ESTABLISHMENT OF KENYA ADVANCED INSTITUTE OF SCIENCE AND TECHNOLOGY PROJECT(KEN 4)
TENDER NUMBER KAIST-KEN 4-001-2019-2020
RESPONSES TO BIDDERS QUESTIONS AND CLARIFICATIONS AS AT 9TH APRIL 2020

No.	Description	Questionnaire	Category	Response
1	[Exchange Rate] *Section II. Bid Data Sheet, ITB 15.1 Currencies of Bid and Payment* - The bid price shall be stated in US Dollars. *Section I. Instruction to Bidder 34.1 Conversion to Single Currency* - * In the BDS, the specified exchange rate to be applied for evaluation shall be the exchange rate of telegraphic transfer selling rate notified by the KEB Hana Bank on the **last banking day of the very previous month from the issuing date of IFB**. (i.e. 28 Feb. 2020)	Q1) Shall the exchange rate of total price amount in the Letter of Price bid apply the **last banking day of the very previous month from the issuing date of IFB**? Q2) It is specified in the Bidding Document Volume I . Section III. Evaluation and Qualification Criteria 3.2.2 Number of similar work experience that the exchange rate of an average annual turnover applies last banking day of the very previous month from the issuing date of IFB. However, Section IV. Bidding Form FIN-2(a): Average Annual Turnover specifies the conversion to US Dollars at the rate of exchange at **the end of the period reported**. Please clarify the specific exchange rate.	ITB	- Please refer to ITB 34.1. - For the purpose of Evaluation of section III 3.2.2, the exchange rate shall be the telegraphic transfer selling rate notified by the KEB Hana Bank on the last banking day of the very previous month from the issuing date of IFB. For the purpose of Evaluation of average annual turnover [Form FIN-2(a)], the exchange rate shall be the telegraphic transfer selling rate by the KEB Hana Bank of the end of each year.
2	[Bid Validity] *Section II. Bid Data Sheet, ITB 18.1 Period of Validity of Bids* - The bid validity period shall be 180 days. *Section III. Evaluation and Qualification Criteria Form-2; SUBSTANTIVE RESPONSIVENESS OF BIDS* - No.5 Bid Validity (120 days)	Q1) Please clarify the specific Bid Validity period.	ITB	- The Bid Validity period shall be 180 days
3	**[Format and Signing of Bid]** *Invitation for Bids (IFB) No.11* - Tenderers shall submit **One Original** of all tender documents in plain sealed envelopes, ... *Section II Bid Data Sheet, ITB 20.1 Format and Signing of Bid* - Bidders shall submit its Technical and Price Bids Separately For Technical Bids: Bidders shall submit One (1) original soft copy in PDF file (or MS-word) for all of TECHNICAL BID in non rewriteable CDs and/or Flash disks, and Five (5) Printed Copies For Price Bids: In addition, one (1) original soft copy in the form of PRICE BID (MS-excel, MS-word OR pdf file type) in non rewriteable CDs and/or Flash disks, and Five (5) Printed Copies	QI) Please clarify that the outer envelopes consist of One (1) Original and Five (5) Printed Copies with One (1) non rewriteable CDs and/or Flash disks. Q2) We understood that one bidding document includes Technical Bid envelope (one original and five copies) and Price Bid envelope (one original and five copies) separately. Is that right?	ITB	-The Bid shall comprise two envelopes submitted simultaneously, one called the Technical Bid containing the documents listed in ITB 11.2 and the other the Price Bid containing the documents listed in ITB 11.3, both envelopes enclosed together in an outer single envelope." - This is further explained in ITB "..These envelopes, the first containing the originals and the others containing copies, shall then be enclosed in one single envelope per set. If permitted in accordance with ITB 13.." We may need to review this to fewer copies. - Refer to ITB 21.1.
4	**[Audited Annual Report]** *Section II Bid Data Sheet, ITB 11.2(g) Documents Comprising the Bid* - 5) Audited Annual Report: Reports on the financial standing of each member of JV or Consortium such as profit and loss statements, balance sheets and auditor's reports for the past three years *Section III. Evaluation and Qualification Criteria 3.2.2 Number of similar work experience* - 6) For the purpose of evaluation of the proposals, the Bidder shall submit following documents. Standard Financial Statement for the last three years (2016, 2017, 2018) issued by National Tax Service	Q1) Please clarify that the Bidder should prepare both the Audited Annual Report and the Standard Financial Statement issued by National Tax Service.	ITB	- As Korean companies under certain size – profit of less than 50 billion KRW (roughly USD 41 million) and personnel fewer than 100 – are exempt from annual report auditing, such companies will submit the NTS financial statement certificate. - This requirement (whether audited annual report or NTS financial statement certificate) applies to each company comprising a consortium.

5	**[Kenya Local Procurement Act)** *Section V. Eligible Countries* - * All bidders must comply with the Kenya Local Procurement ACT	Q1) Please provide "Kenya Local Procurement Act" to the bidders.	ITB	Public procurement in Kenya is governed by the Public Procurement and Asset Disposal Act 2015. You may download both the original and revised versions (2015, 2016) on the Public Procurement and Regulation Authority (PPRA) website (http://ppra.go.ke/ppda/).
6	**[Order of Priority]**	Q1) In case of arising quantity difference between BOQ and drawings, please inform us the priority.	ITB	Refer to Section VII General Condition 1.5.
7	**[Extension plan]** *Specification Landscape Drawing No. LO1-001*	Q1) According to the landscape drawings, the faculty housing, student housing, and multi- use plaza were stipulated as the subject of future extension. Please inform that the above extension will be made.	Specification	It is site for future extension, but the drainage facilities, landscaping and trails should be reflected as in the drawings.
8	**[Guarantee period for Electric Motor]** *Specification 260011 1.6 PERIOD OF MAINTENANCE* - The guarantee period for all electric motors shall be 5 years	Q1) Does it mean that it does not guarantee on generators itself but only electric motors for the guarantee period of 5 years?	Specification	The warranty for all equipment is 24 months from the date of completion.
9	**[Defects Notification]** *Specification 260000 1.1 SCOPE.* - B. I . The supply and installation of all services, equipment, components, accessories and fittings required for the operation of the facility to the extent specified and detailed on the Drawings and Specifications including 400 days maintenance or as stipulated in the contract specification and all extended warranties after provisional handover *Specification 260000 1.22 SPARE PARTS* - A. General: 1. provide sufficient spare parts for all the electrical items included within the scope of works. Submit to the Engineer a list of all spare parts to be required for a further two years operation from the date of issue of the Maintenance Certificate - G. Emergency Generating Sets: 1. complete itemized list of different spares to be included and priced by the tenderers. For emergency generator, furnish by the generator supplier to maintain it for two years. *Specification 260011 (STANDBY DIESEL GENERATOR SET)* *1.2 DESCRIPTION OF WORK* - A. The Contractor shall supply, install, commission, test and handover in good	Q1) How long is the Defects Notification Period?	Specification	- Refer to Section VIII. Particular Conditions 1.1.3.7.
10	**[Mobilization Payment]** *Section VIII. Particular Conditions (PC)* - 2. Ten Percent (10) of the accepted contract price shall be paid to the contractor upon presentation of (a) Project site office rent contract (b) Physical relocation of Project Manager Presentation reviewed and delivery plan on imported goods and equipment	QI) (a) In case of building construction project, the project office is located in the Project Site. Therefore, rent contract for project site office will not be made. Please guide us to clarify this point. Q2) (b) It can be understood that (1) when the mobilization plan includes imported goods and equipment reviewed at the Project Manager Presentation. (2) when the goods and equipment delivered at project site which were reviewed at the Project Manager Presentation during the mobilization period. To clear up the ambiguity we cordially request you the specific explanations.	ITB	- 10% of the accepted contract price shall be paid to the contractor upon presentation of (a) Project site office rent contract and/or Employer's approval on the readiness of the project office on the site. (b) Physical relocation of the project manager as well as the delivery plan on imported goods and equipment by the contractor.
11	**[COVID-19]**	Q**1)** Recently (March 15), Kenyan government began to ban entry to all those people who came from nations where COVID-19 had been reported. This is imposing substantial constraint on the preparation for bid submission. Detailed analysis of site status and local market survey are absolutely necessary for setting up the optimized plan as well as meeting the required construction period. Given this situation, your due consideration on the bid's extension would be highly appreciated.	ITB	The Employer does not intend to issue extension of bid submission date. This is because of the strict project delivery timelines we are all operating in. Bidders are encouraged to work within the timelines provided in the bid. The current deadline will be maintained but measures to facilitate bid submission will be taken including bid submission in Korean locations. More detail will be announced through an addendum.

12	**[Section II. BDS 11.2 (g) p.36]** The bidder shall submit with its Technical Bid the following additional document; 11) Project Management Organization with the curriculum vitae of key personnel of the Bidder for the proposed for administration and execution of the contract, both on and off site	According to EQC 2.5 personnel, bidder is already supposed to provide details of the proposed personnel using Form PER-1 and Form PER-2 . However, it is mentioned that bidder shall submit the curriculum vitae of key personnel both on and off site at BDS 11 .2(g). Then, should bidder provide curriculum vitae of additional key personnel which is not mentioned at required position in EQC 2.5?	ITB	- Bidders shall submit details of the proposed personnel using Forms PER-1 and PER-2. - Bidders are encouraged to provide brief CVs of personnel for administration and execution of the contract.
13	**[Section II. BDS 18.1 p.37]** The bid validity period shall be 180 days. **[Section III. EQC iv.1.6 p.44]** Form-2 : Sustantiative responsiveness of bids No. 5 Bid validity (120 days)	Regarding the bid validity period, there is discrepancy. Which one is correct?	ITB	The Bid Validity period shall be 180 days, and the validity date shall be stipulated.
14	**[Section III. EQC iv.1.6 p.44]** Form-2 : Sustantiative responsiveness of bids No. 8 Terms of Payment (b) Retention Money (5%) **[Section VII. Part A Contract Data p.262 Contract Price and Payment (GCC 14)]** 4. Payment of contract price for works 2) Ten percent (10%) of the contract price shall be paid to the contractor upon the presentation of ....c) retention security issued by the reputable bank **[Section VII. Part A Contract Data p.262 Contract Price and Payment (GCC 14)]** 4. Payment of contract price for works 2) Ten percent (10%) of the contract price shall be paid to the contractor upon the presentation of ... b) taking over certificate issued by the employer c) retention security issued by the reputable bank	Regarding the limit of retention money, there is discrepancy. Shall the rate of retention money be 5% or 10% or the contract price? In addition, when the contractor present the retention security, shall the guaranteed amount of retention security be 5% of contract price?	ITB	-Section III. EQC iv.1.6 P44 Sustantive Responsiveness of Bids No. 8 Terms of Payment (b), Retention Money shall be 10% of the contract price. - The contractor shall present the retention security with an amount of 10% of the contract price.
15	**[Section VII. Part A Contract Data p.263 Payment of taxes, duties and levies]** All taxes, duties and levies imposed on goods and services in Republic of Kenya provided by the Contractor under the Loan Agreement for the implementation of the Project shall either be exempted or borne by the Borrower	1. Please clarify that "all taxes shall be exempted" is equally applied to sub-contractor and material suppliers in Republic of Kenya. 2. If sub-contractor and material suppliers in Republic of Kenya are not applied that all taxes shall be exempted , can the contractor be exempted input VAT from Government of Republic of Kenya? 3. Please clarify what kinds of taxes, duties and levies enumerated below will be exempted or borne by the Government of Republic of Kenya. 1) VAT 2) Custom Duty 3) Corporate Income Tax 4) Personal Income Tax 5) Withholding Tax 6) Remittance Tax 7) Other Tax(Stamp duty, etc.)	ITB	1. This applies to the contractor only upon aprroval for tax exemption by the National Treasury. For the sub contractors and material suppliers, the conttractor will have to make applications for tax exemption on their behalf for the specific sub contracts or materials applied for exemprion. Once approved, the tax exemption status will also apply to the suppliers and sub contractors. 2. Yes, this is possible but only after approval by the National Treasury 3. Tax exemption includes. VAT, Custom Duty, and other taxes as per. 4. With holding Tax, Corporate Income Tax, Personal and Remmittance tax are not exempted in the Republic of Kenya. NB: The succesful bidder will be required to apply for tax exemption at the National Treasury.
16	**[Section II. BDS 11.2(g) p.36]** The bidder shall submit with its Technical Bid the following additional document; 5) Audited Annual Report : reports on the financial standing of each member of JV or Consortium such as profit and loss statements, balance sheets and auditor's reports for the past three years	Should the bidder submit both audited annual report and standard financial statement by National Tax Service?	ITB	- Bidders shall submit theirs audited annual reports issued from Certified Accountants, and Standard Financial Statement issued from National Tax Service.

	[Section III. EQC 3.2.2 p.59] Note 6) For the purpose of evaluation of the proposals, the Bidder shall submit following documents. - Standard Financial Statement for the last three years issued by National Tax Service.			
17	**[BOQ_Civil]** 1. Earth work_Banking Soil Transport (L=30.0km) 7. Foundation Work_Banking Soil Transport (L=3km) Duration of construction, Contractor must transported Banking soil from out of site or permitted borrow pit such as Earth work & Foundation work	We have compared both of transportation length as below : -. Earth work Transportation Length : 30.0km -. Foundation Work Transportation Length : 3.0km Please clarify below questions 1. Which one is correct Length? 2. Employer will provide 2 number of borrow fit area? 3. Is the permit for soil mining handled by the employer? 4. Do items include soil material cost or not?	BOQ	- Earth work Transportation Length : 3.0km - Foundation Work Transportation Length : 3.0km 1. Transportation Length : 3.0km 2. The bidder must handle the supply and demand of imported soil (Imported soil is designed to be supplied and received within the Konza Technopolis area) 3. The permit for mining of soil must be handled by the bidder. 4. The cost of the soil material is not included (the price is included only for the cost of carrying in)
18		Please clarify the items as below should be included in BOQ or not. 1. Wheel washing facility 2. Temporary access road	BOQ	Considering the surrounding environment, it may not be necessary. But the issue is to check and follow Kenya's laws and regulations.
19	**[Invitation for Bids Section II. BDS p.3 (No.9)/p.37 (ITB 22.1)]** I) Bids must be delivered to the address below at or before 1200hrs on Friday 8th May, 2020. 2) The deadline for bid submission is: Friday 8th May 2020	Due to COVID-19, it is difficult to survey essential conditions preparing for this bid. Please extend bid submission date up to 29th May 2020, so that bidder can survey local condition more thoroughly and prepare more competitive proposal.	ITB	The Employer does not intend to issue extension of bid submission date. This is because of the strict project delivery timelines we are all operating in. Bidders are encouraged to work within the timelines provided in the bid. The current deadline will be maintained but measures to facilitate bid submission will be taken including bid submission in Korean locations. More detail will be announced through an addendum.
20	**[Section III. EQC 3 p.57 3.2 Detailed Criteria: 3.2.1 Technical solution]** D. Overall procurement plan of equipment supplies according to the construction progress as well as warranty & maintenance	Please clarify an exact range of "equipment supplies". Does it mean only educational and/or research equipment supplies?	Specification	It means only 'educational and/or research equipment' supplies.
21	**[Section IV. Works Requirements p.126 12. Certification of G-SEED]** Please refer to 12. Certification of G-SEED	G-SEED is Korea's green building certification system. It is not easy to apply to Kenya buildings because the evaluation agencies for G-SEED certification are located only in Korea.	ITB	'G-SEED Kenya' in consultation with the KOREA INSTITUTE of CIVIL ENGINEERING and BUILDING TECHNOLOGY. Evaluation standards have been established and Certification will be applied to domestic certificate in April.
22	**[Vol.II: 1. Architecture Drawings p.EA22-002, 003 W04, C06]** Specifying sound-absorbing board	Please clarify exact specification for boards.	Drawings	Sound absorbing material installed in the generator room (glasswool / glasscloth).
23	**[Vol.II: 1. Architecture Drawings p.EA32-001 Blue stone]** Exterior wall finish - Blue stone	Please supply specification of Blue Stone.	Drawings	1. Dimensions of Stone - Thickness: 25~30 mm - Elevation module height: 150 mm (including joints) 2. Fixing methods: cement based adhesive 3. Finishing : Joint grouting & weather proof sealant * Refer to Architectural specification_044313.16 for other
24	**[Vol.II: 1. Architecture Drawings p.HA32-101 Yellow stone]** Exterior wall finish - Yellow stone	Please supply specification of Yellow Stone.	Drawings	
25	**[Vol.II: 1. Architecture Drawings p.EA34-101 Specify water proofing]** Roof - Specify water proofing	Please clarify water proofing method in detail.	Drawings	Refer to Architectural specifications 071614 - CEMENT MORTAR MIXED LIQUID WATERPROOFING 071416 - COLD FLUID-APPLIED WATERPROOFING.
26	**[Vol.II: 1. Architecture Drawings p.EA34-101 THK 12.76 LAMINATED GLASS]** THK 12.76 LAMINATED GLASS	According to Specifications (Architecture, Structure) - Glazing(p088000-4) glass type, KCC LAMINATED GLASS 12.76T consists of 6CL+l.52PVB FILM +6CL. However, the calculation of 6CL+l.52PVB FILM +6CL becomes 13.57T. Which one is correct?	Drawings	13.52T is correct (6CL+l.52PVB FILM +6CL)
27	Scope of works	There is no drawings and BOQ items about Signage. Please clarify that Signage is who's scope of works.	ITB	Refer to architectural drawings, specifications and BOQs.
28	**[Vol.II: 1. Architecture Drawings p.EA64-101 Doorframe finish]** THK 1.2X150X60 STL./ELECTROSTATIC POWDER COATING (DESIGNATED COLOR)	Please clarify exact color for doorframe	Drawings	Inquired about the color of the internal window frame of the laboratory wall. This is an issue that cannot be determined now and should be considered in the future along with factors such as surrounding walls and ceilings.
29	**[Volume I.** **Section II. Bid Data Sheet** **C. Preparation of Bids** **ITB 11.2(g)]** 9) Documents as the evidence of the bidder' applied quality, safety, and environmental management system: ISO9001, ISO14001, and/or equivalent certificates if any;	- In case of the Certificate of ISO9001 / ISO14001, is it possible to submit the Certificate as one of the JV (or Consortium) member? (it is applicable C35All Partners Combined)	ITB	- Refer to ITB 11.2 (g) ISO 9001, ISO 14001, and / or equivalent certificates if any

30	**[Volume I.** **Section II. Bid Data Sheet** **C. Preparation of Bids** **ITB 11.2(g)]** 14) The evidence to establish the eligibility (country of origin declarations) of the equipment as a list of origin it offers to supply	- It is understood that the Declaration of Country of Origin for equipment to be supplied shall be submitted. However, there are no specific list which requires the declaration. Can we submit the Declaration of Country of Origin for listed equipment which requires the Manufacturer's Authorization on the page no. 53 to 54?	ITB	- Bidder are not required to submit the Declaration of Country of Origin at the bidding stage. But the Country of Origin will be required to submit to the Purchaser during the project execution.
31	**[Volume I.** **Section III. Evaluation and Qualification Criteria (Without Prequalification)** **Form-2; Substantive Responsiveness of Bids]** No. Requirement Ref. 8 Terms of Payment Section 8 (a) Advance Payment (20%) (b) Retention Money (5%) (c) Price Adjustment Section 1 ITB 14 9 Liquidated Damages Section 8 (a) Rate (0.03% per day) (b) Maximum Limit (5%) 10 Defect Liability Period Section 8 (12 months for Construction) (24 months for educational and/or research equipment) 11 Performance Security (10%) Section 1, ITB 40	- These evaluation criteria are considered to be included in the Terms of Conditions of the Contract (Section VIII. Particular Conditions) during Contract Negotiation, not for the Bidding Evaluation. How do we provide the information for these no.8 to no. 11 in our technical proposal? - (or) We don't need to provide this information in the technical proposal? Please clarify this matter.	ITB	- Bidders do not need to provide any information on No. 8,9,10 and 11 of Form-2 Substantive Responsiveness of Bids. - However, as a part of bidding documents, we inform bidders through this clarification that bidders fully recognize those conditions (No. 8,9,10 and 11) once they submit theirs bids.
32	2.5 Personnel For Educational and/research equipment supply 3) Total Work Experience means professional activities for ERP system establishment and/or development(improvement) projects. 4) Total Work Experience means professional activities for Digital Library system establishment and/or development(improvement) projects. Between 3.2.3 Key Personnel For Educational and/research equipment supply 6) Similar Work Experience means professional activities relevant to establishment and/or dev elopment(improvement) of University ERP system. 7) Similar Work Experience means professional activities relevant to establishment and/or dev elopment(improvement) of University Digital Library.	1) ITB 2.5 and 3.2.3 are both for ERP and Digital library experts. However, the qualifications of the two items are different. Unification of the two conditions is necessary. 2) ERP and Digital library experts have to work in Bidder's company? Or Not (sub-supplier)	ITB	1) Criteria for 'Qualification' and 'Technical Bid Evaluation' is different. For the evaluation, only similar work experiences are counted. 2) ERP/Digital Library experts must hold a stable work status during this project based on some form of contract. The reason why ITB requires that these experts must "belong to" a bidder's company is to make sure that they provide stable services during the whole duration of the project, which is crucial for the quality of an end product.
33	Volume VI Bill of Quantity for Equipment Equipment List and Specification	1) Base on the your equipment specification between BOQ(Excel file) Specification No & name. 2)Some item number and name are different between the specification BOQ sheet (Excel file), and some numbers are missing from the order. 3)Some number are duplicated on BOQ sheet. (K222, 223, 231, 245, 259, 320, 322, 323, 325, 326)	ITB	Revised BOQ sheet and specifications will be posted till April 16 (Thu).
34	Volume VI Bill of Quantity for Equipment Equipment List and Specification	1) Among the specification of many items, "Power Manager AI(4P)" is included in the Accessory column. Please explain the detailed description of the content.	ITB	Distributors of the equipment will give you the detailed description of the accessory when you ask for the quotation of the equipment.
35	Section VI. Works Requirements 13.Establishment of University ERP System	1)I would like to know that accurate information about the number of users. - Student : 00 - Professor (staff) : 00 - Total : 00	ITB	- Students : ~360 - Faculty & staff) : ~130 - Total : ~500

Clarification Requests from the Pre-bid Meeting (02.04.2020)

P1	**[Section VIII/Part A Performance Security]**	Bidders wondered if a counter guarantee would be necessary.	ITB	A counter guarantee is required from a reputable Kenyan bank.
P2		Bidders asked if they would be disqualified in case they provide cost estimation conditional on particular assumptions given the near impossibility to make a site visit.		Bidders are encouiraged to be as accurate as possible in their cost estimation. Incase of discrepancies the bidder will bear the responsibility of his estimations.
P3	**p. 2** : Net Profit * Bidder's net profit for the last three years [2016,2017,2018] shall be positive respectively **Section III/2.31 p. 47** : Net Worth * Each Partner's net worth for the 2016 to 2018 shall be positive respectively.	Bidders pointed out inconsistency between net profit and net worth for the proof of the financial status.	ITB	Bidders for this project are required to submit both types of proof (net profit & net worth).
P4	**[Form-1/1.5, p.42]**	Some bidders wondered how the tax clearance certificate could be obtained for individual years, for the certificate typically shows the proof that all taxes have been paid up.	ITB	The tax clearance certificate should be current and valid within the period of bid. In case the certificate cannot be obtained for separate years, bidders can submit the tax clearance certificate issued from the issuing date of ITB to the deadline for bid submission (i.e., March 10th ~ May 8th or for valid for year 2020)
P5		Some bidders wondered if CAD drawings would be available.	Drawings	CAD files will not be shared at this point. However, they will be available to the successful bidder upon contract signing.
P6		There was a concern that all proper infrastructure (electricity, water supply, etc.) would be ready by the ground-breaking.		The successful bidder must make his own arrangements/plans/payments for utilities; Electricity, Water supply etc just like other contractors working on site.
P7	**[Section II/11.2(g) 7), p.35]** Bidders for supply of educational and/or research equipment shall submit warranty certificates of main equipment and ERP system.	There was a question about warranty certificates could be submitted during the bidding stage, for they are obtained once the project is over.	ITB	Bidders will then submit the Warranty Plan (Maintenance Plan) in the Technical Proposal instead of the Warranty Certificate at the bidding stage.
P8	**[Section III/1.5, p. 41]** ii. The unit bid price to correspond to the total quantity required by the Purchaser	There was a request to clarify the quantifiable deviations	ITB	This means that the bidder's quantity will be adjusted to the Purchaser's quantity so that the total bid price is recalculated by multiplying the offered unit bid price by corresponding total quantity required by the Purchaser.