

KENYA MEDICAL SUPPLIES AUTHORITY

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All Correspondence should be addressed to Chief Executive Officer

When replying please quote our ref:

Ref: GF-KEMSA- CONST-7/OIT6 /17 (1)

Date: 29th November, 2017

ADDENDUM 1:

Attn.: All Prospective Bidders

MINUTES OF THE PRE-BID SITE VISIT AND CONFERENCE HELD ON WEDNESDAY 29TH NOVEMBER 2017 AT THE EMBAKASI SUPPLY CHAIN CENTRE BOARD ROOM FOR TENDER NOS GF-KEMSA-CONST-1 TO 7/OIT6/2017-2018 FOR PROPOSED CONSTRUCTION OF KEMSA MODERN WAREHOUSE AND OFFICE BLOCK AT EMBAKASI NAIROBI

PRESENT

- | | | |
|---------------------------------|---|---|
| 1. Eliud Muriithi | - | Director Commercial services- Chair |
| 2. Charles E. Juma | - | Director Procurement - Member |
| 3. Dr. S.O Okanda | - | Ag. Head Operations - Member |
| 4. Edward Buluma | - | Procurement Manager -Member |
| 5. John Kabuchi | - | Procurement Manager -Member |
| 6. David Muttu | - | Procurement Manager -Member |
| 7. Waiganjo Karanja | - | Finance Manager - Member |
| 8. S.K. Muli | - | Ag. Chief Architect State Departments of Public Works |
| 9. Kimathi Itaru | - | Lead Architect |
| 10. Peter K. Miriti | - | Lead QS. |
| 11. Kenneth Gachara | - | Electrical Engineer |
| 12. Brian Simiyu | - | Project QS |
| 13. Charles Ogeto | - | Project Architect |
| 14. Irene Musyoka | - | Architect |
| 15. Eric Gikera | - | Architect |
| 16. Tony Kaburu | - | Architect |
| 17. David Kangethe | - | Arch. State Departments of Public Works |
| 18. Lameck Mwambi | - | Mechanical Engineer State Departments of Public Works |
| 19. Jovia Bogere | - | Advocate - Akide & Co. Advocates |
| 20. Godfrey Munene | - | Advocate - Akide & Co. Advocates |
| 21. Khadija Ramadhani | - | Snr. Proc. Officer - Secretary |
| 22. Prospective Bidders present | - | as per the attached attendance register. |

The meeting was called to order at 9:30 am by the Chair who welcomed all present followed by a word of prayer and introduction.

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It was explained that the purpose of the conference was to communicate KEMSA's expectations and requirements of the tenders.

BACKGROUND

KEMSA advertised seven (7) tenders for the proposed Construction of KEMSA Modern Warehouse and Office Block. The tenders were advertised on 17th November, 2017 and will close on 11th December, 2017 at 10.00am.

There was a mandatory requirement for a pre-bid site visit and Conference on 29th November, 2017 from 9.00am.

SITE TOUR

There was a guided site tour for the prospective bidders to familiarize themselves with the proposed construction site followed by a briefing meeting.

PROJECT PRESENTATION AND TENDER PROCESS

Prospective bidders were taken through the design. They were also taken through evaluation criteria as contained in the tender document.

The Procuring entity made the following clarifications;

- 1) Tender No. GF-KEMSA-CONST-1/OIT6/2017-2018 MAIN WORKS
 - a) Page 22 Technical Evaluation criteria Item ii Key personnel Bullet 3 & 4 the word "Engineering" is deleted
 - b) Page 23 Technical Evaluation criteria on Schedule of contractor's equipment and transport, Item v a) Relevant Transport, bullet 2 pick-ups - marks have been revised from 2 to 1.
 - c) Page 25 FINANCIAL EVALUATION paragraph 1 is amended to read:

Lowest Financial Bid will be assigned a score of 30, other bids will be weighted to 30 as indicated below.

- d) The preamble
"High yield square twisted bar reinforcement to B.S. 4449 as described"
to be deleted and replaced with
"Hot rolled ribbed bars reinforcement to K.S. ISO 6935-2"
wherever its referred to in the Bills of Quantities
- e) The preamble
"Marine ply formwork as described to"
To be deleted and replaced with
"Wrot formwork as described to"
wherever it is referred to in the Bills of Quantities
- f) Replace the following pages with the attached annexes

- Warehouse – DM/1, WH/2, WH/7, WH/8, WH/14, WH/15, WH/20, PC/1, PC/2, PC/3 see **Annex 1A**
- Flammable Drugs Store – PC/1 see **Annex 1B**
- Civil and External Works – PC/1 see **Annex 1C**
- Office Block Shell Structure – PC/1, PC/2 see **Annex 1D**
- Office Block Finishes and Partitions – PC/1 to PC/2 see **Annex 1E**
- VAT shall be shown as a separate item on the Grand summary page see **GS/1 to G/2 Annex 1F**

2) Tender No. GF-KEMSA-CONST-2/OIT6/2017-2018 SUB CONTRACT WORKS

- Page 27 Stage II -Technical Evaluation TOTAL marks is 160 and not 140 as appears in the bid document
- Page 28 Technical Evaluation criteria Item 3 Key personnel Bullet 3 & 4 the word "Engineering" is deleted
- Page 30 Stage II -Technical Evaluation TOTAL marks is 160 and not 140 as appears in the bid document and therefore the pass mark is 120/160 and not 105/140 as appears in the bid document.
- Page 30 Stage II - Compliance with technical specifications, the following statement is deleted;

"Following the above analyses, where the proposed equipment is found not to conform to the stipulated specifications, the tender will be deemed Non-Responsive and will not be evaluated further."

- Page 31 A) Determination of Arithmetic Errors, Item i) The word corrected is deleted
- Page 32 FINANCIAL EVALUATION should read as follows;

Lowest Financial Bid will be assigned a score of 30, other bids will be weighted to 30 as indicated below.

Financial Score = Lowest Responsive Bidder / Bidder Price (under consideration) X 30

Combined scores

Total Combined Score = Weighted Technical score + Weighted Financial Score.

RECOMMENDATION FOR AWARD

The bidder with the highest total combined weighted score shall be recommended for award.

3) Tender No. GF-KEMSA-CONST-3/OIT6/2017-2018 SUB CONTRACT WORKS

- Page 27 Stage II -Technical Evaluation TOTAL marks is 160 and not 130 as appears in the bid document
- Page 28 Technical Evaluation criteria Item 3 Key personnel Bullet 3 & 4 the word "Engineering" is deleted
- Page 30 Stage II -Technical Evaluation TOTAL marks is 160 and not 140 as appears in the bid document and therefore the pass mark is 120/160 and not 97.5/130 as appears in the bid document.

- d) Page 30 Stage II - Compliance with technical specifications, the following statement is deleted;

“Following the above analyses, where the proposed equipment is found not to conform to the stipulated specifications, the tender will be deemed Non-Responsive and will not be evaluated further.”

- e) Page 31 A) Determination of Arithmetic Errors, Item i) The word corrected is deleted
f) Page 32 FINANCIAL EVALUATION should read as follows;

Lowest Financial Bid will be assigned a score of 30, other bids will be weighted to 30 as indicated below.

Financial Score = Lowest Responsive Bidder / Bidder Price (under consideration) X 30

Combined scores

Total Combined Score = Weighted Technical score + Weighted Financial Score.

RECOMMENDATION FOR AWARD

The bidder with the highest total combined weighted score shall be recommended for award.

- 4) Tender No. GF-KEMSA-CONST-4/OIT6/2017-2018 SUB CONTRACT WORKS
- a) Page 27 Stage II -Technical Evaluation TOTAL marks is 160 and not 140 as appears in the bid document
- b) Page 28 Technical Evaluation criteria Item 3 Key personnel Bullet 3 & 4 the word “Engineering” is deleted
- c) Page 30 Stage II -Technical Evaluation TOTAL marks is 160 and not 140 as appears in the bid document and therefore the pass mark is 120/160 and not 105/140 as appears in the bid document.
- d) Page 30 Stage II - Compliance with technical specifications, the following statement is deleted;

“Following the above analyses, where the proposed equipment is found not to conform to the stipulated specifications, the tender will be deemed Non-Responsive and will not be evaluated further.”

- e) Page 31 A) Determination of Arithmetic Errors, Item i) The word corrected is deleted
f) Page 32 FINANCIAL EVALUATION should read as follows;

Lowest Financial Bid will be assigned a score of 30, other bids will be weighted to 30 as indicated below.

Financial Score = Lowest Responsive Bidder / Bidder Price (under consideration) X 30

Combined scores

Total Combined Score = Weighted Technical score + Weighted Financial Score.

RECOMMENDATION FOR AWARD

The bidder with the highest total combined weighted score shall be recommended for award.

- 5) Tender No. GF-KEMSA-CONST-5/OIT6/2017-2018 SUB CONTRACT WORKS
- a) Page 27 Stage II -Technical Evaluation TOTAL marks is 160 and not 140 as appears in the bid document
 - b) Page 28 Technical Evaluation criteria Item 3 Key personnel Bullet 3 & 4 the word "Engineering" is deleted
 - c) Page 30 Stage II -Technical Evaluation TOTAL marks is 160 and not 140 as appears in the bid document and therefore the pass mark is 120/160 and not 105/140 as appears in the bid document.
 - d) Page 30 Stage II - Compliance with technical specifications, the following statement is deleted;

"Following the above analyses, where the proposed equipment is found not to conform to the stipulated specifications, the tender will be deemed Non-Responsive and will not be evaluated further."

- e) Page 31 A) Determination of Arithmetic Errors, Item i) The word corrected is deleted
- f) Page 32 FINANCIAL EVALUATION should read as follows;

Lowest Financial Bid will be assigned a score of 30, other bids will be weighted to 30 as indicated below.

Financial Score = Lowest Responsive Bidder / Bidder Price (under consideration) X 30

Combined scores

Total Combined Score = Weighted Technical score + Weighted Financial Score.

RECOMMENDATION FOR AWARD

The bidder with the highest total combined weighted score shall be recommended for award.

- 6) Tender No. GF-KEMSA-CONST-6/OIT6/2017-2018 SUB CONTRACT WORKS
- a) Page 27 Stage II -Technical Evaluation TOTAL marks is 160 and not 140 as appears in the bid document
 - b) Page 28 Technical Evaluation criteria Item 3 Key personnel Bullet 3 & 4 the word "Engineering" is deleted
 - c) Page 30 Stage II -Technical Evaluation TOTAL marks is 160 and not 140 as appears in the bid document and therefore the pass mark is 120/160 and not 105/140 as appears in the bid document.
 - d) Page 30 Stage II - Compliance with technical specifications, the following statement is deleted;

“Following the above analyses, where the proposed equipment is found not to conform to the stipulated specifications, the tender will be deemed Non-Responsive and will not be evaluated further.”

- e) Page 31 A) Determination of Arithmetic Errors, Item i) The word corrected is deleted
- f) Page 32 FINANCIAL EVALUATION should read as follows;

Lowest Financial Bid will be assigned a score of 30, other bids will be weighted to 30 as indicated below.

Financial Score = Lowest Responsive Bidder / Bidder Price (under consideration) X 30

Combined scores

Total Combined Score = Weighted Technical score + Weighted Financial Score.

RECOMMENDATION FOR AWARD

The bidder with the highest total combined weighted score shall be recommended for award.

- 7) Tender No. GF-KEMSA-CONST-7/OIT6/2017-2018 SUB CONTRACT WORKS
 - a) Page 27 Stage II -Technical Evaluation TOTAL marks is 160 and not 140 as appears in the bid document
 - b) Page 28 Technical Evaluation criteria Item 3 Key personnel Bullet 3 & 4 the word “Engineering” is deleted
 - c) Page 30 Stage II -Technical Evaluation TOTAL marks is 160 and not 140 as appears in the bid document and therefore the pass mark is 120/160 and not 105/140 as appears in the bid document.
 - d) Page 30 Stage II - Compliance with technical specifications, the following statement is deleted;

“Following the above analyses, where the proposed equipment is found not to conform to the stipulated specifications, the tender will be deemed Non-Responsive and will not be evaluated further.”

- e) Page 31 A) Determination of Arithmetic Errors, Item i) The word corrected is deleted
- f) Page 32 FINANCIAL EVALUATION should read as follows;

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Financial Score = Lowest Responsive Bidder / Bidder Price (under consideration) X 30

Combined scores

Total Combined Score = Weighted Technical score + Weighted Financial Score.

RECOMMENDATION FOR AWARD

The bidder with the highest total combined weighted score shall be recommended for award.

QUESTION AND ANSWER SESSION

1. Question:

Is it possible to review the mandatory requirements for NCA1 registration for lifts sub contractors?

Response:

There is no requirement for NCA1 registration for lift contractors. The requirements was for NCA4 and above.

2. Question:

Is it possible to review the mandatory requirements for registration with ERC from class A1 to A2 for Lift installations?

Response:

ERC class A2 and above is acceptable for Lift installations.

3. Question:

Is it possible to provide lift shaft dimensions?

Response:

The approximate dimensions are stated in the bid document under the lift specific details. The bid documents also give a table where bidders can fill in the appropriate dimensions as per their equipment.

4. Question:

The bid document states the bidder should attach power of attorney signatory document. Will this be applicable for sole proprietorship?

Response:

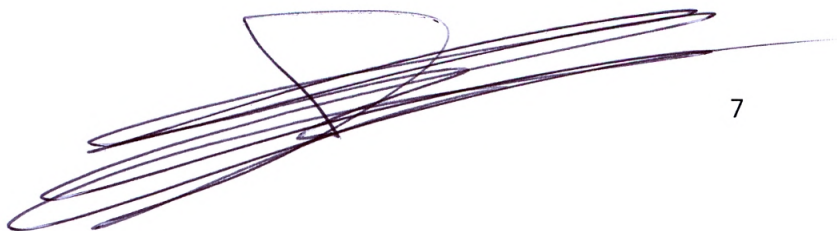
No. It is applicable to limited companies where the directors may not be available to sign the contract and it must be executed on Company letterhead.

5. Question:

How is the VAT component on the lift bid calculated?

Response:

The VAT will apply on the local component only as imported lift items are VAT exempt. Bidders should also indicate the items that have VAT on them in the spaces provided in the bid document.



6. Question:

How will the fluctuation on the exchange rate of the lift bid affect the ordering of the lift since the office block will start within 10 months from commencement of works.

Response:

In the event of such a scenario, provisions of the Public Procurement and Asset Disposal Act 2015 shall apply.

7. Question:

Is there a possibility of raising the advance payment provision from 20% to a higher value for the lift bid?

Response:

The maximum advance payment shall be 20% as provided for in the Public Procurement and Asset Disposal Act 2015 and shall be made against a Bank guarantee.

8. Question:

There is a schedule of basic rates for materials provided for in the bills of quantities but the sum of fluctuation amount is not provided. Please clarify.

Response:

There is a schedule of rates provided for in the document which bidders are encouraged to price and provide the source. The fluctuation amount is not captured as a sum on its own but is covered under the contingency sum.

9. Question:

Should the Anti-Corruption declaration of undertaking form and Non-Debarment declaration form be on company letterhead or should they be signed as provided in the bid document?

Response:

Either is acceptable. If it is submitted on company letterhead it must be in the format provided in the bid document.

10. Question:

The email address provided was bouncing. Can you provide an alternative email address?

Response:

Alternative email addresses are as follows:

- edward.buluma@kemsaco.ke
- john.kabuchi@kemsaco.ke
- khadija.ramadhani@kemsaco.ke

11. Question:

In the structured cabling and security tender there are 2 different types of servers specified in the Bills of Quantities. Kindly specify the required one.

Response:

Kindly bid for all servers as specified in the bid document.

12. Question:

Some Quantities in some sections of the BQ's are not tallying. Kindly clarify?

Response:

Kindly bid for the items as quantified in the bid document.

13. Question:

Can the bid be done partially?

Response:

Not acceptable. The bid must be filled in totality.

14. Question:

In the fire alarm section the panels are not adequate for the devices catered for. Kindly clarify

Response:

The panels are deemed adequate as stated in the BQ. Kindly bid for the items as quantified in the bid document.

15. Question:

Can the schematic drawings for the power boards be provided?

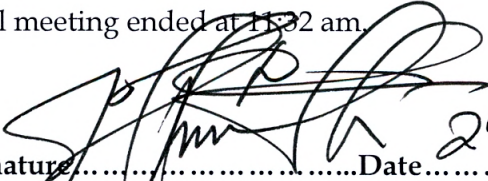
Response:

Schematic drawings are available at the procuring entities offices for viewing.

There being no other business, the pre-proposal meeting ended at 11:32 am.

SIGNED

Eliud Muriithi (Chair):

Signature..........Date.....29.11.17

Charles E. Juma (Director Procurement):

Signature..........Date.....29/11/2017

Khadija Ramadhani (Secretary):

Signature..........Date.....29/11/2017

The Procuring entity further makes the following clarifications;

- 1) Tender No. GF-KEMSA-CONST-1 TO 7/OIT6/2017-2018 MAIN WORKS
 - a) Advance Payment Shall be made upon application by the successful bidder up to a maximum of 20% upon issuance of a bank guarantee.
 - b) Liquidated damages will apply to all tenders at the rate of 0.1% per week of the respective contract amounts and will have a limit of 1% upon which other terms of the contract shall apply. This replaces any other provisions on liquidated damages in the tender documents.
 - c) Price adjustments will be in accordance with the provisions of the Public Procurement and Asset Disposal Act 2015.
 - d) Special notes item 7 amended to read:
"Only Tenderers who score **75 percent** and above in the Technical Evaluation Stage shall qualify for further evaluation."
 - e) Appendix to instructions to tenderers; the following statement is deleted:

"Special preference shall be given to the construction of the warehouse, flammable goods store, External Works and Civil works. The office block will commence upon satisfactory progression and / or on completion of the warehouse, flammable goods store, External Works and Civil works on Instruction from the Architect in consultation with the client. However, the Contractor will not be entitled to claims for loss of profit and other related costs / expenses in relation to delay of commencement office block."

And replaced with the following:

"Special preference shall be given to the construction of the warehouse, flammable goods store, External Works and Civil works. Construction of the Office Block will commence not later than ten (10) months after the start of construction of the warehouse."

- f) Special note No. 9 is introduced and reads as follows:

"Where brand names or manufacturer's names are referred to in the bid documents, their intended purpose is to guide bidders for quality purposes only. Otherwise, there is no preference for the same, and the specifications and preambles detailed in the bid documents apply subject to consultants' approval. Where prime cost rates are provided in the bid documents their intended purpose is to guide bidders for quality purposes only."

g) Clause 25 of Conditions of Contract: J.B.C Reference do be deleted and replaced with Central Bank Price Indices, Kenya National Bureau of Statistics and Schedule of Rates in the bid documents.

h) Clause 1.5 of Instructions to tenderers item J is amended to read:

“Proposals for subcontracting components of the Works amounting to more than 10 percent to a maximum of 30 percent of the Contract Price. Subcontracting works amounting to over 30 percent will not be allowed.”

i) Clause 28.1 on securities as per the Conditions of Contract is amended to read:

“The Performance Security shall be provided to Kenya Medical Supplies Authority no later than the date specified in the Letter of Acceptance and shall be issued in an amount and form and by a reputable bank and denominated in the bid currency. If the contractor is foreign, the guarantee shall be issued by a local bank or authorised financial institution issued by a corresponding bank in Kenya recognized by the Central Bank of Kenya. The Performance Security shall be valid until a date 30 days beyond the date of issue of the Certificate of Practical Completion.”

j) Clause 33.1 item (d) on Termination as per the Conditions of Contract amended to read:

“a payment certified by the Project Manager is not paid by Kenya Medical Supplies Authority to the Contractor within 90 days (for Interim Certificate) or 90 days (for Final Certificate)of issue.”

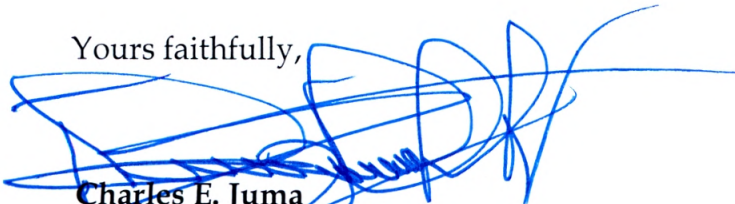
k) Clause 37.1 on Settlement of Disputes as per the Conditions of Contract: the term “Vice chairman” is deleted

l) Particular Preliminaries page 192 reference to clause 38 on Alternate Dispute Resolution is deleted

m) For Scope of works refer to Particular preliminaries and ignore scope of works under Appendix to Conditions of Contract

n) Form of Tender: replace “Architect’s Notice” with “Project Manager’s notice”

Yours faithfully,



Charles E. Juma

Director, Procurement

FOR: Ag. CHIEF EXECUTIVE OFFICER