawals and tenders .....	8
15.0.	Opening of Tenders.....	8
16.0.	Clarification of tenders.....	8
17.0.	Evaluation and Comparison of Tenders .....	8
18.0.	Award Criteria.....	9
19.0.	Notification of Intention to enter into a Contract/Notification of Award.....	9
20.0.	Canvassing/Contacting the Procuring Entity .....	9
<b>TENDER DATA SHEETS.....</b>		<b>10</b>
<b>STAGE 1: MANDATORY PRELIMINARY REQUIREMENTS.....</b>		<b>12</b>
<b>COMPANY PROFILE &amp; PRODUCT DESCRIPTION.....</b>		<b>13</b>
<b>SECTION II - SCHEDULE OF ITEMS AND PRICES .....</b>		<b>16</b>
<b>SECTION III - CONDITIONS OF TENDER .....</b>		<b>17</b>
<b>SECTION IV - STANDARD FORMS.....</b>		<b>18</b>
1.	Form of Tender .....	19
2.	Confidential Business Questionnaire Form.....	21
3.	Tender Deposit Commitment Declaration Form.....	23
4.	Self-Declaration Forms .....	24
5.	Declaration and Commitment to the Code of Ethics.....	26
6.	Letter of Notification of Award .....	27
7.	Copy of the Letter of Notification of Award .....	28
8.	Request for Review .....	30

## INVITATION TO TENDER

PROCURING ENTITY: *Kenya Electricity Generating Company PLC*

CONTRACT NAME AND DESCRIPTION: [*TENDER FOR SALE OF CERTIFIED EMISSION REDUCTIONS*]

1. The (*KenGen PLC*) now invites sealed tenders from eligible candidates to purchase (*CERTIFIED EMISSION REDUCTIONS*)
2. Interested eligible candidates may obtain further information at the address provided below. Items will be sold as they are, without any encumbrances.
3. Interested bidders are required to have reviewed the project at the UNFCCC Website using the Project IDs provided in the Bid Document.
4. A complete set of tender documents may be obtained by interested candidates upon payment of non-refundable fees of (*Kshs. 1000/=*) in cash or banker's cheque payable to ANY KENGEN FINANCE OFFICE
5. Tenderers will be required to pay in advance a fundable deposit as indicated in the Appendix to Instructions to tenderers.
6. Completed tenders must be delivered to the address below on or before **/10.00 AM on 20<sup>th</sup> January 2021 ]**. Electronic Tenders [*will not*] be permitted.
7. Prices quoted should be net, must be in Kenya Shillings and shall remain valid for the period to be determined by the Procuring Entity from the closing date of the tender.
8. Tenders will be opened immediately after the deadline date and time specified above or any deadline date and time specified later. Tenders will be publicly opened in the presence of the Tenderers' designated representatives who choose to attend at the address below.
9. Tenders received after the submission date as specified in clause 11.0 will be rejected.
10. The addresses referred to above are:
  - A. **Address for obtaining further information and for purchasing tender documents**  
  
Supply Chain Director  
Kenya Electricity Generating Company PLC  
Stima Plaza Phase III, Kolobot Road, Parklands  
P.O. BOX 47936-00100  
9<sup>th</sup> Floor
  - B. **Address for Submission of Tenders.**  
  
Supply Chain Director  
Kenya Electricity Generating Company PLC  
Stima Plaza Phase III, Kolobot Road, Parklands  
P.O. BOX 47936-00100  
9<sup>th</sup> Floor

**C. Address for Opening of Tenders.**

Supply Chain Director  
Kenya Electricity Generating Company PLC  
Stima Plaza Phase III, Kolobot Road, Parklands  
P.O. BOX 47936-00100  
6<sup>th</sup> Floor

Note: The tender documents should be dropped in the tender box located on Ground Floor at KenGen, RBS building. Bids that cannot fit in the tender box should be submitted to the Supply Chain Director's office located on 9<sup>th</sup> Floor, KenGen RBS Building on or before: *20<sup>th</sup> January 2021 at 10.00 AM.*

**KenGen adheres to high standards of integrity in its business operations.  
Report any unethical behavior immediately to any of the provided anonymous hotline service.**

- 1) Call Toll Free: 0800722626;
- 2) Free-Fax: 00800 007788;
- 3) Email: [kengen@tip-offs.com](mailto:kengen@tip-offs.com)
- 4) Website: [www.tip-offs.com](http://www.tip-offs.com)

**SUPPLY CHAIN DIRECTOR**

## **SECTION I - INSTRUCTIONS TO TENDERERS**

### **1.0. Eligible Tenderers**

- 1.1 This Invitation for Tenders is open to all tenderers eligible as described in the Appendix to instructions to tenderers.
  - 1.2 Tenderers shall be under a declaration of in eligibility for corrupt or fraudulent practices
  - 1.3 The Procuring Entity's employees, board members and their Spouses, Children, Parents, Brothers or Sisters are not eligible to participate in the tender unless where specifically allowed under section 131 of the Act.
- 2.0. A Kenyan tenderer shall provide evidence of having fulfilled their tax obligations by producing a valid tax compliance certificate or tax exemption certificate issued by the Kenya Revenue Authority.

### **3.0. Cost of Tendering**

- 2.1 The tenderer shall bear all costs associated with the preparation and submission of its tender, and the Procuring Entity, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the tendering process.
- 2.2 The Procuring Entity shall allow the tenderer to review the tender document and the goods to be sold free of charge before tendering.

### **4.0. The Tender Document**

- 4.1. The tender document comprises the documents listed below, and any addenda issued in accordance with clause 2.5 of these instructions to tenderers.
  - i) Invitation to tender,
  - ii) Instructions to tenderers,
  - iii) Schedule of items and prices,
  - iv) Conditions of Tender,
  - v) Form of tender,
  - vi) Confidential Business Questionnaire Form,
  - vii) Tender Commitment Declaration Form.
- 4.2. The tenderer is expected to examine all instructions, forms, terms and specifications in the tender documents. Failure to meet all the requirements of the tender will beat the tenderer's risk and may result in the rejection of its tender.

### **5.0. Clarification of Documents**

- 4.1 A prospective tenderer requiring any clarification of the tender document may notify the Procuring Entity in writing or by post at the entity's address indicated in the Invitation for tenders. The Procuring Entity will respond in writing to any request for clarification of the tender documents, which it receives not later than thirty (30) days prior to the deadline for the submission of tenders, prescribed by the Procuring Entity. Written copies of the Procuring entities response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective tenderers that have received the tender document.
- 4.2 Clarification of tenders shall be requested by the tenderer to be received by the Procuring Entity not later than 7 days prior to the deadline for submission of tenders.
- 4.3 The Procuring Entity shall reply to any clarifications sought by the tenderer within

3 days of receiving the request to enable the tenderer to make timely submission of its tender.

## **6.0. Amendment of Documents**

- 6.1. At any time prior to the deadline for submission of tenders, the Procuring Entity, may for any reasons, whether at its own initiative or in response to a clarification requested by a prospective tenderer, modify the tender documents by amendment
- 6.2. All prospective candidates that have received the tender documents will be notified of the amendment in writing or by post and will be binding on them.
- 6.3. In order to allow prospective tenderers reasonable time in which to take the amendment into account in preparing their tenders, the Procuring Entity, at its discretion, may extend the deadline for the submission of tenders.

## **7.0. Tender Prices and Currencies**

- 7.1. The tenderer shall indicate on the appropriate Price Schedule the unit prices and total tender price of the items it proposes to purchase under the contract.
- 7.2. Prices quoted by the tenderer shall be fixed during the tender validity period and not subject to variation on any account. A tender submitted with an adjustable price quotation will be treated as non-responsive and will be rejected.
- 7.3. The Price quoted shall be in US Dollars.

## **8.0. Tender deposit**

- 8.1. The tenderer shall put a deposit for every item tendered for in the amount indicated in the schedule of items and prices, to the Bank account indicated in Section III - Schedule of Items and Prices
- 8.2. Failure to put the required deposit for any item tendered for will lead to disqualification of the tender for the item.
- 8.3. Unsuccessful Tenderer's tender deposit will be discharged or returned as promptly as possible but not later than Seven (7) days after the expiration of the period of tender validity prescribed by the Procuring Entity.
- 8.4. The successful Tenderer's tender deposit will be credited to his tender price so that it forms part of the amount of the tender and the tenderer will be required to pay the tender price less the deposit security.
- 8.5. The tender deposit shall be forfeited:
  - a) If a tenderer withdraws its tender during the period of tender validity specified by the Procuring Entity.
  - b) In the case of a successful tenderer, if the tenderer fails to pay the balance of the tender price.

## **9.0. Validity of Tenders**

- 9.1 Tenders shall remain valid for 60 days or as specified in the appendix to instruction to tenderers after date of tender opening prescribed by the Procuring Entity,

pursuant to paragraph 2.10. Tender valid for a shorter period shall be rejected by the Procuring Entity as non-responsive.

- 8.2 In exceptional circumstances, the Procuring Entity may solicit the Tenderer's consent to an extension of the period of validity. The request and the responses there to shall be made in writing. The tender deposit provided under paragraph 2.7 shall also be suitably extended. A tenderer may refuse the request without forfeiting its tender deposit. A tenderer granting the request will not be required nor permitted to modify its tender.

## **10.0. Viewing of Tender Items**

- 10.1 Prospective tenders are advised to view the items to be sold before tendering. This will enable them to arrive at the most reasonable and competitive tenders. Tenders are based on "AS WHERE IT IS AND THE CONDITION IT IS IN" and the conditions of the items are not guaranteed or warranted by the seller.

## **11.0. Sealing and Marking of Tenders**

- 11.1 The Tenderer shall deliver the Tender in a single, sealed envelope bearing the name and Reference number of the Tender, addressed to the Procuring Entity and a warning not to open before the time and date for Tender opening date. Within the single outer envelope, the Tenderer shall place another sealed envelope containing the list of and prices of the items tendered for and addressed as follows.

- a) Bear the name and address (including telephone number and email) of the Tenderer;
- b) Bear the name and Reference number of the Tender;
- c) Bear the name and address of the Procuring Entity; and
- d) Attach a payment slip or certified banking details from a bank, warranting the deposit payment made for the items tender for.

- 11.2 If all envelopes are not sealed and marked as required, the *Procuring Entity* will assume no responsibility for the misplacement or premature opening of the Tender, or failure to contact the tenderer in case of advice on the status of the tender or refund of deposit. Tenders that are misplaced or opened prematurely will not be accepted.

## **12.0. Deadline for Submission of Tenders**

**12.1.** Tenders must be received by the Procuring Entity at the address specified not later than **10.00 AM on 20<sup>th</sup> January 2021** ]

- 12.2. The Procuring Entity may, at its discretion, extend this deadline for the submission of tenders by amending the tender documents in accordance with paragraph 2.5.in which case all rights and obligations of the Procuring Entity and tenderers previously subject to the deadline will thereafter be subject to the deadline as extended.

## **13.0. Modification of tenders**

- 12.1 The tenderer may modify or withdraw its tender after the tender's submission, provided that written notice of the modification, including substitution or withdrawal of the tenders, is received by the Procuring Entity prior to the deadline prescribed for submission of tenders.



12.2 The Tenderer's modification or withdrawal notice shall be prepared, sealed, marked, and dispatched in accordance with the provisions of paragraph 2.9.1. A withdrawal notice may also be sent by fax or email but followed by a signed confirmation copy, post marked not later than the deadline for submission of tenders.

12.3 No tender may be modified after the deadline for submission of tenders

#### **14.0. Withdrawals and tenders**

14.1. No tender may be withdrawn in the interval between the deadline for submission of tenders and the expiration of the period of tender validity specified by the tenderer. Withdrawal of a tender during this interval may result in the tenderer's forfeiture of its tender deposit, pursuant to paragraph 2.7.5

#### **15.0. Opening of Tenders**

15.1 The Procuring Entity will open all tenders in the presence of tenderers' representatives who choose to attend at **10.30 AM on 20<sup>th</sup> January 2021** and in the location specified in the invitation to tender. The tenderers or representatives who are present shall sign a register evidencing their attendance.

15.2 The tenderers' names, tender modifications or withdrawals, tender prices, and the presence or absence of requisite tender deposit and such other details as the Procuring Entity, at its discretion, may consider appropriate, will be announced at the opening.

14.3 The Procuring Entity will prepare minutes of the tender opening.

#### **16.0. Clarification of tenders**

15.1 To assist in the examination, evaluation and comparison of tenders the Procuring Entity may, at its discretion, ask the tenderer for a clarification of its tender. The request for clarification and the response shall be in writing, and no change in the prices or substance of the tender shall be sought, offered, or permitted.

15.2 Any effort by the tenderer to influence the Procuring Entity in the Procuring Entity's tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderers' tender.

#### **17.0. Evaluation and Comparison of Tenders**

17.1 The Procuring Entity will examine the tenders to determine whether they are complete, whether the tenderer has fulfilled the eligibility criteria, whether any computation errors have been made, whether required deposits have been furnished, whether documents have been properly signed and whether the tenders are generally in order. After examination a tender that will be determined to be substantially non-responsive, will be rejected by the Procuring Entity.

17.2. Provided that the Tender is substantially responsive, the Procuring Entity shall handle errors on the following basis:

- a) Any error detected if considered a major deviation that affects the substance of the tender, shall lead to disqualification of the tender as non-responsive.
- b) Any errors in the submitted tender arising from a miscalculation of unit price, quantity, subtotal and total bid price shall be considered as a major deviation that affects the substance of the tender and shall lead to disqualification of the tender as non-responsive .and



- c) If there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail.

17.3 The Procuring Entity will evaluate and compare the tenders, which have been determined to be substantially responsive.

17.4 The tender evaluation committee shall evaluate the tender within 30 days of the validity period from the date of opening the tender.

#### **18.0. Award Criteria**

18.1 The Procuring Entity will award the contract to the successful tenderer(s) whose tender has been determined to be substantially responsive and has been determined to be the highest tendered price, subject to the reserve price.

#### **19.0. Notification of Intention to enter into a Contract/Notification of Award**

18.1 Prior to the expiration of the period of tender validity, the Procuring Entity will notify the successful tenderer in writing that its tender has been accepted.

18.2 Simultaneously the other tenderers shall be notified that their tenders have been unsuccessful.

#### **20.0. Canvassing/Contacting the Procuring Entity**

20.1. No tenderer shall contact the Procuring Entity on any matter relating to its tender, from the time of the tender opening to the time the contract is awarded.

20.2. Any effort by a tenderer to influence the Procuring Entity in its decisions on tender evaluation, tender comparison, or contract award may result in the rejection of the tenderer's tender.

## TENDER DATA SHEETS

Instructions to Tenderers Reference	Particulars of appendix to Instructions to tenderers
Eligibility	This tender is <b>open international</b>
Clarification	Clarification to the tender shall be responded to for request received no later than 7 days to the tender closing date. Bidders' queries must be sent through email to <a href="mailto:tenders@kengen.co.ke">tenders@kengen.co.ke</a> and copy <a href="mailto:jmetto@kengen.co.ke">jmetto@kengen.co.ke</a>
Award criteria	The award price shall be the highest evaluated tender price.
Tender Validity	Tender is valid for 126 days.
Tender closing date	<b>10.00 AM on 20<sup>th</sup> January 2021</b>
Tender Deposit:	The prospective bidder shall provide a tender deposit as per the table below: Bidders must pay through cash Or Bankers' cheque at any KenGen pay office and receipt attached to the Tender Document ( <b>Personal cheques not accepted</b> )
Tender prices	Prices indicated in the tender price schedule shall exclusive of taxes and all other cost related to the sale of CERs
Tender Currencies	Price shall be in US Dollars (USD)
Tender eligibility and qualifications	Proof of eligibility, qualification documents of evidence (see evaluation criteria)
Tender Deposit refund:	<b>Tender Deposit refund:</b> The unsuccessful tenderers' deposit will be refunded within seven (7) days after the expiration of the period of tender validity period prescribed in the tender document, while the winning tenderers' deposit shall be refunded after collection of the
Site visit/ Pre- Bid Meeting	<b>A pre-bid meeting</b> shall be held to address questions from the bidders prior to the bidding process on <b>7<sup>th</sup> December 2021 at 3.00pm E.A.T</b> interested bidders to send email to <a href="mailto:tenders@kengen.co.ke">tenders@kengen.co.ke</a> and copy <a href="mailto:jmetto@kengen.co.ke">jmetto@kengen.co.ke</a> ; <a href="mailto:skirakou@kengen.co.ke">skirakou@kengen.co.ke</a>
Payments	<b>The Payment:</b> Sum total of the bid price must be made before Transfer of the Certified Emissions Reductions from the CDM Registry to the winning bidder(s) The payment shall be without any deduction or withholding for or on account of tax (a "Tax Deduction") unless a Tax Deduction is required by law. If a Tax Deduction is required by law in a jurisdiction is to be made, the amount of the payment due shall be increased to an amount which {after making any Tax Deduction) leaves an amount equal to the payment which would have been due if no Tax Deduction had been required.  The bid price shall be exclusive of any VAT or similar charge. If VAT is chargeable, the buyer of CER shall also and at the same time pay to the recipient of the relevant payment an amount equal to the amount of the VAT.
Sealing and Marking of tender	Tender documents must be submitted in a plain sealed envelope and marked <b>"KGN-SALE-010-2021-TENDER FOR SALE OF CERTIFIED EMISSIONS REDUCTIONS</b>

Deadline and Submission of Tender	<p>The tender documents should be dropped in the tender box located on Ground Floor at KenGen, RBS building. Bids that cannot fit in the tender box should be submitted to the <b>Supply Chain Director's</b> office located on <b>Nineth floor RBS building</b> before submission deadline.</p> <p>Tender closing date and Time Date at Time: 10.00 AM on 20<sup>th</sup> January 2021 ]</p> <p>Opening date and Time Date at Time: <i>10.30 AM on 20<sup>th</sup> January 2021</i></p>
Preliminary Examination	<p>Tender sum as submitted and read out during tender opening is absolute and shall not be subject to correction, adjustment or amendment on any way Sec.82 of PPADA 2015, Subject to section 79(2)(b) of the Act. Any error in the submitted tender arising from a miscalculation of unit price, quantity, subtotal and total bid price shall be considered as a major deviation that affects substances of the tender and shall lead to disqualification of the tender as non-responsive.</p>
Due Diligence	<p>KenGen may at its own discretion conduct due diligence on the eligible bidders to establish their ability to perform the contract before award of the contract.</p>

## STAGE 1: MANDATORY PRELIMINARY REQUIREMENTS

The following mandatory preliminary requirements must be met notwithstanding other requirements in the tender document:

No	Requirements
MR 1	Confidential Business Questionnaire dully filled, signed/ stamped
MR 2	Bidders are required to have reviewed the project at the UNFCCC Website using the Project IDs provided in the Bid Document
MR 3	Duly filled and signed /stamped tender form
MR 4	Each bidder MUST indicate in the space provided in the tender document the period it requires to collect the lots/items failure to which leads to
MR 5	The Tender MUST be submitted be in the required format and serialized on each page of the bid submitted, <b>Sec.74.1.i. of the PPADA, 2015.</b>
MR 6	Duly filled and signed /stamped Addendum(s)/clarification(s) issued must be attached (where Applicable)
MR 7	The Tenderer shall prepare <b>two copies of the tender</b> , clearly marking each <b>“ORIGINAL TENDER”</b> and <b>“COPY OF TENDER,”</b> as appropriate.
MR 8	Dully filled signed / stamped Self Declaration form that the tenderer is not debarred in the matter of PPADA 2015
MR 9	Dully filled signed /stamped Self Declaration form that the tenderer will not engage in any corrupt or Fraudulent Practice.
MR10	Duly signed/stamped <b>tender deposit commitment</b> declaration form

Bidder must comply with all the above requirements to proceed to the second stage of financial evaluation on capacity to deliver the contract.

### Financial Evaluation

- Comparison to price quoted
- **The highest evaluated bidder for each lot will be awarded subject to having met reserve price.**
- Tender sum as submitted and read out during tender opening is absolute and final and shall not be subject to correction, adjustment or amendment in any way or by any person or entity

## COMPANY PROFILE & PRODUCT DESCRIPTION

Kenya Electricity Generating Company (KenGen) PLC is a public listed company at the Nairobi Securities Exchange (NSE). The Company is 70% owned by the Government of the Republic of Kenya and the remaining 30% by the public. KenGen is the leading electric power generation company in Kenya, with a market share of about 63% in terms of installed capacity. The company has electricity installed capacity of 1818 MW from a mix of hydro, geothermal, wind and thermal sources. Going forward, the company plans to increase green generation sources by venturing into solar, wind and geothermal sources.

KenGen has participated in overall reduction of carbon emissions from the atmosphere through participation in the Clean Development Mechanism (CDM) under the Kyoto Protocol as well as venturing in clean energy generation. KenGen has six projects registered under the CDM with potential reduction emissions of 1.5 million tCO<sub>2e</sub> annually. The projects are;

1. Optimization of Kiambere Hydro Power Project
2. Redevelopment of Tana Hydro Power Station Project
3. 5.1MW Grid Connected Wind Electricity Generation at Ngong Hills, Kenya
4. Olkaria II Geothermal Expansion Project
5. Olkaria IV Geothermal Project
6. Olkaria I Units 4&5 Geothermal Project

The projects have been issued with a total of 4,617,309 CERs from the second commitment period of CDM under the Kyoto Protocol. These CERs (equivalent to 4,617,309 tCO<sub>2e</sub>) are available for sale.

KenGen intends to engage reputable firms and/or institutions to purchase the CERs from the CDM projects that have been implemented and verified in accordance with the United Nations Framework Convention on Climate Change (UNFCCC) guidelines and have demonstrated sustainable development co-benefits as detailed in the table below

No	Project Name	UN Project ID	Available CERs (tCO <sub>2e</sub> )	Issuance time frame	Sustainable Development Co-benefits
1.	Optimization of Kiambere Hydro Power Project	7783	160,160	01/07/2013 to 30/09/2018	i. Improved air quality ii. Affordable & clean energy iii. Employment and access to income generating activities iv. Flooding control v. Improved access to education vi. Security enhancement vii. Environmental improvement viii. Clean water for domestic

No	Project Name	UN Project ID	Available CERs (tCO <sub>2e</sub> )	Issuance time frame	Sustainable Development Co-benefits
					use
2.	Redevelopment of Tana Hydro Power Station	5023	57,458	01/01/2013 to 30/09/2018	<ul style="list-style-type: none"> <li>i. Improved air quality</li> <li>ii. Affordable &amp; clean energy</li> <li>iii. Employment and access to income generating activities</li> <li>iv. Flooding control</li> <li>v. Improved access to education</li> <li>vi. Security enhancement</li> <li>vii. Environmental improvement</li> <li>viii. Clean water for domestic use</li> </ul>
3.	5.1MW Ngong Hills, Wind Project	9960	23,868	01/07/2014 to 30/09/2018	<ul style="list-style-type: none"> <li>i. Improved air quality</li> <li>ii. Affordable &amp; clean energy</li> <li>iii. Employment and access to income generating activities</li> <li>iv. Improved access to education</li> <li>v. Security enhancement</li> <li>vi. Environmental improvement</li> </ul>
4.	Olkaria II Geothermal Expansion	3773	309,495	01/10/2014 to 03/12/2017	<ul style="list-style-type: none"> <li>i. Improved air quality</li> <li>ii. Affordable &amp; clean energy</li> <li>iii. Employment and access to income generating activities</li> <li>iv. Improved access to education</li> <li>v. Security enhancement</li> <li>vi. Environmental improvement</li> <li>vii. Clean water for domestic use</li> </ul>
5.	Olkaria IV Geothermal Project	8646	2,025,813	01/09/2014 to 31/12/2018	<ul style="list-style-type: none"> <li>i. Improved air quality</li> <li>ii. Affordable &amp; clean energy</li> <li>iii. Employment and access to income generating activities</li> <li>iv. Improved access to education</li> <li>v. Security enhancement</li> <li>vi. Environmental improvement</li> <li>vii. Clean water for domestic use</li> </ul>

No	Project Name	UN Project ID	Available CERs (tCO <sub>2</sub> e)	Issuance time frame	Sustainable Development Co-benefits
6.	Olkaria I Units 4&5 Geothermal Project	8643	2,040,515	01/01/2015 to 31/12/2018	<ul style="list-style-type: none"> <li>i. Improved air quality</li> <li>ii. Affordable &amp; clean energy</li> <li>iii. Employment and access to income generating activities</li> <li>iv. Improved access to education</li> <li>v. Security enhancement</li> <li>vi. Environmental improvement</li> <li>vii. Clean water for domestic use</li> </ul>
<b>Total Available CERs for sale</b>			<b>4,617,309 tCO<sub>2</sub>e</b>		



**SECTION II - SCHEDULE OF ITEMS AND PRICES**

**SCHEDULE OF ITEMS AND PRICES**

No.	Project Name	Unit of issue	Available CERs	Unit price (USD)	Total tender price (USD )	Required deposit (USD )
1.	Optimization of Kiambere Hydro Power Project <b>UN Project ID 7783</b> Issuance timeframe 01/07/2013 to 30/09/2018	CER	160,160			
2.	Redevelopment of Tana Hydro Power Station <b>UN Project ID 5023</b> Issuance timeframe 01/01/2013 to 30/09/2018	CER	57,458			
3.	5.1MW Ngong Hills, Wind Project <b>UN Project ID 9960</b> Issuance timeframe 01/07/2014 to 30/09/2018	CER	23,868			
4.	Olkaria II Geothermal Expansion <b>UN Project ID 3773</b> Issuance timeframe 01/10/2014 to 03/12/2017	CER	309,495			
5.	Olkaria IV Geothermal Project <b>UN Project ID 8646</b> Issuance timeframe 01/09/2014 to 31/12/2018	CER	2,025,813			
6.	Olkaria I Units 4&5 Geothermal Project <b>UN Project ID 8643</b> Issuance timeframe 01/01/2015 to 31/12/2018	CER	2,040,515			
<b>Total Available CERs for sale</b>			<b>4,617,309</b> tCO <sub>2e</sub>			

### SECTION III - CONDITIONS OF TENDER

- 1.1 A tenderer may tender for each item or each lot and may tender for as many items or lots she/she wishes.
- 1.2 A tenderer will pay a deposit in advance before the closing date of the tender for each item or lot tendered for as indicated in the schedule of items and prices.
- 1.3 Tenderers who will be awarded contracts will be required to pay for the items, 14 days after contract award and not later than 21 days. Failure to which the contract award will be cancelled, and the deposit forfeited. If there is an administrative review, the review procedures shall be followed.
- 1.4 Tenderers who will not be awarded contracts will be refunded the deposits within fourteen (14) days after notification of the communication of the contract awards.
- 1.5 Tenderers will be required to collect the items they have paid for within fourteen (14) days after making the payment, failure to which storage charges will be charged as indicated in the appendix to Conditions of Tender.
- 1.6 The Procuring Entity will retain confidential reserve prices for all the items. Items tendered for below the reserve price will be retained by the Procuring Entity.

## **SECTION IV ~ STANDARD FORMS**

### **Note on Standard Forms**

The form of tender, the confidential business questionnaire form and the tender deposit commitment declaration form must be completed by the tenderers and returned with the tender. Failure to complete any of these forms will lead to the disqualification of the tenderer.

1. Form of Tender

Date:.....

Tender No.KGN-SALE-010-2021

To: Kenya Electricity Generating Company PLC  
 Ground Floor, KenGen Pension Plaza 2,  
 Kolobot Road, Parklands  
 P O Box 47936 - 00100  
 NAIROBI, KENYA

Gentlemen and/or Ladies:

1. Having examined the tender documents including addenda and having examined the items on sale, we the undersigned, offer to purchase and collect all the items offered to us in conformity with the said tender documents for the sum of..... [total tender amount in words and figures] or such other sums as may be ascertained in accordance with the Schedule of Items and Prices attached here with 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 adhere by the tender price for a period of...[126] days from the date fixed for tender opening of the Instructions to tenderers, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.
4. We understand that you are not bound to accept the highest or any tender that you may receive.

**SCHEDULE OF ITEMS AND PRICES**

No.	Project Name	Unit of issue	Available CERs	Unit price (USD )	Total tender price (USD )	Required deposit (USD )
1	Optimization of Kiambere Hydro Power Project <b>UN Project ID7783</b> Issuance timeframe 01/07/2013 to 30/09/2018	CER	160,160			
2	Redevelopment of Tana Hydro Power Station <b>UN Project ID 5023</b> Issuance timeframe 01/01/2013 to 30/09/2018	CER	57,458			

No.	Project Name	Unit of issue	Available CERs	Unit price (USD )	Total tender price (USD )	Required deposit (USD )
3	5.1MW Ngong Hills, Wind Project UN Project ID 9960 Issuance timeframe 01/07/2014 to 30/09/2018	CER	23,868			
4	Olkaria II Geothermal Expansion UN Project ID 3773 Issuance timeframe 01/10/2014 to 03/12/2017	CER	309,495			
5	Olkaria IV Geothermal Project UN Project ID 8646 Issuance timeframe 01/09/2014 to 31/12/2018	CER	2,025,813			
6	Olkaria I Units 4&5 Geothermal Project UN Project ID 8643 Issuance timeframe 01/01/2015 to 31/12/2018	CER	2,040,515			
<b>Total Available CERs for sale</b>			<b>4,617,309</b> tCO <sub>2</sub> e			

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[In the capacity of]

Duly authorized to sign tender for and on behalf of \_\_\_\_\_

## 2. Confidential Business Questionnaire Form

You are requested to give the particulars indicated in Part 1 and either Part 2(a), 2(b) or 2(c) whichever applies to your type of business.

You are advised that it is a serious offence to give false information on this form.

You are requested to give the particulars indicated in Part 1 and either Part 2(a), 2(b) or 2(c) whichever applies to your type of business.

You are advised that it is a serious offence to give false information on this form

### Part 1 – General

Business Name.....

Location of business Premises.....

Plot No.....

Street/Road.....

Postal Address.....

Tel No.....

Nature of business.....

Current Trade License No.....

Expiring date.....

Maximum value of business which you can handle at any one time

USD..... (In words)

.....

Name of your Bankers .....

Branch .....

### Part 2 (a) – Sole Proprietor or Individual

Your Name in full .....

Age .....

Nationality .....

Country of origin .....

Citizenship details (ID and or Passport Number).....

Name.....

Signature.....

**Part 2 (b) Partnership**

Given details of partners as follows:

**Name Nationality Citizenship Details Shares**

- 1. ....
- 2. ....
- 3. ....

[Name, Designation and Signature of Tenders Representative in the Company]

Name: .....

Designation: .....

Signature and Company stamp or Seal: .....

**Part 2 (c) ~ Registered Company (Private or Public)**

State the nominal and issued capital of company –

Nominal USD.....

Issued USD.....

Given details of all directors as follows:

**Name Nationality Citizenship Details Shares**

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....

ETC.

**Part 2 (d) Tenders Representative in the Company**

[Name, Designation and Signature of Tenders Representative in the Company]

Name .....

Designation .....

Signature and Company stamp or Seal.....

Date .....



**3. Tender Deposit Commitment Declaration Form**

Tender No. .... (As per tender documents)

As indicated in the schedule of items and prices, we do confirm that we have put deposits for the items tendered for as supported by the attached copies of receipts as follows:-

ITEM No. or Lot No.	Item Description	Deposit (USD.)	Receipt No. and Date
1			
2			
3			
4			
5			
6			

Authorizing Official \_\_\_\_\_  
(Name)

Designation \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

4. Self-Declaration Forms

FORM SD1

SELF DECLARATION THAT THE PERSON/TENDERER IS NOT DEBARRED IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015.

I,....., of Post Office Box ..... being a resident of ..... in the Republic of ..... do hereby make a statement as follows:-

- 1. THAT I am the Company Secretary/Chief Executive/Managing Director/Principal Officer/Director of ..... (Insert name of the Company) who is a Bidder in respect of Tender No. .... for..... (Insert tender title/description) for..... (Insert name of the Procuring entity) and duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its Directors and subcontractors have not been debarred from participating in procurement proceeding under Part IV of the Act.
3. THAT what is deponed to here in above is true to the best of my knowledge, information and belief.

Name .....

Title.....

Signature.....

Date.....

Bidder's Official Stamp.....

FORM SD2

SELF-DECLARATION THAT THE PERSON/TENDERER WILL NOT ENGAGE IN ANY CORRUPT OR FRAUDULENT PRACTICE.

I, .....of P. O. Box ..... being a resident of..... in the Republic of ..... do hereby make a statement as follows:-

- 1. THAT I am the Chief Executive/Managing Director/Principal Officer/Director of..... (Insert name of the Company) who is a Bidder in respect of Tender No..... for ..... (Insert tender title/description) for..... (Insert name of the Procuring entity) and duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its servants and/or agents/subcontractors will not engage in any corrupt or fraudulent practice and has not been requested to pay any inducement to any member of the Board, Management, Staff and/or employees and/or agents of.....(insert name of the Procuring entity) which is the procuring entity.
3. THAT the aforesaid Bidder, its servants and/or agents /subcontractors have not offered any inducement to any member of the Board, Management, Staff and/or employees and/or agents of .....(name of the procuring entity).
4. THAT the aforesaid Bidder will not engage/has not engaged in any corrosive practice with other bidders participating in the subject tender
5. THAT what is deponed to here in above is true to the best of my knowledge information and belief.

.....
..... (Title) (Signature)
(Date)

Bidder's Official Stamp

**5. Declaration and Commitment to the Code of Ethics**

I ..... (person) on behalf of  
*(Name of the Business/ Company/Firm)*.....declare that I have read and fully understood the contents of the Public Procurement & Asset Disposal Act, 2015, Regulations and the Code of Ethics for persons participating in Public Procurement and Asset Disposal Activities in Kenya and my responsibilities under the Code.

I do here by commit to abide by the provisions of the Code of Ethics for persons participating in Public Procurement and Asset Disposal.

Name of Authorized signatory.....

Sign.....

Position.....

Office address.....Telephone.....

..... E-mail.....

Name of the Firm/ Company.....

Date.....

**(Company Seal/ Rubber Stamp where applicable)**

Witness

Name.....

.....

Sign.....

Date.....

**6. Letter of Notification of Award**

*[Letter head paper of the Procuring Entity] [Date]*

To: *[name and address of the Contractor]* This is to notify you that your Tender dated *[date]* for the purchase of the items and at prices listed on the table below is here by accepted by..... *(Name of Procuring Entity)*.

Please acknowledge receipt of this letter of notification by signing the attached copy and returning it to us within 14 days of the issue of the notification to signify your acceptance of this award. Your signing the attached copy will constitute a contract between us and yourselves for sale of the said items.

On signature of the copy of the letter of notification, you are required to pay the balance of the tender price within 14 days and collect the items.

In connection with this award, you may contact the Officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

**OFFERED ITEMS AND PRICES**

1	2	4	5	6
Item No.	Description of Item	Total Quantity	Unit price	Offered Price
1				
2				
3				
4				
TOTAL PRICE OF ALL ITEMS				xxxxxx

Authorized  
Signature:.....

Name and Title of  
Signatory:.....

Name of Procuring  
Entity.....

**7. Copy of the Letter of Notification of Award**

*(To be signed by the Purchaser) [Letterhead paper of the Procuring Entity] [Date]*

To: *[name and address of the Purchaser]*

This is to notify you that your Tender dated *[date]* for the purchase of the items and at prices listed on the table below is hereby accepted by..... *(name of Procuring Entity)*.

Please acknowledge receipt of this letter of notification by signing the attached copy and returning it to us within 14 days of the issue of the notification to signify your acceptance of this award. Your signing the attached copy will constitute a contract between us and yourselves for sale of the said items.

On signature of the copy of the letter of notification, you are required to pay the balance of the tender price within 14 days and collect the items.

In connection with this award, you may contact the Officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

**OFFERED ITEMS AND PRICES**

1	2	4	5	6
Item No.	Description of Item	Total Quantity	Unit price	Offered Price
1				
2				
3				
4				
5				
6				
TOTAL PRICE OF ALL ITEMS				

Authorized Signature:.....

Name and Title of Signatory:.....

Name of Procuring Entity:.....

**Officer(s) to be contacted**

Name of Officer \_\_\_\_\_

Postal Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Physical Address (City, Street, Building, Floor number and room number)

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**SIGNED BY THE PURCHASER**

I/we, the undersigned accept the award and will execute the sale of the items as per conditions of the award. We understand that the award will remain cancelled and no deposits will be refunded if we do not:

- a) Return this letter signed within 14 days; or
- b) Pay the balance of the tender amount within fourteen (14) days after notification of the award.

We further understand that if we do not collect the items we have paid for within fourteen (14) days after making the payment, you charge storage charges at rates to be determined by yourselves.

Name of Purchaser

Authorized Signature: \_\_\_\_\_ Date \_\_\_\_\_

*Name and Title of Signatory*



8. Request for Review

FORM FOR REVIEW (r.203(1))

PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

APPLICATION NO.....OF.....20.....

BETWEEN

.....APPLICANT

AND

.....RESPONDENT (Procuring Entity)

Request for review of the decision of the..... (Name of the Procuring Entity of .....dated the...day of .....20.....in the matter of Tender No.....of .....20..... for .....(Tender description).

REQUEST FOR REVIEW

I/We.....,the above named Applicant(s), of address: Physical address.....P. O. Box No..... Tel. No.....Email ....., hereby request the Public Procurement Administrative Review Board to review the whole/part of the above mentioned decision on the following grounds , namely:

- 1.
2.

By this memorandum, the Applicant requests the Board for an order/orders that:

- 1.
2.

SIGNED .....(Applicant) Dated on.....day of ...../ ...20.....

FOR OFFICIAL USE ONLY Lodged with the Secretary Public Procurement Administrative Review Board on.....day of .....20.....

SIGNED

Board Secretary