



REPUBLIC OF KENYA
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When Replying Please Quote

Ref: TNT/IOT/001/2021-2022 (15)

THE NATIONAL TREASURY

P.O. BOX 30007 – 00100

NAIROBI

2nd September, 2021

To: All Bidders

REF: TENDER FOR DESIGN, DEVELOPMENT/ CUSTOMIZATION, SUPPLY, INSTALLATION AND MAINTENANCE OF AN ELECTRONIC GOVERNMENT PROCUREMENT (E-GP) SYSTEM FOR THE GOVERNMENT OF KENYA
TENDER NO. TNT/IOT/001/2021-2022: ADDENDUM I

The National Treasury has issued the following addendum to Tender for Design, Development/ Customization, Supply, Installation and Maintenance of an Electronic Government Procurement (e-GP) System for the Government of Kenya following a virtual pre - bid meeting held on Tuesday 24th August, 2021 at 10.00 a.m.

| S/No | Requested Clarifications | Clarification |
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| 1. | <p>We wish to humbly request for a consideration for extension of the submission date of the DESIGN, DEVELOPMENT/ CUSTOMIZATION, SUPPLY, INSTALLATION AND MAINTENANCE OF AN ELECTRONIC GOVERNMENT PROCUREMENT (E-GP) SYSTEM FOR THE GOVERNMENT OF KENYA TENDER NO. TNT/IOT/001/2021 – 2022</p> <p>With reference to the above Tender, as the submission due date is noticeably short, requesting your kind authority to extend the submission timeline by 10 days for preparing a comprehensive and quality proposal.</p> <p>The deadline for the submission of tenders is 9th September 2021, which is</p> | <p>The Tender shall has been extended.</p> <p>The Tender shall close on Thursday 16th September, 2021 at 11.00 a.m. Kenyan Time.</p> |

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| | <p>an extremely a short deadline for such an important contract. Please keep in mind, very indicatively, the following:</p> <ol style="list-style-type: none"> 1. The preparation of the tender is very complex. This is perhaps the most complex and demanding international open tender for a public e-Procurement system. We have to address in detail more than 500 requirements. 2. International tenderers need to select local partners and negotiate cooperation terms with them. 3. Depending on the partnership structure, tenderers have to issue tender security and administrative documents. 4. The analysis of the tender specifications will lead to many questions for clarification, which will be answered with a delay. <p>With all this in mind, could you please extend the deadline for the submission of tenders by at least 3 weeks? This will be in the interest of the government of Kenya, since it will allow tenderers to optimize their offering.</p> <p>The time given for bidding is too short and we request that an extension of at least 2 weeks is availed given the complexity of the project.</p> <p>We would like to request that after the addendum has been issued, please allow at least 3 weeks extension to allow for taking the same into account and further clarifications if need be.</p> <p>Please bear in mind that owing to the Covid Pandemic , there are severe time</p> | |

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| | <p>constraints in terms of submitting the hard and soft copy of the tender submissions and therefore more time is required for sending by courier.</p> <p>Given the work from home situation and bringing all teams together to prepare the bid, we are requesting for a 3 weeks extension to 30th September, 2021</p> | |
| 2. | <p>A Mandatory virtual Pre-Tender Conference will be held on Tuesday 24th August, 2021 at 1600 Hours, Kenyan Time with interested tenderers</p> | <p>The Pre-Tender Conference meeting shall be Mandatory.</p> <p>The Pre-Bid Conference form Must be submitted for signature to the Head, Supply Chain Management Services, The National Treasury, Harambee Avenue, Treasury Building, 6th Floor, Room 619 via e-mail: procurement@treasury.go.ke which will be signed and returned via e-mail.</p> <p>See the attached Pre-Bid Conference form.</p> <p>This shall be issued to Tenderers who participated in the pre – bid meeting.</p> |
| 3. | <p>What is the approx. contract value estimated for eProcurement implementation?</p> <p>Kindly help us with the information for our process</p> <p>What is the estimated budget for this tender?</p> | <p>This shall not be provided since the objective of the tender is to ensure quality and cost is obtained by the Ministry</p> |
| 4. | <p>For the general experience of the firm, please reconfirm the minimum contract value for each IT project. As per Document it is given USD 1,500,000. In our opinion it is very high.</p> | <p>The National Treasury requires experienced firms who have handled IT projects of the same magnitude.</p> <p>The criteria shall not be changed.</p> |
| 5. | <p>For Specific Experience of the firm, please reconfirm the minimum contract value for the eProcurement system contract which the firm should have executed. As per Document it is given USD 2,000,000. In our opinion it is very high.</p> | <p>The National Treasury requires experienced firms who have handled eProcurement systems of the same magnitude.</p> <p>The criteria shall not be changed.</p> |
| 6. | <p>Average Annual Turnover has been</p> | <p>The National Treasury requires firms with</p> |

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| | asked for USD 10,000,000 per year for the last 3 years. | stable financial standings. The criteria shall not be changed. |
| 7. | <p>Wrong references in Section I Instruction to Tenderers (ITT) (pages 9 – 29/448)</p> <p>There are many references to wrong or non-existent Clauses in Section I, which make reading difficult. Please provide the correct references. Indicatively:</p> | |
| | Clause 10.3, reference to ITT 24.2 | Clause 10.3, reference to ITT 25.2 |
| | Clause 19.4, reference to ITT 31.3 | Clause 19.4, reference to ITT 32.2 |
| | Clause 36.3, reference to ITT 34.4 | Clause 36.3, reference to ITT 36.4 |
| | Clause 37.6.a), reference to ITT 14.4 | Clause 37.6.a), reference to ITT 40.1 a) |
| | Clause 37.6.b), reference to ITT 33 | Clause 37.6.b), reference to ITT 35.1 |
| | Clause 37.6.c), reference to ITT 31.3 | Clause 37.6.c), reference to ITT 40.1 b) |
| | Clause 39.3, reference to ITT 13 | Clause 39.3, reference to ITT 15.4 |
| | Clause 39.4, reference to ITT 35.2 | Clause 39.4, reference to ITT 37.5 |
| | Clause 40.1.a), reference to ITT 26.8 | Clause 40.1.a), reference to ITT 37.6.a) |
| | Clause 40.1.b), reference to ITT 31.3 | Clause 40.1.b), reference to ITT 37.6.c) |
| | Clause 40.2, reference to ITT 35.4 | Clause 40.2, reference to ITT 34.2 |
| | Clause 41.1, reference to ITT 35.6 | Clause 41.1, reference to ITT 40.2 |
| | Clause 51.1, reference to ITT 44.1 | Clause 51.1, reference to ITT 49.1 |
| | Clause 52.4, reference to ITT 47.2 | Clause 52.4, reference to ITT 52.1 |
| | Clause 53.1, reference to ITT 38.2 (b) | Clause 53.1, reference to ITT 51.1 |
| 8. | <p>Section I Instruction to Tenderers (ITT) – Sourcing to national suppliers and contractors (page 11/448)</p> <p>In clause 4.10 it is stated that “<i>Foreign tenderers are required to source at least forty (40%) of their contract inputs (in supplies, subcontracts and labor) from national suppliers and contractors ... Information required to enable the Procuring Entity to determine if this condition is met shall be provided ... in “SECTION III – EVALUATION AND QUALIFICATION CRITERIA, Item 9”.</i></p> <p>Item 9 of Section III related to comparison of combined technical and financial scores, which is non-relevant. What is the correct item?</p> <p>To avoid any misunderstanding, please</p> | <p>Refer to the Tender Data Sheet ITT 36.2 page 34 of the Tender Document</p> <p>Refer to item 7 page 49 of the Tender Document</p> |

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| | provide unambiguous guidelines about how the 40% sourcing to national suppliers and contractors is calculated. Please consider in particular the following scenario: A foreign tenderer subcontracts 40% to a Kenyan company with 51% ownership by Kenyan nationals. Is such a tender acceptable, considering that $40 \times 0.51 = 20.4\%$ of the budget goes to Kenyan nationals? | |
| 9. | Section I Instruction to Tenderers (ITT) – meaning of the term provisional sum (page 11/448) In clause 4.11 it is stated that “The JV shall not subcontract to foreign firms more than 10 percent of the contract price, excluding provisional sums.” Please explain the meaning of the term “provisional sum”. | Provisional sums are estimated cost of specialized services to be carried out, or of special goods to be supplied, by other Service Providers which should be indicated in the relevant part of the Activity Schedule as a particular provisional sum with an appropriate brief description. This shall NOT be Applicable |
| 10. | Section I Instruction to Tenderers (ITT) - Tender security (page 18/448) Is there a possibility to transfer cash instead of a bank guarantee, as stated in Clause 22.3? If yes, please provide a bank account. | Cash transfers shall not be accepted. Submit a Bank Guarantee as indicated in the Tender Data Sheet ITT 22.1 page 32 and item 5 page 38 of the Tender Document. |
| 11. | Section II – Tender Data Sheet (TDS) - Request for copy of contracts (page 31/448) In ITT 13.1 (k), point 5. Copy of contract is requested. A standard term in almost every contract of public procuring entities is related to confidentiality. Entire contracts constitute confidential information. This is also the case with GCC article 18. Confidential Information. Please waive the obligation to provide copies of contracts. Should this obligation remain, then please accept only the cover page of the contract and the page with dates and signatures. | Kindly submit the entire contract document. The National Treasury shall ensure confidentiality of such information in accordance with ITT 29 page 22 of the Tender Document and Section 67 of the Public Procurement and Asset Disposal Act, 2015. |
| 12. | Section II – Tender Data Sheet (TDS) – Audited financial statements (page | Tenderers shall be required to submit Audited Financial Statement for the last |

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| | <p>31/448)</p> <p>In ITT 13.1 (k), point 7. Audited financial statements for last three years i.e. 2018, 2019 and 2020 are requested. In some countries, the deadline for the presentation of audited financial statements for the previous year (2020 in our case) is 30th of September of the current year or even beyond. If this happens, please accept audited financial statements of 2017, 2018 and 2019 and, possibly, the obligation to present statements of 2020 as soon as available.</p> | <p>three (3) years i.e. 2017, 2018 and 2019.</p> |
| 13. | <p>Section II – Tender Data Sheet (TDS) – Notarized Power of Attorney (pages 33/448 and 37/448)</p> <p>In ITT 23.3 a “<i>Notarized Power of Attorney/Commissioner of Oaths</i>” is requested. Instead of a notarized Power of Attorney, in some countries, a confirmation of the authenticity of signature by a duly authorized public authority is sufficient. We understand that no notarized power of attorney is required in such cases, at least as regards the signature of legal representatives of foreign companies.</p> <p>The same question applies to the note at the bottom of page 37/448: “<i>All copies that require certification SHALL be certified by an Advocate and Commissioner for Oaths, High Court of Kenya or Notary Public in corresponding country.</i>”</p> <p>Please confirm or clarify.</p> | <p>All copies that require certification SHALL be certified by an Advocate and Commissioner for Oaths, High Court of Kenya or Notary Public in corresponding country as per page 37 of the Tender Document.</p> |
| 14. | <p>Section II – Tender Data Sheet (TDS) – ITT 33.3 (page 34/448)</p> <p>The text next to this article starts with “<i>The adjustment shall Not Applicable based on the price ...</i>” We understand this this should be read “<i>The adjustment shall be based ...</i>”</p> <p>Please clarify whether our understanding is correct or whether the entire ITT 33.3 is not applicable.</p> | <p>The adjustment shall Not be Applicable based on the price of the item or component as quoted in other substantially responsive Tenders. If the price of the item or component cannot be derived from the price of other substantially responsive Tenders, the Procuring Entity shall use its best estimate. If the missing Goods and Services are a scored technical feature, the relevant score</p> |

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| | | will be set at zero. |
| 15. | <p>Section II – Tender Data Sheet (TDS) – Margin of preference (pages 34-35/448)</p> <p>In article ITT 36.2 margins of preferences equal to 10%, 8% and 6% apply where the percentage of shareholding of Kenyan citizens is more than 50%, 20-50% and 5-20%, respectively.</p> <p>On the other hand, according to ITT 4.10 (page 11/448) and ITT 44.6 (page 27/448) 40% should be sourced from national suppliers and contractors. Assuming that 40% is subcontracted to a Kenyan company owned by Kenyan nationals at 51%, then our understanding is that the minimum amount of the price that may go to Kenyan nationals is $40 \times 0,51 = 20,4\%$.</p> <ol style="list-style-type: none"> 1. Please explain under which circumstances a margin of reference of 6% may apply (shareholding of Kenyan citizens at 5 – 20%). In particular, is it acceptable to source less than 40% (even 0%) from a national supplier or contractor in derogation of ITT 4.10 and ITT 44.6? 2. In point (2) of the same article it is stated that <i>“For foreign companies to benefit from the margin of preference of 10% they MUST enter into a joint venture (JV) agreement or subcontracting arrangements, with a firm that is registered in Kenya and where Kenyan citizens have majority shares...”</i> What about the 6% and 8% margin of preferences? Could these be applied if a foreign company does not involve a Kenyan firm and involves only Kenyan nationals? <p>We kindly ask you to provide an answer to the following, additional</p> | <p>Refer to the Tender Data Sheet ITT 36.2 page 34 of the Tender Document</p> <p>Refer to item 7 page 49 of the Tender Document</p> |

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| | <p>question:</p> <p>We refer to points 4.10 and 4.6 of the Instructions to Tenderers (pages 11 and 27, respectively). In these points tenderers are required to assign 40% of the contract to national suppliers and contractors. On the other hand, the objective of this contract is to deliver a mature, Commercial-Off-The-Shelf (COTS) product. In addition, the contract concerns mainly the delivery and maintenance of a very specialised software, so it is very difficult to assign 40% of the work to a local company. Could you please confirm that under the circumstances tenderers are allowed to assign at their discretion less than 40% to local suppliers and contractors?</p> | |
| 16. | <p>Section III – Evaluation and Qualification Criteria – certified copies (page 38/448)</p> <p>“Certified copies” of several documents are requested. We understand that where such documents may be obtained from official, governmental websites, no certified copies are required, provided that pertinent URLs are provided. Please confirm or clarify.</p> | <p>All copies that require certification SHALL be certified by an Advocate and Commissioner for Oaths, High Court of Kenya or Notary Public in corresponding country as per page 37 of the Tender Document.</p> <p>Hard Copies MUST be submitted</p> |
| 17. | <p>Section III – Evaluation and Qualification Criteria – Joint Venture Agreement (page 39/448)</p> <p>In item 14 it is stated: “<i>For Joint Venture, provide a Joint Venture Agreement (Teaming Agreement) which clearly defines the roles and responsibilities of each party in the Joint Venture for the assignment (foreign firms teaming up with the locals will be earn 10% margin of preference)</i>”</p> <p><i>NB: only applicable for Joint Venture arrangement</i></p> <p>1. We understand that subcontracting to a local supplier and not a Joint Venture is also acceptable in order for a tender to be acceptable. This</p> | <p>Bidders are allowed to;</p> <ul style="list-style-type: none"> a. Submit the Tender as one Tenderer b. Submit the Tender as a Joint Venture, either jointly with a Kenyan Firm or with a foreign firm. c. Submit the Tender as one Tenderer but subcontract specific services. <p>Foreign Tenderer who submit the tender as Joint Venture with a local firm shall earn 10% margin of preference.</p> |

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| | <p>is allowable as per clauses ITT 4.10 and ITT 44.6. Please confirm or clarify.</p> <p>2. How should we interpret the phrase "<i>NB: only applicable for Joint Venture arrangement</i>"? Does this mean that the 10% margin of preference applies only in the case of a Joint Venture and not in the case of subcontracting?</p> | |
| 18. | <p>Section III – Evaluation and Qualification Criteria – a) Firm Capability point 9d) (page 46/448)</p> <p>In point 9d several certificates as regards the Quality Assurance Expert are listed (CSTE, CSQA, CAST, CMSQ), however ISTQB, the most common certification for qualified testers is missing. Please include ISTQB within acceptable certifications.</p> | <p>Personnel degree or certificate should be related or equivalent to the ones provided in the bid document for the Technical Team</p> |
| 19. | <p>Section III – Evaluation and Qualification Criteria – additional criteria (page 49/448)</p> <p>At the top of the page it is stated that "<i>Price evaluation: in addition to the criteria listed in ITT 35.5 (a)–(e) the following criteria shall apply:</i>"</p> <p>There are is only a term 35.1, which refers to conversion to simple currency, so obviously irrelevant. Please specify the correct references to ITT.</p> | <p>Refer to ITT 37.6 (a)–(d)</p> |
| 20. | <p>Section III – Evaluation and Qualification Criteria – 5 Financial Evaluation – Recurrent Costs (page 49/448)</p> <p>In item iv) Recurrent Costs it is stated: "since the operation and maintenance of the system being procured form a major part of the implementation, the resulting recurrent costs will be evaluated according to the principles given here after, including the cost of recurrent cost items for the initial period of operation stated below, based on prices furnished by each Tenderer in Price Schedule Nos. 3.3</p> | <p>Section III – Evaluation and Qualification Criteria – 5 Financial Evaluation – Recurrent Costs (page 49/448)</p> <p>The Bid document is revised to read;</p> <p>Recurrent Costs - since the operation and maintenance of the system being procured form a major part of the implementation, the resulting recurrent costs will be evaluated according to the principles given here after, including the cost of recurrent cost items for the initial period of operation stated below, based on prices furnished by each Tenderer in Price</p> |

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| | <p>and 3.5.”</p> <ol style="list-style-type: none"> 1. Price schedule No 3.3 says “Any Other Cost” and No. 3.5 does not exist. Please provide correct references to the Price Schedule. 2. Please explain the term “initial period of operation stated below”. We could not find any reference to this term in the entire document of 448 pages. | <p>Schedule Nos. 3. The recurrent cost factors for calculation of the implementation schedule are: Applicable</p> <ol style="list-style-type: none"> i) Software licenses and updates ii) Annual maintenance cost iii) Other services (if any). |
| 21. | <p>Section III – Evaluation and Qualification Criteria – point 7.4 (page 50/448)</p> <p><i>In point 7.4 it is stated: “... If a tender from Group B is the lowest, an amount equal to the percentage indicated in Item 3.1 of the respective tender price, including unconditional discounts and excluding provisional sums and the cost of day works, if any, shall be added to the evaluated price offered in each tender from Group B. All tenders shall then be compared using new prices with added prices to Group Band the lowest evaluated tender from Group A. If the tender from Group A is still the lowest tender, it shall be selected for award. If not, the lowest evaluated tender from Group B based on the first evaluation price shall be selected.”</i></p> <ol style="list-style-type: none"> 1. Please specify unambiguously what item 3.1 of the tender price is. Do you refer to the Price Schedule Forms? There, item 3.1 is software subscription licenses. Is this item 3.1? 2. It seems that the above text of point 7.4 applies to a lowest price tender. Please clarify whether a tender will be selected for award by applying the above article 7.4 or after application of the combined technical and financial scores (point 9, page 51/448). | <p>Refer to bid document TDS ITT 46.1 Page 35:</p> <p>The award will be made on the basis of the highest combined scores (technical Score and financial Score), in accordance with Section III, Evaluation and Qualification Criteria.</p> |
| 22. | <p>Section IV – Tendering Forms – MS Word versions (pages 55-90/448)</p> | <p>Make reference to: http://ppra.go.ke/standard-tender- </p> |

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| | <p>Please provide MS Word version of all the tendering forms. The submission deadline is extremely short and reproducing these forms in Word is an immensely tenuous task.</p> <p>Tendering forms</p> <p>Please provide all the forms to be completed in WORD FORMAT to enable completion, and for the sake of convenience as it is difficult to convert the pdf files into word.</p> | <p><u>documents/</u></p> <p>Doc 10 Procurement of information and Technology</p> |
| 23. | <p>Section IV – Tendering Forms – Form of tender (page 56 of 448)</p> <p>Next to the “<i>Name of the Tenderer</i>” it is instructed to “<i>Insert complete name of person signing the Tender</i>”. We understand that the Name of the Tenderer is the name of the company submitting the tender (of the lead company of the joint venture) and not the name of the person signing the tender, which is specified at the end of the form by name and title. Please confirm or clarify.</p> | <p>Name of the person signing the Tender: <i>*[insert complete name of person signing the Tender]</i></p> |
| 24. | <p>Section IV – Tendering Forms – Confidential Business Questionnaire (page 58/448)</p> <p>Point 9 of this questionnaire concerns the “<i>Maximum value of business which the Tenderer handles</i>”. We are not quite sure what this means. Is this the annual turnover or the biggest contract of the Tenderer in terms of value?</p> | <p>The Tenderer is requested to provide the value of the contract and/or business they are able to handle and not the turnover.</p> |
| 25. | <p>Section IV – Tendering Forms – 2. Supply and Installation Cost Summary Table (page 69/448)</p> <p>A quantity of 12 is requested as regards iii) Operating system. We understand that the hardware (servers, networking, racks, data center) will be provided by the Procuring Entity. Please confirm or clarify.</p> <p>Please provide details of the server equipment that the Procuring Entity will make available: number of servers,</p> | <p>The client shall provide a virtualized infrastructure for the installation of e-GP system.</p> <p>The client will make available the following equipment (inclusive of their licenses):</p> <ul style="list-style-type: none"> • Nodes in virtualized environment (scalable RAM and processor Cores) • SAN storage • NAS |

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| | number of cores and size of memory of each server. Is server virtualization envisaged and does the procuring Entity own the respective software licenses of virtualization software? | <ul style="list-style-type: none"> • Backup |
| 26. | <p>Section IV – Tendering Forms – Recurrent Cost sub-table – Warranty Period (page 72/448)</p> <p>According to GCC 29.4 the warranty period is 36 months (3 years).</p> <p>According to the Recurrent Cost sub-table, the price for items 1.1 – 1.5 are included in warranty during Y1 (we assume year 1).</p> <p>When does Y1 start?</p> <ol style="list-style-type: none"> a) Right after signature of the contract? b) After the 18 months from contract start (the maximum duration for the delivery of both phases)? c) After Go Live of Phase I? d) After Go Live of Phase II? e) 24 months after operational acceptance? f) 36 months after operational acceptance? g) If none of the above, please specify in clear terms when Y1 starts. <p>We understand that Y2 and Y3 are a period of 1 year each after Y1. Please confirm or clarify</p> | <p>Refer to the SCC 29.4 on the warranty period – Bid Document.</p> <p>Year 1 (Y1) starts right after Effective date of the contract. (includes development, implementation, piloting operation acceptance and warranty period of Phase I, and development of Phase II)</p> <p>Year 2 (Y2)</p> <p>Phase I activities:</p> <ul style="list-style-type: none"> • Full first year annual support and maintenance for Phase I <p>Phase II</p> <ul style="list-style-type: none"> • Six (6) months warranty • Six (6) months annual support and maintenance <p>Year 3 (Y3) starts at the end of first year annual support and maintenance of the e-GP system. Includes a full Second year annual support and maintenance of e-GP system.</p> <p>Attached see the revised <i>(5. Recurrent Cost Sub-Table [insert: identifying number] –Warranty Period) – page 72 of 448</i></p> |
| 27. | <p>GCC 29.4 Page 297</p> <p>Warranty period for both Phase I and Phase II shall be 180 days</p> | Refer to the response for number No 26. above |
| 28. | <p>Section IV – Tendering Forms – Recurrent Cost sub-table – Item 2 (page 72/448)</p> <p>Item 2. Annual support and Maintenance (after warranty period) is very confusing. First of all, table 5 of the financial tables concerns costs</p> | Refer to the response for number No 26. above |

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| | <p>arising during the warranty period. Please explain in clear terms is the meaning of the phrase "after warranty period". Do you mean the warranty period of 36 months after operational acceptance or another warranty period whose definition is not explained in the text?</p> | |
| 29. | <p>Section IV – Tendering Forms – Recurrent Cost sub-table – Item 2.1 (page 72/448)</p> <p>Is the "<i>warranty period of 180 days for Phase I</i>" something entirely different than the warranty period according to GCC 29.4?</p> <p>When does the "<i>warranty period of 180 days for Phase I</i>" start?</p> <ol style="list-style-type: none"> Right after the Go Live of Phase I? After lapse of the 9 months after Go Live (piloting period as in the table of page 250/448)? If none of the above, please specify in clear terms when the "<i>warranty period of 180 days for Phase I</i>" starts <p>Only one cell is free to enter a price for the "<i>First year after warranty period of 180 days for Phase I</i>". Where should we enter the prices for the next years?</p> | <p>The SCC 29.4 overrides the GCC 29.4</p> <p>Refer to the response for number No 26. above</p> |
| 30. | <p>Section IV – Tendering Forms – Recurrent Cost sub-table – Item 2.2 (page 72/448)</p> <p>Is the "<i>warranty period of 180 days for Phase II</i>" something entirely different than the warranty period according to GCC 29.4?</p> <p>When does the "<i>warranty period of 180 days for Phase II</i>" start?</p> <ol style="list-style-type: none"> Right after the Go Live of Phase II? After lapse of the 6 months after Go Live (roll out period as in the table of page 250/448)? If none of the above, please specify in clear terms when the "<i>warranty</i>" | <p>Refer to the response for number No 26. above</p> |

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| | <p><i>period of 180 days for Phase II</i> starts</p> <p>Two cells are free to enter prices for the <i>"Second year after warranty period of 180 days for Phase II"</i>. Which period is covered in the first and which period is covered in the second cell?</p> | |
| 31. | <p>Section IV – Tendering Forms – Recurrent Cost Summary Table (page 70/448)</p> <p>We understand that item 1 is the sum of the entries under Y2 and Y3 of items 1.1 – 1.5 as in table 5. Recurrent cost sub-table. Please confirm or else clarify what price should be entered in item 1.</p> <p>Please clarify what is the relation of item 2 to items 2.1 and 2.2 of table 5. Recurrent cost sub-table. Our suggestion is to totally ignore items 2.1 and 2.2 and enter the annual price for annual support and maintenance. The beginning of the first year should be 36 months after operational acceptance.</p> | <p>Attached see the revised 3. Recurrent Cost Summary Table - page 70/448</p> |
| 32. | <p>Section IV – Tendering Forms – Recurrent Cost Summary Table – Total (Recurrent cost – To Grand Summary Table) (page 70/448)</p> <p>Considering that according to SCC (1. Definitions GCC Clause 1, page 292/448) the post-warranty services period is 24 months after the warranty period, we understand that in order to calculate the total we add item 1, 2 x item 2 (to account for the 24 months) and any other items. Please conform or clarify how the total should be calculated.</p> | <p>Refer to the response for number No 26. Above</p> <p>Refer to notes on the respective tables (Price Schedule 1, 3 and 5)</p> |
| 33. | <p>Section IV – Tendering Forms – 1. Foreign tenderers 40% Rule (page 75/448)</p> <p>Please explain how this rule is applied. Assume that the price of the contract is 100 mil shillings and services 40 mil. shillings are subcontracted to a company owned 51% by Kenyan nationals. Which of the 2 assertions as</p> | <p>Foreign Tenderer who submit the tender as Joint Venture with a local firm owned 51% by Kenyan nationals shall earn preference</p> |

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| | <p>below is valid?</p> <ol style="list-style-type: none"> 1. The 40% rule is fulfilled, since 40% of the contract value is subcontracted to a Kenyan company with at least 51% Kenyan ownership 2. The 40% rule is not fulfilled as $40 \times 0.51 = 20.4$ mil. shillings end up in the hands of Kenyan nationals. The Tenderer should prove that the remaining 19.6 mil. shillings should also be allocated in the hands of Kenyan nationals | |
| 34. | <p>Deliverables table and operational acceptance (page 250/448)</p> <p>With respect to the Deliverables plan as in page 250/448 could you please advise when the operational acceptance is expected to take place?</p> <p>Our assumption is that operational acceptance of either Phase I or II should take place before the Go-Live date. Please confirm or clarify.</p> | Refer to bid document GCC 27.3: which provides a clear process at what stage the Procuring Entity shall undertake Operational Acceptance |
| 35. | <p>Numbering of Clauses in Section VI – General Conditions of Contract</p> <p>Article numbers are in disagreement with clauses. For example, beneath 3. <i>Contract documents</i> is clause 2.1, and so on with all the articles.</p> | The numbering should start from 1, 2, 3 and so on in a chronological order. |
| 36. | <p>On page 40 you have stated the proposed database for e-GP System shall be based on open-source database in line with the National Communication Technology (ICT) Policy and Guidelines 2020. The policy states that "Where an open source alternative exists to proprietary software, the government shall choose the open source solution".</p> <p>Kindly clarify if is a must to offer open source database or only where an alternative exists.</p> | Tenderers to comply with the Mandatory General technical requirement No. 4 pg 40 of 448. <i>"The proposed database for e-GP System shall be based on open-source database in line with the National Information Communication Technology (ICT) Policy and Guidelines 2020, and the National ICT Standards, 2020"</i> . |
| 37. | The tender document is difficult to read, because there are many references to wrong or non-existent clauses. The | See attached the revised recurrent table |

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| | <p>price schedule forms are particularly difficult to understand and in some cases we have no clue (in particular the table on page 72/448). Please clarify</p> <p>please note that will be extremely difficult to prepare a tender of an acceptable quality, unless an extension is granted.</p> | |
| 38. | <p>Can you kindly arrange to provide copies of all the documentation mentioned in the tender document, including the following:</p> <ol style="list-style-type: none"> 1. Legal and Regulatory Requirements to be met by the Information System 2. The Information System MUST comply with the following laws and regulations but not limited to: <ol style="list-style-type: none"> a) Constitution of Kenya 2010. b) The Public Procurement and Asset Disposal Act (No. 33 of 2015) c) The Public Procurement and Asset Disposal Regulations, 2020 d) Data Protection Act, 2019 – Other international standards on data protection e) Computer Misuse and Cybercrimes Act, 2018 f) National Information Communication and Technology (ICT) Policy and Guidelines 2020 g) Public Finance Management Act 2012 h) Public Finance Management Regulations (the National and County Governments) 2015 i) Executive Order No 2 of 2018 j) Kenya Information and | <p>The documents may be downloaded from the following sites;</p> <p>http://ppra.go.ke/</p> <p>https://www.pfmr.go.ke/publications/bills-and-acts/</p> <p>http://kenyalaw.org</p> |

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| | Communications Act 1998 (rev 2012) k) National ICT standards 2016 (rev 2020) | |
| 39. | With regards to requirements with respect to Experience and Financial Strength, with JV, can all the members of the JV combined fulfill this criteria? | Yes |
| 40. | There have been previous similar tenders related to IFMIS .Can you provide the details of the previous contracts and what was entailed in terms of implementation, respectively. | This is a different tender is not related to IFMIS. |
| 41. | Can you please post the queries that have been raised by the bidders so far or share them here | Shall be posted as an addendum |
| 42. | <p>All Tenders must be accompanied by a Bid Security of Kenya Shillings Five Million Only (Kshs. 5,000,000.00) or United States Dollars Forty-Six Thousand Three Hundred Only (USD 46,300) from a reputable Bank valid for 30 days beyond the Tender Validity period.</p> <p>Can you not accept Bid Security by PPRA approved Insurance companies and alternatively by Letter of Credit since these are acceptable as per the Procurement Law.</p> <p>Please confirm if a Bid Bond from a reputable local insurance company from Republic of Kenya be acceptable as a valid security document in lieu of Bank Guarantee.</p> | The Bid Security shall be from a reputable Bank and not an insurance firm. |
| 43. | <p>Clarification to Clause 4.10 and 4.11 of ITT</p> <p>Please confirm if 51% shareholding by Kenyan Citizen(s) is mandatory to qualify as "Local Kenyan Entity" to bid directly.</p> <p>If the above is a requirement is mandatory, then:</p> | <p>Any Kenyan Firm with more than 51% shareholding shall be treated as a local firm and need not to comply with the 40% local content requirement.</p> <p>Any firm with less than 51% shareholding by Kenyan Citizen(s) shall be treated as foreign firms.</p> |

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| | <p>Please confirm if it is mandatory to outsource 40% work of Contract inputs to a Local Kenyan Entity?</p> <p>Please confirm if the Foreign Entity can appoint and Sub-Contract a "Local Kenyan Entity" to undertake and perform 40% of the total Contract Inputs as mentioned in Qualification form (Page No.75).</p> | <p>All interested firms are eligible to bid. No firm shall be rejected for not having less than 51% shareholding by Kenyan Citizen(s).</p> <p>The firm shall not earn any preference as indicated in the Tender Data Sheet ITT 36.2 page 34 of the Tender Document</p> <p>Refer to item 13 page 39 of the Tender Document</p> |
| 44. | If a company is bidding as a special purpose vehicle with a joint venture partner who meets all the qualifications especially on audited financial statements. will both parties be evaluated or only the lead tenderer. | Yes. Both parties shall be evaluated |
| 45. | <p>Page 42: Firm Capability</p> <p>The firm must have implemented at least four (4) IT projects systems for the last 10 years with a minimum contract value of USD1,500,000 each.</p> <p>Page 43: Specific Experience</p> <p>Experience in One (1) project involving design and development of e-procurement systems of similar nature, scope, and complexity for the last 10 years in the public sector with a minimum contract value of USD 2,000,000.</p> <p>Page 46: Average Annual Turnover (FORM 14 – FIN - 2)</p> <p>Turnover shall be greater or equal to Kshs. 1 billion or equivalent USD 10,000,000.00 per year for the last Three (3) years</p> <p>We are going with JV for this opportunity.</p> <p>Can you consider the combined</p> | Yes, the combined capability shall be considered in the evaluation. |

| S/No | Requested Clarifications | Clarification |
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| | <p>capability of all the JV Members with respect to-</p> <ol style="list-style-type: none"> 1. Firm Capability – 2. Specific Experience 3. Average Annual Turnover | |
| 46. | <p>In the tender, it's stated that all the document provided has to be "Original", We are wondering do you accept the scan-and-print documents that are signed, stamped or official notarized to be as the "Original". For my understanding, if not, we have to post the document here.</p> | <p>The documents must be posted to ensure that the Original documents are received before the tender closing date and time.</p> |
| 47. | <p>In ITT 4.10 and 44.6, It says at least 40% of the contract input has to be sourced from locally. I'm wondering, how it can realize in this particular tender. This is an IT product which I assume a soft good will be delivered. How could an international tender in this case source the input locally? May be can raise a few example</p> | <p>This will be taken care of;</p> <ol style="list-style-type: none"> a. By partnering with a local firm with 51% Kenyan citizen(s) ownership b. By ensuring that within your resources you employ Kenyans and citizens |
| 48. | <p>Page 53 2.3.2 Average Annual Turnover Minimum average annual turnover greater or equal to 2 times the Tender Price in Kenya Shillings equivalent, calculated as total certified payments received for contracts in progress or completed, within the last Three (3) years. Turnover shall be greater or equal to Kshs. 1 billion or equivalent USD 10,000,000.00 per year for the last Three (3) years Form FIN –2.3.2</p> <p>In case of Joint Venture, please confirm if this requirement is to be fulfilled by all the partners individually or will it be considered only for the lead bidder or for all the partners of the joint venture taken as combined annual average turnover? In our experience in doing projects of such nature and size the requirement of Turnover is too high and it should be in the range of USD 1,500,000.00 to USD 2,000,000.00.</p> | <p>Shall be considered for all the partners in a joint venture cumulatively.</p> |

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| | <p>Therefore, we request you to reduce it to USD 2,000,000.00</p> <p>Please clarify that, in case where bidder is a Joint Venture, the requirement of having executed a project of USD Two Million can be fulfilled by any one of the partners</p> | |
| 49. | <p>Page 111</p> <p>5. 3. System Landscape The tenderer shall set up and support the following environments</p> <ul style="list-style-type: none"> • Development • Production (primary site and secondary site) • Staging and Training • Quality Assurance • Disaster Recovery <p>Please confirm if we can locate the Development Environment be allowed to be located outside of Republic of Kenya (in our case Republic of India) where we shall carry out the project specific configuration and customization requirements? The project activities related to Integration and Data Migration is carried out in Quality Assurance / Testing Environment which will be available locally in Kenya. This shall address the concern of any integration data as well any data being migrated data being sent to outside of Kenya</p> | <p>The client shall provide a virtualized infrastructure where the successful tenderer shall be required to setup all the proposed environments.</p> <p>The hosting infrastructure shall be located in Kenya</p> |
| 50. | <p>Page 41</p> <p>4. Training and Training Materials Technical Training: The e-GP System tenderer will provide system level comprehensive technical training to the Client's technical team on system developments customization, System administration, trouble shooting, data backup and restoration, and other technical aspects in the e-GP System. The tenderer during the</p> | <p>Tenderers are required to comply with the bid document Implementation Schedule (page 249 of 448)</p> |

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| | <p>development and customization of the solution shall work side by side with the technical team of the Client.</p> <p>The tenderer shall propose the prerequisite skills set that the technical team need to possess prior to commencement.</p> <p>Technical Team – One batch comprising ten (10) participants shall be trained at the OEM training facility for a minimum of 160 hours. Further trainings shall be on the job training for the contract period. Monthly training reports shall be annexes of the monthly progress reports. The technical team shall be required to take a final exam at the end of the course and be awarded a certificate on attainment of a set pass mark.</p> <p>Please confirm if the training to be imparted to the technical team from The National Treasury be done after the commissioning of Phase 2 deliverables. This is (a) due to time constraint for delivery of customize, configure, integration and system documentation, (b) the training to technical team will be more effective after completion of delivery of the customized e-GP system.</p> | |
| 51. | <p>Page 99</p> <p>Implementation Schedule 2. Work breakdown Data migration</p> <p>In relation to data migration from existing system it is strongly recommended that only the data such as User Profile, User ID, Password, and information related to completed procurement events to be migrated. No ongoing transactional data is recommended for migration. Please confirm.</p> | <p>Page 128 of 448</p> <p>Make reference to bid document on Data conversion and Migration 32(a)</p> |

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| 52. | <p>Page 118</p> <p>14. System integration</p> <p>b) Seamless Integration with all identified existing systems and allow for future integration.</p> <p>c) The solution/interface needs to be integrated with the back-end government Systems including IPRS, IFMIS, BRS, AGPO, iTax, the Payment Gateway, identified Ministry's Departments Counties and Agencies (MDCA's) among others for effective transfer/retrieval of information to and from the backend applications.</p> <p>During the First Phase of the implementation, only the above mentioned systems will be integrated.</p> <p>Please confirm if the legacy systems are API friendly and JBOSS friendly. Also kindly confirm who shall be responsible for developing the API for legacy system in case there is no existing API.</p> <p>Please provide list of system for which API is not available. This is required for us to scope our work.</p> | <p>Refer to SECTION VI – General Technical Requirement No 31 page 126 -128/448 - System Integration (to other existing systems)</p> <p>The client shall facilitate development of APIs for integration.</p> |
| 53. | <p>Page 40</p> <p>ii) General Technical Requirements</p> <p>4. Database: The proposed database for e-GP System shall be based on open-source database in line with the National Information Communication Technology (ICT) Policy and Guidelines 2020, and the National ICT Standards, 2020.</p> <p>5. The proposed solution should run on an Open-Source Operating System in line with the National Information Communication Technology (ICT) Policy and Guidelines 2020, and the</p> | <p>Tenderers to comply with the Mandatory General Technical Requirement No. 5 page 40 of 448. <i>"The proposed solution should run on an Open Source Operating System in line with the National Information Communication Technology (ICT) Policy and Guidelines 2020, and the National ICT Standards, 2020."</i></p> |

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| | <p>National ICT Standards, 2020.</p> <p>While we can comply with the requirement of hosting of system on Open-Source Operating System, we would like to mention that our system is optionally provides with our internationally patented Secure Bid Process that ensures confidentiality and integrity of bid data.</p> <p>To achieve this, the solution uses Key Pair Management Solution that requires the application to be hosted on a Windows based web and application servers. The database servers can be hosted on Open-Source Operating System.</p> <p>Kindly confirm if this will be allowed.</p> | |
| 54. | <p>Page 11</p> <p>4.10 Foreign tenderers are required to source at least forty (40%) percent of their contract inputs (in supplies, subcontracts and labor) from national suppliers and contractors. To this end, a foreign tenderer shall provide in its tender documentary evidence that this requirement is met. Foreign tenderers not meeting this criterion will be automatically disqualified. Information required to enable the Procuring Entity to determine if this condition is met shall be provided in for this purpose is be provided in "SECTION III EVALUATION AND QUALIFICATION CRITERIA, Item 9".</p> <p>In our proposed partnership with a local company based in Kenya who shall be working as joint venture partner, we shall be responsible to provide the base version of the e-GP system and be responsible for doing majority of customization related work.</p> | <p>The Tenderer should comply to the requirement of item No. 13 page 39 of the Tender Document.</p> |

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| | <p>With this we do not see possibility of being able to share the 40% of required work with our proposed partner.</p> <p>Please confirm if this percentage can be reduced to 20%.</p> | |
| 55. | <p>Page 110</p> <p>iii. General Technical Requirements of E-GP System</p> <p>2. Operating system</p> <p>d) Virtualized environment shall be provided to the successful Tenderer.</p> <p>f) The tenderer shall supply and support Operating System for the following environment.</p> <ul style="list-style-type: none"> • Development • Production. • Training. • Quality Assurance. • Disaster Recovery <p>We shall require the following Bill of Material (BoM) for hosting the system refer Annexure -I.</p> <p>a) Please confirm if the proposed virtualized environment can handle the requirements in accordance with the separately attached BoM.</p> <p>b) Please provide utilization breakdown of 12 virtual servers between the 5 environments.</p> | <p>The client shall provide a virtualized infrastructure for the installation of e-GP system.</p> <p>The client will make available the following equipment (inclusive of licenses);</p> <ul style="list-style-type: none"> • Nodes in virtualized environment (scalable RAM and processor Cores) • SAN storage • NAS • Backup |
| 56. | <p>Page 28</p> <p>53.1 Within twenty-one (28) days of the receipt of the Form of Acceptance from the Procuring Entity, the successful Tenderer shall furnish the performance security in accordance with the General Conditions, subject to ITT38.2 (b), using for that purpose the Performance</p> | <p>The Performance Security shall be submitted within 28 days of the receipt of the Form of Acceptance from the Procuring Entity</p> |

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| | <p>Security Form included in Section X, Contract Forms, or another form acceptable to the Procuring Entity. If the Performance Security furnished by the successful Tenderer is in the form of a bond, it shall be issued by a bonding or insurance company that has been determined by the successful Tenderer to be acceptable to the Procuring Entity. A foreign institution providing a Performance Security, shall have a correspondent financial institution located in Kenya.</p> <p>In other words its mentioned as Twenty-One days but in Figures as 28 days. Please confirm the no. of days.</p> | |
| 57. | <p>Page 250 implementation schedule</p> <p>Detailed System Requirement Specification</p> <p>We understand that there is a detailed business process re-engineering (BPR) activity which is already done and an envisaged detailed To-Be process is already discerned. The same is mentioned in the ITT. During the project implementation, the successful bidder is expected to carry out the exercise of system requirement specifications (SRS) and document the same. The following are some queries/doubts on the matter:</p> <p>4. What is the difference between the BPR/To-Be process document mentioned in the ITT and the SRS which is expected during the project execution? What kind of details are expected in SRS?</p> <p>2. As per the implementation schedule mentioned in the ITT, the time to complete this SRS activity including review and sign off is 4 weeks after contract signing. Considering this we</p> | <p>Refer to Detailed Functional Requirement (2.1 Required modules) page 133/448</p> |

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| | <p>assume that a high-level SRS is expected from the supplier which will be based on BPR/To-Be process mentioned in the ITT. Please confirm.</p> <p>3. There will not be any deviation or changes in requirements/scope mentioned in BPR/To-Be process during SRS activity? The BPR/To-Be requirements will essentially be the base for the customization of eGP application. Please confirm</p> <p>4. If a detailed SRS is expected from supplier, how will it be different from BPR/To-Be process mentioned in the ITT?</p> | |
| 58. | <p>Page 53 2.3.3 Financial Resources</p> <p>The Tenderer must demonstrate access to, or availability of, financial resources such as liquid assets, unencumbered real assets, lines of credit, and other financial means, other than any contractual advance payments to meet the following cash-flow requirement: Minimum of Ksh. 500,000,000.00 Kenya Shillings or equivalent.</p> <p>The credit line requirement of Ksh 500,000,000.00 Kenya Shillings appears to be very high and in our experience projects of similar nature and size the requirement is USD 200,000.00 to USD 250,000.00 Therefore, we request you to reduce the requirement of Credit line to USD 250,000.00</p> | These criteria shall not be changed. |
| 59. | <p>We also note that as per tender page 30, the deadline for submitting the requests for clarifications is 31st. August 2021 as per the below extract of the tender document which reads:</p> <p>Deadline for submitting Requests for Clarifications.</p> | <p>The Tender shall be extended.</p> <p>The Tender shall close on Thursday 16th September, 2021 at 11.00 a.m. Kenyan Time.</p> |

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| | <p>Requests for clarification should be received by Procuring Entity no later than seven (7) days before the Tender Submission Date i.e. Tuesday, August 31, 2021. (Page 30.)</p> <p>Please take note that there ought to be allowance for seeking further clarifications, once the Addendum has been issued in case it is necessary, in the event the responses from your side require further elaboration or clarity.</p> | |
| 60. | We shall also appreciate if you can provide us with the minutes of the pre-bid meeting. | Shall provide the addendum |
| 61. | Also, as is customary and norm, that you ought to send by email the addendum or clarifications to every registered bidder and an official acknowledgment of the same, as per the normal practice carried out by other PPE's such as KenGen, IEBC etc. | <p>Shall be posted in the Treasury website www.treasury.go.ke and the Public Procurement Information Portal www.tenders.go.ke</p> <p>All Tenderers who showed interest shall also be informed via e-mail.</p> |
| 62. | With reference to serializing all pages of the tender documents submitted, please define the term "chronologically serialize" all the pages of the tender documents submitted. Provide the format. Is it sufficient to number the pages by hand e.g. 1,2,3,4,5 and so forth? | <p>1,2,3,4,5 and so forth</p> <p>Can be done by hand or by using a numbering machine</p> |
| 63. | Does the Technical Bid and Financial bid have to be paginated serially, in a separate manner e.g. Technical bid- page 1 to 100, Financial Bid- page 1 to 5 , or in continuation, 1 -105? | Yes in a chronological manner |
| 64. | <p>Publication of Procurement Contract : Provide the template of the format of the contract.</p> <p>Please explain if the information in relation to the contract will include just a summary (which define) or include the full details of the technical and the financial evaluation reports, as we understand the latter to be the case, as pronounced in of the Presidential Executive Orders(issued soon after the</p> | <p>The Publication of contracts shall be done.</p> <p>Refer to:</p> <p>https://tenders.go.ke/</p> |

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| | exposure of the KEMSA scam involving PPEs)? | |
| 65. | Will you provide the technical and financial evaluation report to any intended bidder upon making such a request in writing? | Upon request in writing a summary of the evaluation report may be provided. |
| 66. | Please advise the timeline applicable for completing the tender evaluation and at what point in time can a bidder enquire about the status of the evaluation and how long does it take from the time a request has been made in writing? | The evaluation period is 30 days from the Tender Opening Date |
| 67. | <p>Please provide a copy of the ISO 27000 certificate that is required and can a similar one be submitted at the time of tendering?</p> <p>Or can you accept if a bidder gives a guarantee and irrevocable undertaking to provide one upon being awarded a contract, as the cost to obtain one is enormous (approx. USD 80,000/-) . Or can the Government itself take care of ISO 27000 standards and apply and obtain the said certification, otherwise we can be locked out from participating in the tender. If the solution offered has been successfully implemented by the National Treasury of other African or Asian countries, should this not suffice in terms of the quality of the solution proposed?</p> | <p>The referred ISO 27000 is ISO 27001 for Information Security Management System. The Standard is a public available document. Page 97/448</p> <p>Bidders are not required to submit any ISO certification. This is a reference material in regards to information security.</p> |
| 68. | What is the middleware that the Client has approved for use in this implementation for the purpose of integrations? | <p>Refer to General Technical Requirement 4. Functional interface i) page 111/448</p> <p>Tenderers are required to propose the middleware for the e-GP system page 40/448 Item 8</p> |
| 69. | Is the Client using inventory in their ERP? | Refer page 128, Item 31.7 |
| 70. | Does the Client do inventory management in their ERP? If no, then do they currently have non-inventory items in their ERP that needs to be integrated to the e-GP solution? | <p>Requirements for Store management module No. 24 of Business and Functional Requirement on page 231/448.</p> <p>Refer to SECTION VI – General Technical Requirement No 31 page 126 -128/448 - System Integration (to other existing systems)</p> |

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| 71. | Can we train remotely or do we have to on-site. If on-site, are we travelling to various parts of Kenya for this or are trainees coming to a central location for sessions? | Refer to Firms Capability, No. 4 Training and Training Materials page 104 – 108. Specifically page 107/448, Item No 4.7 |
| 72. | Is the Client open to a cloud solution with subscription based licencing as opposed to perpetual licencing? | Tenderers to comply with the Mandatory General technical requirement No. 1 pg 40 of 448. <i>"The License(s) of the proposed e-GP system solution shall be perpetual. (The e-GP system application shall be customized and owned by the Client and therefore not licensable after implementation. The Operating System, Application Server, Database, any other 3rd party support tools should be based on Annual Subscriptions where applicable)"</i> Tenderers to comply with the Mandatory General technical requirement No. 24 page 124/448 on Hardware/Technology Architecture |
| 73. | Is the Client open to a cloud based solution hosted on a public cloud or must the solution be hosted in Kenya | Tenderers to comply with the Mandatory General technical requirement No. 1 pg 40 of 448. <i>"The License(s) of the proposed e-GP system solution shall be perpetual. (The e-GP system application shall be customized and owned by the Client and therefore not licensable after implementation. The Operating System, Application Server, Database, any other 3rd party support tools should be based on Annual Subscriptions where applicable)"</i> Tenderers to comply with the Mandatory General technical requirement No. 24 page 124/448 on Hardware/Technology Architecture |
| 74. | Does the Client prefer a bespoke on premise solution developed to their specific requirements? Can we bid for a part of the solution or can we only bid for the entire solution? | The tenderers are required to comply with all the Business and Functional Technical Requirements in Part 3 of the Bid document. |
| 75. | For all the mandatory criteria for a JV – Does each JV party need to meet the | Yes, Will we be evaluated as a JV |

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| | criteria stated or will we be evaluated as the JV as a whole. E.g. if 2 JV parties turnover for the last 3 years is less than USD 10 million but combined they exceed the threshold, is that acceptable? | |
| 76. | Can we just use the financials of the dominant partner in the JV? | If bidding as JV, the financial statements for the partners shall be considered for evaluation |
| 77. | <p>Page 6</p> <p>A Mandatory virtual Pre-Tender Conference will be held on Tuesday 24th August, 2021 at 1600 Hours, Kenyan Time with interested tenderers. Invitations to the pretender virtual /video conference meeting shall be sent to the interested tenderers who submitted their particulars to the email address(es) stated above.</p> <p>Our proposed Joint Venture partner was unable to participate in the Pre-Tender Conference held on 24th August 2021. However, based on our ongoing discussions, the partner is keen to bid for the project. We, having participated in the Pre- Tender Conference and having noted the discussions during the meeting, believe it is sufficient for us (as Joint Venture partners) to bid for this opportunity and that we shall be able to submit a comprehensive proposal in response to the Invitation to Tender. Please confirm if one of the Joint Venture partners having participated in the Pre-Tender Conference qualifies us to have fulfilled the mandatory requirement of participating in the Pre-Tender Conference.</p> | <p>The Pre Bid Conference Attendance Form shall be duly filled, signed and stamped by the Prime/Lead Bidder.</p> <p>If any partner in the JV attended the Pre bid meeting, then it conforms to the mandatory requirements.</p> |
| 78. | <p>Page 52</p> <p>Qualification Form</p> <p>We understand from the briefing provided in the Pre-Bid Meeting that the Bidders are required to fully comply with the requirements mentioned under "a) Mandatory Requirements" (page 37</p> | <p>Qualification Form on page 52 shall guide on how to respond to the requirements.</p> <p>Section III - Evaluation and Qualification Criteria, on page 37 shall prevail.</p> |

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| | <p>of the ITT) and b) Technical Mandatory Requirements (page 39 of the ITT).</p> <p>However, the requirements mentioned under "10. QUALIFICATION FORM" shall be allotted technical marks-based evaluation (a bidder will qualify for financial opening and evaluation subject to scoring a minimum of 75%) and shall not be subject to disqualification in case a specific requirement is not complied / partially complied by the bidder.</p> | |
| 79. | <p>Software License: The License(s) of the proposed e-GP system solution shall be perpetual. (The e-GP system application shall be customized and owned by the Client and therefore not licensable after implementation. The Operating System, Application Server, Database, any other 3rd party support tools should be based on Annual Subscriptions where applicable)</p> <p>Can a prospective bidder propose non-perpetual i.e. subscription based software license?</p> <p>Can a prospective bidder propose a solution that allows for customization but the application is owned by the vendor?</p> | <p>Tenderers to comply with the Mandatory General technical requirement No. 1 pg 40 of 448. <i>"The License(s) of the proposed e-GP system solution shall be perpetual. (The e-GP system application shall be customized and owned by the Client and therefore not licensable after implementation. The Operating System, Application Server, Database, any other 3rd party support tools should be based on Annual Subscriptions where applicable)"</i></p> |
| 80. | <p>Database: The proposed database for e-GP System shall be based on open-source database in line with the National Information Communication Technology (ICT) Policy and Guidelines 2020, and the National ICT Standards, 2020.</p> <p>Can the prospective bidder provide options for a database that is not necessarily open source that will guarantee best performance of the application with no latency/99.5% uptime?</p> | <p>Tenderers to comply with the Mandatory General technical requirement No. 4 pg 40 of 448. <i>"The proposed database for e-GP System shall be based on open-source database in line with the National Information Communication Technology (ICT) Policy and Guidelines 2020, and the National ICT Standards, 2020"</i>.</p> |
| | GCC 1.1 (e) (ix) : Contract Period | The duration of the contract shall be Three (3) years . |

| S/No | Requested Clarifications | Clarification |
|------|--|---|
| 81. | <p>The proposed solution should run on an Open Source Operating System in line with the National Information Communication Technology (ICT) Policy and Guidelines 2020, and the National ICT Standards, 2020.</p> <p>Can the prospective bidder provide options for an operating system that is not necessarily open source that will guarantee best performance of the application with no latency/99.5% uptime?</p> | <p>Tenderers to comply with the Mandatory General Technical Requirement No. 5 page 40 of 448. <i>"The proposed solution should run on an Open Source Operating System in line with the National Information Communication Technology (ICT) Policy and Guidelines 2020, and the National ICT Standards, 2020."</i></p> |
| 82. | <p>We seek clarification on whether the following documents will be in the Volume 1 (MANDATORY REQUIREMENTS) or in the FINANCIAL PROPOSAL together with the Form of Tender.</p> <p>SECTION IV - TENDERING FORMS (1) FORM OF TENDER INSTRUCTIONS TO TENDERERS</p> <p>i) The Tenderer must prepare this Form of Tender on stationery with its letter head clearly showing the Tenderer's complete name and business address. ii) All italicized text is to help Tenderer in preparing this form.</p> <p>iii) Tenderer must complete and sign TENDERER'S ELIGIBILITY-CONFIDENTIAL BUSINESS QUESTIONNAIRE, CERTIFICATE OF INDEPENDENT TENDER DETERMINATION and the SELF DECLARATION OF THE TENDERER, all attached to this Form of Tender</p> | <ul style="list-style-type: none"> • The Form of Tender shall be in the Financial Proposals Document • The following forms shall be attached in the Technical Proposals; <ul style="list-style-type: none"> ✓ Tenderer's Eligibility-Confidential Business Questionnaire ✓ Certificate of Independent Tender Determination ✓ Self-Declaration of the Tenderer Forms |

All the other terms and conditions remain the same.



**HEAD, SUPPLY CHAIN MANAGEMENT SERVICES
FOR: PRINCIPAL SECRETARY / NATIONAL TREASURY**

PRE BID CONFERENCE ATTENDANCE FORM

This is to certify that M/s (Name of the Tenderer)
have participated in the virtual Pre – bid conference meeting held on
..... for the
(Tender Number and Tender Name)

I..... **Head, Supply Chain Management Services** and Client Representative of Tender for Design, Development / Customization, Supply, Installation and Maintenance of an Electronic Government Procurement (E-GP) System for The Government of Kenya do hereby certify that

.....
(Name of tender/tenderers representative)

of.....
(Name of bidding firm and address)

Have actually attended the Pre Bid Conference Meeting for the provision of

.....
...
(Name of the services for which bids are invited)

This.....day of.....month.....20.....

.....
Signature

.....
Official Stamp

Declaration (by Tenderer)

I.....
(Name of tenderer)

Do hereby declare that we have participated in the pre bid conference virtual meeting held on for the above services.

.....
Signature
Stamp

.....
Date

.....
Official

3. Recurrent Cost Summary Table

Costs MUST reflect prices and rates quoted in accordance with ITT 17 and ITT18.

| Line Item No. | Subsystem / Item | Recurrent Cost Sub-Table No. | [insert: Kenya shilling/ Price | [insert: Foreign Currency A / Price | [insert: Foreign Currency B/ Price |
|---------------|--|------------------------------|---------------------------------|--------------------------------------|-------------------------------------|
| 1. | Software subscription/Licenses (where applicable) | | | | |
| 2. | Annual Support and Maintenance (after warranty period) | | | | |
| 3. | Any Other Cost | | | | |
| | | | | | |
| | Subtotals | | | | |
| | Total (Recurrent cost - To Grand Summary Table) | | | | |

Note: Refer to the relevant Recurrent Cost Sub-Tables on page 73 for the specific components that constitute the Sub system or line item in this summary table.

Name of Tenderer: _____

Date _____

Authorized Signature of Tenderer: _____

5. Recurrent Cost Sub-Table [insert: identifying number] –Warranty Period

Lot number: [if a multi-lot procurement, insert: **lot number**, otherwise state “**single lot procurement**”] Line item number: [specify: **relevant line item number from the Recurrent Cost Summary Table– (e.g., y.1)**] Currency: [specify: **the currency of the Recurrent Costs in which the costs expressed in this Sub-Table are expressed**]

[As necessary for operation of the System, specify: **the detailed components and quantities in the Sub-Table below for the line item specified above, modifying the sample components and sample table entries as needed. Repeat the Sub-Table as needed to cover each and every line item in the Recurrent Cost Summary Table that requires elaboration.**]

Costs MUST reflect prices and rates quoted in accordance with ITT 17 and ITT18.

| Component No. | Component | Maximum all-inclusive costs (for costs in [insert: currency /]) | | | |
|---|--|---|----|----|----------------------------------|
| | | Y1 | Y2 | Y3 | Sub-total for [insert: currency] |
| 1. | Software Licenses & Updates | | | | |
| 1.1 | i. Application License | Incl. in Warranty | | | |
| 1.2 | ii. Database License | Incl. in Warranty | | | |
| 1.3 | iii. Operating System | Incl. in Warranty | | | |
| 1.4 | iv. Application Server License | Incl. in Warranty | | | |
| 1.5 | v. Electronic Document and Records Management System | Incl. in Warranty | | | |
| 1.6 | vi. Any Others | | | | |
| 2. | Annual Support and Maintenance (after warranty period)- | | | | |
| 2.1 | i) First year after warranty period for Phase I | | X | | |
| 2.2 | ii) Second year after completion of 1 st years Annual Support and Maintenance | | | X | |
| 2.3 | | | | | |
| 3. | | | | | |
| 4. | [Identify other recurrent costs as may apply] | | | | |
| | Annual Subtotals: | | | | -- |
| Cumulative Subtotal (to [insert: currency] entry for [insert: line item] in the Recurrent Cost Summary Table) | | | | | |