

Meeting:	KEMSA PRE-BID CONFERENCE	
Date Held:	27 th April, 2023	
Time:	10:00am - 11.30am	
Location:	KEMSA Tender Opening Hall	
Attendees:	As per attached registration list	
No.	Agenda	
1	As per attached program	

Min 01 - 27/04/2023 - Prayers and Opening remarks

The Pre-bid meeting started at 10:00 a.m. with a word of prayer.

Min 02 - 27/04/2023 - Welcoming remarks

Ag. Director, Procurement welcomed all prospective bidders present and stated that, he was happy to see many bidders attend the pre-bid conference. The Ag. Director said the pre-bid conference was crucial since there's a new standard tender document in use and therefore there are requirements that needed to be clarified. Further, it's at such a forum where bidders seek clarification/s they may have from the tender documents also to ensure KEMSA achieves a big percentage of responsive bids up to the last stage of evaluation.

Min 03 - 27/04/2023 Procurement Presentation

The prospective bidders were taken through the procurement process as follows;

- Introduction
- Bid Submission
- Bid Evaluation
- Post Qualification
- Tender notification
- Performance security and Contracting
- Delivery

Tenders advertised:-

GLOBAL FUND TB PROGRAM, GRANT: KEN-T-TNT			
#	Tender No.	Tender Description	Tender closing date
1.	GF ATM TB (RSSH) NFM 2022/2023- OIT 004	Supply & Installation of ICT Equipment	23 rd May 2023, at 10.00 am
2.	GF ATM TB (RSSH) NFM 2022/2023- OIT 006	Supply of liquid Chromatography /Mass Spectroscopy System	11 th May 2023 at 10.00 am


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- Both tenders are Open International Tenders - eligible to all
- Both tender documents are available on Public Procurement Information Portal (PPIP) and KEMSA website.
- Bidders should complete the registration form provided in the tender documents and email the form to the official email address provided for registration purposes.

It was emphasized that the purpose of sending the registration form is to ensure that the bidders don't miss out on any clarifications/addendum sent out since they are usually send to those registered.

BID SUBMISSION

- Bids shall be submitted manually.
- Completed serialized/paginated tender documents.
- The documents will be One original and a copy in plain sealed envelopes clearly marked on top with the Tender Number and Description and accompanied by a Bid Security of the amount specified in the SBD or equivalent in a freely convertible currency from Commercial Banks or Insurance Companies Approved by The Insurance Regulatory Authority (IRA) and listed by The Public Procurement Regulatory Authority
- Tender samples to be submitted at the procurement office by the deadline for submission of tenders.

BID EVALUATION

Bid Evaluation will be undertaken in the following stages;

- Preliminary Examination
- Technical Evaluation (Documents and samples)
- Financial Evaluation
- Post Qualification

PRELIMINARY EXAMINATION

- Pagination/serialization of documents (pagination should be in a continuous ascending order from the first page to the last in this format; (i.e. 1, 2, 3..... n where n is the last page(MANDATORY))
- Copy of Certificate of incorporation/Registration of business name (MANDATORY)

- Copy of current Tax Compliance Certificate (**MANDATORY FOR LOCAL BIDDERS**).
- Tender form (on a letterhead) duly completed and signed. The Form of Tender shall include the following Forms duly completed and signed by the Tenderer or authorized representative (attach power of attorney where applicable) (**MANDATORY**).

i. Tenderer's Eligibility-Confidential Business Questionnaire (**MANDATORY**)

ii. Certificate of Independent Tender Determination (**MANDATORY**)

iii. Self-Declaration of the Tenderer (**MANDATORY**)

a) Duly completed and signed self-Declaration that the person/ Tenderer is not debarred in the matter of the PPADA 2015 (**MANDATORY**)

b) Duly completed and signed self-Declaration that the person/ Tenderer will not engage in any corrupt/fraudulent practice (**MANDATORY**)

c) Duly completed and signed declaration and commitment to the code of ethics (**MANDATORY**)

- **Original Bid Security** of an amount as indicated in the respective Tender Documents from Commercial Banks or Insurance Companies (Approved by the Insurance Regulatory Authority (IRA) and listed by Public Procurement Regulatory Authority) valid for 150 days from date of tender opening

NOTE: Failure to comply with above Mandatory requirements will lead to disqualification. Only bidders who are successful at this stage will proceed to the next stage of evaluation.

TECHNICAL EVALUATION: TENDER NO: GF ATM TB (RSSH) NFM 2022/2023 - OIT 006 SUPPLY OF LIQUID CHROMATOGRAPHY / MASS SPECTROSCOPY

- Manufacturers Authorization which must be on a manufacturer's letter-head and addressed to KEMSA that is both tender and item specific and signed by an authorized signatory (Applicable to bidders who are not manufacturers) (**MANDATORY**)
- Current Manufacturing quality certificate issued by an independent recognized body to the manufacturer of the product. The certificate must be items specific (**MANDATORY**)



- Brochures and information pamphlets, as published by the manufacturer regarding all specifications shall be submitted with the offer, stating the Make, Model and Country of Origin of the system Current **(MANDATORY)**
- These parameters must be highlighted with a bright marker on the catalogue. **(MANDATORY)**
- Tenderers will be required to submit in addition to manufacturers catalogue a compliance sheet for each of the product offered. The tenderer must indicate on the compliance sheet whether the product offered comply with each item of the technical specifications in the tender document **(MANDATORY)**
- The tenderer shall be required to commit in writing and present supporting data for compliance with items in the tender technical specifications which are not supported by original manufacturers brochure **(MANDATORY)**
- In case of conflict between information/data presented in the original manufacturer's brochure and the tenderer's compliance sheet the information/data in the original manufacturers brochure shall prevail **(MANDATORY)**

NOTE: Failure to comply with Mandatory requirements will lead to disqualification. Only bidders who are successful at this stage will proceed to the next stage of evaluation.

FINANCIAL EVALUATION

- Bidders who are successful at preceding stages of evaluation will have their prices compared and award recommended to the lowest evaluated responsive bid.
- Preference and reservation does not apply to tenders under Global Fund
- Procurements funded by Global Fund will be tax exempt.
- Incoterm for LCMS; DAP - National Quality Control Laboratory, KNH Complex, Upper Hill - Nairobi - Kenya

POST QUALIFICATION:

After determining the substantially responsive tender, which offers the lowest evaluated price, whether the tenderer is a manufacturer or a distributor, The Procuring Entity shall



carry out the post-qualification, if no prequalification was done using the following criteria:

- The bidder must provide evidence of maximum number of 3 (three) supply contracts for Health Products and Technologies (HPTs) within the past 3 years, equivalent to the contract sum. The value of one of the contracts must be at least 60 % of the tender sum. The Tenderer should provide documentary evidence in support of their experience of previous supply contracts. The evidence should be in the form of copies of contracts, Purchase Orders and Reference letters (Contact details of the clients should be provided).
- The bidder must provide evidence of average annual turnover in the last three (3) years that is equivalent to the tender sum. (Provide certified financial statements for the past immediate three (3) years).
- The bidder must provide statement of annual production capacity of the manufacturer. (Should be at least three times the quantities specified under the tender).

PAST PERFORMANCE

- A supplier performance measurement tool with detailed performance indicators has been developed and will be used to measure the performance of contracted suppliers. The performance measurement results shall be used as a basis for award of subsequent contracts.
- Performance indicators: Time, Quantity, Cost and Quality.
- Suppliers who will have had unsatisfactory past performance on contracted items of less than 71% shall not be recommended for award of similar items in subsequent tenders for a period of one (1) year.

TECHNICAL EVALUATION: TENDER NO: GF ATM TB (RSSH) NFM 2022/2023- OIT 004 SUPPLY & INSTALLATION OF ICT EQUIPMENT

- Provide a valid Manufacturers Authorization or a Distributor's Agreement which MUST be on a manufacturer's letter head and addressed to KEMSA that is both tender and item specific and signed by an authorized signatory (MANDATORY).



- Current and valid manufacturing Certificate of Quality issued by an independent recognized body to the manufacturer of the product. The certificate must be item specific. **(MANDATORY)**.
- Provide a one (1) year warranty letter which should be written separately **(MANDATORY)**
- Provide copy of Laboratory Network Scope of work which should be duly signed and submitted with the bid document (This form is to verify the ICT Officer, Laboratory Manager and bidder identified the location for the 20 dual ports, server room for rack and air con installation and cabling to connect to the main hospital network switch) **(MANDATORY)**
- A manufacturer's catalogue or its section showing the requested specifications and the following parameters: product mark of quality, name of manufacturer, country of origin. The catalogue must have manufacturer's detail **(MANDATORY)**
- A signed and stamped check list of product compliance with the specifications. **(MANDATORY)**
- Evaluation of the product labelling criteria based on technical specifications spelt out in this tender document **(MANDATORY)**.
- Tenderers will be required to submit in addition to manufacturers catalogue a compliance sheet for each of the product offered. The tenderer must indicate on the compliance sheet whether the product offered comply with each item of the technical specifications in the tender document. **(MANDATORY)**
- The tenderer shall be required to commit in writing and present supporting data for compliance with items in the tender technical specifications, which are not supported by original manufacturer's brochure **(MANDATORY)**
- In case of conflict between information/data presented in the original manufacturer's brochure and the tender's compliance sheet the information/data in the original manufacturer's brochure shall prevail. **(MANDATORY)**



NOTE: Failure to comply with Mandatory requirements will lead to disqualification. Only bidders who are successful at this stage will proceed to the next stage of evaluation

FINANCIAL EVALUATION

- Bidders who are successful at preceding stages of evaluation will have their prices compared and award recommended to the lowest evaluated responsive bid.
- Preference and reservation does not apply to tenders under Global Fund
- Procurements funded by Global Fund will be tax exempt.
- Incoterm for ICT Equipment; DAP - named place of destination 18 Proposed Health Facilities attached in the tender document.

POST QUALIFICATION:

After determining the substantially responsive tender, which offers the lowest evaluated price, whether the tenderer is a manufacturer or a distributor, The Procuring Entity shall

carry out the post-qualification, if no prequalification was done using the following criteria:

- The bidder must provide evidence of maximum number of 3 (three) supply contracts for Information System within the past 3 years, equivalent to the contract sum. The value of one of the contracts must be at least 60 % of the tender sum. The Tenderer should provide documentary evidence in support of their experience of previous supply contracts. The evidence should be in the form of copies of contracts, Purchase Orders and Reference letters (Contact details of the clients should be provided).
- The bidder must provide evidence of average annual turnover in the last three (3) years that is equivalent to the tender sum. (Provide certified financial statements for the past immediate three (3) years).
- The bidder must provide statement of annual production capacity of the manufacturer. (Should be at least three times the quantities specified under the tender).



PAST PERFORMANCE

- A supplier performance measurement tool with detailed performance indicators has been developed and will be used to measure the performance of contracted suppliers. The performance measurement results shall be used as a basis for award of subsequent contracts.
- Performance indicators: Time, Quantity, Cost and Quality.
- Suppliers who will have had unsatisfactory past performance on contracted items of less than 71% shall not be recommended for award of similar items in subsequent tenders for a period of one (1) year.

NOTIFICATION

- The successful and unsuccessful bidders will be notified simultaneously in line with PPADA 2015
- The successful bidder/s will be required to accept the offer within 14 days from the date of notification.

PERFORMANCE SECURITY

- Performance Security should be 10% of the contract sum and valid for one year.
- Performance security must be submitted not later than the 28th day from date of notification. Failure to comply will lead to cancellation of award.
- The performance security must be issued by a local bank. If the supplier is foreign, the security must be issued by an authorised financial institution or by a corresponding bank in Kenya recognized by the Central Bank of Kenya.
- Performance securities from Insurance Companies are not acceptable.

CONTRACTING

- All successful bidders are enjoined to sign a contract with KEMSA within 28 days from date of notification.
- Prices should remain fixed over the contract period (1 year).
- The period of contract performance will start running immediately after signing the contract.
- The Purchase Order delivery dates will be pegged on the agreed delivery dates as per contract.


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- Suppliers are expected to adhere to the delivery schedules agreed upon in the contracts.
- Suppliers are advised to commence manufacturing after receipt of a signed contract (should not wait for LPO).

TAX EXEMPTION & IMPORT PERMIT PROCESS

GF funded commodities are tax exempt.

- Consignee must be KEMSA for documentation processing both Tax exemption & import permit
- Documents required for tax exemption application; Commercial invoice/packing list, Airway Bill/Bill of Lading - approval takes about 2 - 3 weeks
- LCMS and ICT commodities must be inspected prior to shipment by appointed KEBS agent at country of origin and accompanied by a Certificate of Conformity

CONSIGNMENT DELIVERY

- The primary, secondary and tertiary package should be labeled 'GOK not for sale' (not applicable to tender sample but to pre-delivery sample and full consignment for the successful Tenderer.
- Inspection and acceptance letter will be provided to facilitate delivery.

PAYMENT

- Payment will be done by the National Treasury upon completion of deliveries

Min 04 - 27/04/2023 Remarks by Quality Assurance

- Bidders to adhere to technical specifications and evaluation criteria
- Bidders to provide detailed brochures with all specifications
- What is not captured in the brochure/s, bidders to make commitment on compliance sheet i.e IQ, PQ and training.



Min 05 - 27/04/2023 Questions and Answers Session

TENDER NO: GF ATM TB (RSSH) NFM 2022/2023- OIT 006 SUPPLY OF LIQUID CHROMATOGRAPHY / MASS SPECTROSCOPY

NOTE: We have noted that the tender document uploaded on KEMSA Website was incorrect and the same has been replaced with the correct one. The tender document uploaded on PPIP Portal was and is correct.

Q. Incoterms - DAP National Quality Control Laboratory means you will responsible for customs clearance. Kindly confirm whether the procuring entity will be responsible for custom clearance.

A. No, the procuring entity will not be responsible for customs clearance. It's the supplier's full responsibility to clear and deliver. However, the procuring entity will facilitate tax exemption letters.

Q. You have stated the brochures should state the country of origin. Kindly note that brochures do not normally state country of origin. Please confirm whether manufacturer authorization is sufficient for determining the country of origin as it states the location of the manufacturing factory.

A. The brochure must be detailed and have the manufacturer's name, country of origin, physical address and website. Manufacturer's Authorization is not sufficient on its own. Therefore, there should be a link between the Manufacturer's Authorization, Quality Certificate and the Brochure/s submitted.

Q. Functional Guarantees - please explain what the functional guarantees in page 37 are and Guarantee Test - please explain what are the guarantee tests to be conducted on the equipment that we will supply (LCMS).

A. **Guarantee Test** means the simultaneous seventy-two (72) hour tests that supplier is required to perform to determine whether the LC-MS equipment has achieved the Minimum Acceptance Criteria and the Performance Guarantees, and includes any Guarantee Test Repetitions. This will be applicable at contract stage, during installation.

**Q. Mass Analyzer
b) Flow Sprayer**



“The MS should employ an orthogonal angle flow sprayer” This is instrument (manufacturer) specific,- can other manufacturers offer alternative for flow sprayer (source) showing techniques that ensures only little spray reaches the Ms and the rest are diverted to waste.

A. The specifications stated orthogonal spray configuration because this has been demonstrated to enhance the efficiency of analyte detection and mass analysis, mainly by reducing vapor and effluent in the vacuum system, hence concomitant noise. It was not intended to be manufacturer specific. It will therefore be upon the concerned to demonstrate that what they offer can equal or better the efficiency we envision with this configuration.

Q. HPLC - Do you require Quaternary or Binary pump or decide what to offer?

A. The specifications state either a quaternary or binary pump, as long as the other specifications are met.

TENDER NO: TENDER NO: GF ATM TB (RSSH) NFM 2022/2023- OIT 004
SUPPLY & INSTALLATION OF ICT EQUIPMENT

Q. Whether we are to visit each and every site

A. Bidders are required to visit all the sites.

Q. Site Visit forms. Can we have copies for different locations?

A. The form (Laboratory Network Scope of Work) is available in the tender document and one can make copies for difference locations.

Q. If my company is already prequalified, do we have to go through the post qualification process?

A. Yes. Post qualification is a mandatory requirement.

Q. Please confirm item 1 pg. 76, SMS Notification if it falls under LOT 3

A. No, it does not fall under Lot 3. It is an item on its own.

Q. Please will LOT 1 be awarded to one bidder to cover all the sites considering the geographical distribution.

A. Yes, Lot 1 will be awarded to the successful evaluated bidder.

Q. We are asking if we can only quote for One Lot or we are supposed to quote for all the 3 Lots in the tender?

A. A Bidder can quote for One or more Lots.

Q. For item which is purely service, does one require to give MAF & ISO certificate?

A. For Items purely service we do not require a MAF or IS

Q. There are 18 switches but 2 of them have different specifications which site are they to be delivered to?

A. The 2 switches will be delivered to Kenyatta National Hospital (KNH)

Q. Generally, it is specified in the documents Cat 6 cable which has two categories Cat 6 & Cat 6a, which is recommended?

A. You are required to provide any category of Cat 6 cable that would work with the network equipment

Q. Pages 62 and 63 clauses 14 - 29. The clauses seem to refer to drugs/medical supplies as opposed to ICT. Kindly clarify whether applicable to this tender.

A. No, the clauses are not applicable to this tender.

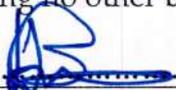
Q. Please clarify on quantities of Desktop + UPS in mentioned tender:

(i) Desktops + UPS - 144 pcs (price schedule for goods - Lot 3)

(ii) Desktops + UPS - 18 pcs (schedule of requirements)

A. The required Number of Desktops + UPS is 144 Pcs of each. Copy of revised schedule of requirements attached.

There being no other business the meeting ended at 11:30 am.

Signed:..........Dr. Justus Kinoti (Ph.D)

REVISED SCHEDULE OF REQUIREMENTS

Line Item No.	Description of Goods	Physical unit	Qty	Final (Project Site) Destination as specified in BDS	Pre-delivery sample to be submitted at KEMSA for & inspection	Delivery (as per Incoterms) Date	
						Latest Delivery Date (After Pre-delivery sample approval)	Bidder's offered Delivery date [to be provided by the bidder]
							<i>[insert the number of days following the date of effectiveness the Contract]</i>
1	Network Switch	Piece	18				
2	Network cabling	Piece	18				
3	Patients Dashboard Screen	Piece	18				
4	Server - 1	Piece	14				
10	Server - 2		1				
11	Server UPS	Piece	15				
12	Server voltage stabilizer	Piece	15				
13	Desktops + UPS	Piece	144				
14	Instrument Integration Hardware	Piece	18				
15	Barcode Printer	Piece	18				
16	Result receipt printers	Piece	18				
17	SMS Notification	Piece	3,600,000				
18	Backup Server Modem	Piece	18				

