



**MINISTRY OF EDUCATION
STATE DEPARTMENT FOR BASIC EDUCATION
DEVELOPMENT OF SCHOOLS INFRASTRUCTURE IN NYAMIRA COUNTY PROJECT**

CLARIFICATIONS AND ANSWERS ON BIDDER'S QUERIES DURING THE VIRTUE PRE-BID MEETING HELD ON 19TH JANUARY 2024 FOR SCHOOL INFRASTRUCTURE IMPROVEMENT (CONSTRUCTION AND REHABILITATION OF FACILITIES IN TARGETED SCHOOLS IN NYAMIRA COUNTY

The following were the questions/clarifications sought by prospective bidders and the accompanying responses done by the client in regard to the tender.

Serial No.	Questions asked	MoE (SEQIP) Response
Q 1	Are we supposed to attach the addendums as part of the tender document?	Its not mandatory but you may wish to attach.
Q 2	Can bidders bid for more than one (1) lot and how many will be awarded. And is the award per lot or per school?	Bidders are free to bid for as many lots as they want but they can only be awarded one lot . In addition, award is per lot and not per school.
Q 3	You set the threshold as NCA4. Is this cast on stone? Some of us local County contractors have done almost similar jobs yet we are NCA8 accredited. Can one bid if you have NCA that is below NCA4?	The tender is open to NCA 4, NCA 3, and NCA 2 & NCA 1 ONLY .

Q 4	Lot 18 in the BQs on the electrical part has quantities and no description. Is it an error or some information is missing?	This is noted; however, the description and quantities are provided only that they are not clearly aligned. The description has been aligned to the quantities and the revised bid document uploaded to replace the earlier one. Please use the revised document.
Q 5	Can the locally available building materials like the bricks (machine cut, burnt or the quarry bricks) that are common in the area be used?	The BOQ provides for use of bricks that are locally available to be plastered and painted both internally and externally. The bricks must first be tested and certified.
Q 6	The Bill of Quantities describe 200mm thick bricks which are not generally available in the region.	The contractor should provide the construction materials as prescribed in the Bill of Quantities.
Q 7	Was the pre-bid meeting mandatory? And can the meeting supersede the site visit which was also mandatory?	The pre-tender conference is not mandatory and shall not be a basis of disqualification and the meeting cannot supersede the site visit which was mandatory.
Q 8	Do the bidder expect a site visit certificate per lot or per school?	The site visit forms are to be issued per school. Bidders are expected to have site certificates for every school under the LOT.
Q 9	In item 3.5 of the instruction to bidders, a member of a JV may not participate in another JV of same tender. What about in the case of a different lot can a member of a JV make a JV with a different firm?	The JV can apply for several tenders but can only be awarded one Lot. Similarly, Partners can equally do the same but can only be awarded one Lot.
Q 10	In item 3.12 can a firm with lower grade but has applied for upgrading to NCA 4 be disadvantaged in bidding for being non responsive?	The requirements are NCA 4 and above (NCA 3, NCA 2 and NCA 1) at the point of submission of bid. A copy of the valid NCA certificate must be attached.

Q 11	<p>In item 3.13 on JVs, JVs will be required to seek approval with Competition Authority. While you may allow time for bidders to seek for approval by CA and it's not a condition for tender but award and signature, bidders don't have control over CA's approval process which can result in abnormal delay beyond the time you may allow and this might adversely affect the tenderer. Is it possible to consider parties to use other legal procedures like sworn affidavits to avoid unprecedented delay?</p>	<p>This is allowable however, if a JV is awarded they will need to register the JV prior to signing the contract.</p>
Q 12	<p>If one member of a JV is in category NCA 4 and above while the other one is not will the JV be allowed to bid if they meet all other bid requirements through either member of the JV eg is it mandatory that both members of a JV must have participated in the pretender site visit and attained certificates of pretender site visit, attended pretender conference, have for the 5 years done work of ascertain threshold scope etc.</p>	<p>The evaluation process will be for the JV and bidders under JV should indicate the roles of each party of the JV.</p>
Q 13	<p>Item 21.9 bid security in the event of bank guarantees are always issued to bank account holders in specific banks. If the JV has not opened a bank account in the name of the JV but individual firms and intend to formalize in future, can either member of the JV provide the guarantee written in its name but binds both members of the JV in protection of the client in the event of default by the JV?</p>	<p>The JV should have a lead partner among the JV parties that will be evaluated as per the Mandatory requirements provided.</p>

Q 14	In item 6 its indicated (2023) valid business license. We are already in 2024 and 2023 license has already expired (not valid). Will 2024 valid license be sufficient?	The Business permit should be valid as per the date of submission. If a bidder has applied and not received for 2024. The bidder should attach the application documents.
Q 15	What will be the minimum amount of IPC in percentage of contract sum and how long will it take for payment to be realized once IPC is approved?	The payment is dependent on achieved milestones.
Q 16	Will advance payment be made and what % of contract sum, if necessary, bank guarantees are provided?	Advance payment will be allowed only as provided by the Public Procurement and Asset Disposal Act, 2015.
Q 17	"Bidder MUST provide a Tender Security of Kshs. 1,500,000.00 in form of Bank Guarantee from a Commercial Bank registered in Kenya valid for 150 calendar days from the tender opening date" Kindly clarify if Rafiki Microfinance and SMEP Bank are Commercial Banks or Not	The tender security will be valid if it is from any financial institution approved and regulated by the Central Bank of Kenya.
Q 18	Seeking clarification regarding site visit. On one hand the document states that not doing site visit is not grounds for disqualification on the other hand it says site visit is mandatory. Kindly clarify?	Site visits were mandatory.
Q 19	I have attended the three schools out of 4 schools, the addendum was put very late and it has caused me to miss St. Joseph Enchoro Secondary School	The bidders that visited the other 3 schools under LOT 4 ONLY are allowed to visit St. Josephs Enchoro on Monday the 29th January 2024 during official working hours for the site visit.

	<p>which is unfair to some contractors who had been on site from <u>Monday 15th</u> to 17th January,2023. I am kindly requesting that you give us enough time to do that school considering that addendum normally extend time to attend do the changes and visit this school which was not visited.</p> <p>We have noted that the BoQ for Lot 4 has 4 schools (Gesibei Primary School, Mosobeti DOK primary school, Riamanoti primary school and St. Joseph Enchoro Secondary School) while the site visit schedule had 3 schools (Gesibei Primary School, Mosobeti DOK primary school and Riamanoti primary school)</p> <p>Kindly clarify if we can still bid for this LOT without the site visit certificate for St. Joseph Enchoro Secondary School or you can schedule a site visit for the same.</p>	
Q 20	Kindly clarify the contract duration if the project is to completed by 31 st December 2024.	The contract duration is 9 months and 6 months defects liability period.
Q 21	In the Mandatory Pre-bid meeting on the previous <u>Friday 19th January, 2024</u> , we were told that we should have to look at the Bill of Quantities (BOQ). Which document takes priority between the Invitation to Bid (ITDs) and the BOQ.	All the sections of the tender document are critical in ensuring the client gets the best tenderer. The evaluation criteria is among other requirements in the bid documents.
Q 22	It is noted that the addendum provided was not dated, but we observed on the website that it was uploaded on <u>January 17th</u> , 2024 which coincided	The bidders that visited the other 3 schools under LOT 4 ONLY are allowed to visit St. Josephs Enchoro on Monday the 29th January 2024 during official working hours.

	<p>with the last day of the site visit. In this regard, we would like to bring your attention to the Public Procurement Regulatory Authority's (PPRA) guidance on timelines for issuing addenda. Furthermore, we noticed that all the other lots specified three per school, leading us to assume that this particular lot would be no different.</p> <p>We therefore request that that particular school be given enough time for the bidders to visit only this particular school since the other school were not affected by that addendum 2.</p>	
Q 23	<p>Please note that there were sites which did not have the site visit documents e.g Ekerubo Gietai Primary school, Eronge DEB Secondary School etc. kindly advise the way forward.</p>	<p>All the sites had the required documents for site visit. The bidders should ensure they attach evidence of site visit certificate in the bid document. If the bidders visited the school ensure they give you the certificate.</p>
Q24	<p>Lot No. 8 Completion of 3-Level Tuiton Block and 2-Level Tuition Block at Tombe Mixed Secondary School Nyamira County Bill of Quantities Item 5 Doors and Item 6 Windows Have No Quantities. Page 219-223</p>	<p>The building is existing on the ground and first floor (G+1) hence windows and doors are existing. However, the other floor has windows provided in the BQ.</p>
Q25	<p>Kindly clarify if the tender is open to category NCA 4 and below, or above or only Category NCA 4.</p>	<p>Tender is open to category NCA 4 and above (NCA 3,2 and 1)</p>
Q26	<p>The list of schools appearing on page 28 are three while the Bill of quantities has four schools-the additional being ST.JOSEPHS ENCHORO SECONDARY as per Page 237. Clarify Please Where is the Fourth School Found and Whether Its Part of The Tender Document.</p>	<p>-The list of schools in lot 4 (four) are; (i) Gesibei Primary School (ii) Riamanoti Primary School (iii) Mosobeti DOK Primary School (iv) St. Joseph Enchoro Secondary</p>

		<p>-The Secondary School (St. Joseph Enchoro) is in Nyamira South Sub-county West Mugirango Constituency.</p> <p>- The fourth school (St. Joseph Enchoro) had been erroneously omitted under ITT 1.1 and is part of this tender together with the other 3 (three) schools as shown in the BQ.</p> <p><u>In addition</u> The bidders that visited the other 3 schools under LOT 4 ONLY are allowed to visit St. Josephs Enchoro on Monday the 29th January 2024 during official working hours for the site visit.</p>
Q27	Kindly clarify Page 337 the SCC 1.1 (z) Site Location of Schools, has totally different Names of Schools from those under ITT 1.1	The Schools on page 337 are erroneously captured under the Special Condition of Contract (SCC 1.1 (z)), this contract part will be duly filled with the correct schools at the contracting stage after award. Follow the list as provided per lot.
Q28	We would like to know whether NCA 4 and above contractors; i.e (NCA 3, NCA 2 or NCA 1) can also bid for the said works. Your prompt response will be highly appreciated.	Yes, as indicated in the invitation to tender the eligible tenderers are those with NCA 4 and above hence NCA 3, NCA 2 and NCA 1 can also bid for the works.
Q29	Request for extension of site visit for 3 days as the time was not enough to check all technical matters	The days provided for site visits were evaluated and found adequate.
Q30	Can we get the engineers estimates?	No, the engineer's estimates cannot be provided as at this stage since they are basis for evaluation.
Q31	Lot 11 element 2 has 2 descriptions (i). No description but the quantities are there. Kindly clarify?	This is noted; however, the description and quantities are provided only that they are not clearly aligned. The description has been aligned to the quantities and the revised bid document uploaded to replace the earlier one. Please use the revised document.
Q32	Lot 18. The source of water is very far and this is quite a challenge. Is this factored in the BoQ?	The bidders are expected to take this into consideration while pricing the document under the preliminaries items and this was one of the reasons for the mandatory site visits.

Q33	Lot 17 Okano Primary school. The roads are not accessible are the contractors supposed to do the roads as part of the contract?	The scope of works cannot be expanded to include road improvement works and the site visits are intended to enable the contractors to familiarize themselves with the site conditions as a guide as they price the tender document.
Q34	There is a school Name – TOMBE MIXED SEC SCHOOL; Item on Ground Floor DOORS and WINDOWS have no quantities and they are also missing for 1st Floor WINDOWS. Kindly Advise as soon as it is practically possible.	The building is existing on Ground and first floor (G+1) hence windows and doors are existing. However, the other floor have windows provided in the BQ.
Q35	Is the domestic subcontractor allowed to bid jointly with more than one contractor within the same lot?	No, not within the same LOT.
Q36	Purchase and provide 1No Twin Cab 4WD Pick up as per specification for the exclusive use of the Project Supervisor and his staff. Ownership of the vehicle shall revert to the client at the end of the project. This item is captured in the preliminaries under Project management expenses. Kindly clarify if the contractor is to purchase the Vehicle or not	<p>OMMIT THIS ITEM (TWIN CAB 4WD PICK UP) TOGETHER WITH THE FOLLOWING ITEMS WHICH ARE ALSO ON THE SAME SECTION;</p> <ol style="list-style-type: none"> 1. Provide for fueling of the vehicles upto 3,000 km per month for the entire construction period 2. Allow a sum of Kenya shillings Two Million (ksh. 2,000,000 and other Lots stated as Kshs.1,500,000) for project supervision and superintency. 3. Allow for a sum of Kenya shilling one hundred and fifty thousands (KSh. 250,000 and other Lots Stated as Kshs. 150,000) for HIV/AIDS Awareness Creation 4. Allow a sum of Kenya shillings one hundred and fifty thousands (ksh250,000 and other Lots Stated as Kshs. 150,000) for stakeholders management

		<p>5. Allow a sum of Kenya shilling one hundred and fifty thousands (ksh 250,000 and other Lots Stated as Kshs. 150,000) for implanting the grievance redress mechanism.</p> <p>6. Allow for sum of Kenya shillings One hundred thousand (ksh 100,000) for provision of a laptop for the clerk of works.</p> <p>7. Include a percentage sum for the contractors administrative cost and profit for the above project management and contract administrative expenses.</p> <p>DO NOT QUOTE FOR THE PICK UP AND DO NOT FACTOR ALL THE MENTIONED ITEMS IN YOUR BID.</p>
--	--	---