



**Kenya Bureau of
Standards**
Standards for quality life

KEBS/T009/2019-2021

23RD DECEMBER, 2019

TO: ALL INTERESTED BIDDERS

REF: ADDENDUM –NO. 4 KEBS/T009/2019-2021 INTERNATIONAL TENDER FOR ENLARGEMENT OF PROVISION OF PRE-EXPORT VERIFICATION OF CONFORMITY (PVOC) TO STANDARDS

The Kenya Bureau of standards wishes to provide the following clarification.

We have read addendum No. 1 dated 18th December 2019 for the above reference tender and would like to seek further clarifications as follows;

Clause 2.1 (ii) & (iii): Eligibility of tenderers

Clause 2.1 (ii): The tenderer must have the physical and technological infrastructure required to satisfactorily perform services required under this tender in Japan.

Clause 2.1 (iii): The tenderer shall demonstrate capacity, either singly or through subcontractor(s) to offer services required under this tender in, Japan, United Kingdom, United Arab Emirates, South Africa, Singapore and Thailand. In any of these countries where the tenderer proposes to use subcontractor/s, the subcontractor to be used by the tenderer must be a legally registered company, with physical and technological infrastructure to offer the inspection services.

Question 1:

The two clauses above contradict each other. Can the tenderer demonstrate physical and technological infrastructure required to perform services required in Japan through a subcontractor?

KEBS Response

As provided in Clause 2.1 (ii) the bidder is required to be present and have physical and technological infrastructure in Japan. Whereas the services in other countries named in clause can be wholly undertaken by a subcontractor, the provision for subcontracting in Japan is intended to complement the already existing infrastructure (Kebs response/ clarification to question 1 above)

QUESTION/ CLARIFICATION SOUGHT.

What is the minimum tenderer's existing infrastructure required in Japan that needs to be complemented through subcontracting?

1. The tenderer must have at least one own inspection center in each port city.

Question 2:

Can a tenderer use more than one subcontractor in one country?

KEBS Response

Yes. There is no restriction on the number of subcontractors but subcontracting is guided by the provision of ISO 17020:2012 accreditation to which is a mandatory requirement. (Kebs response/ clarification to question 2)

QUESTION/ CLARIFICATION SOUGHT

You have made reference to the provisions of ISO/IEC 17020:2012 as guidance for subcontracting by tenderers. In order to enable all potential tenderers to have clarity on this provisions, Could you point out the specific guidelines in that standard which needs to be followed in subcontracting for purposes of this tender.

Response: guidelines for subcontracting are provided under clause 6.3 of ISO/IEC 17020:2012 and specifically Clause 6.3.1.

Further as per clause 6.3 of ISO/IEC 17020: 2012, if the scope of tenderers accreditation does not cover activities in one of the countries in which the tenderer is expected to offer services as per this tender, is the tenderer barred from using a subcontractor in that country?

Response: Minimum accreditation scopes are provided under in APPENDIX TO INSTRUCTIONS TO THE TENDERERS (Clause 2.1 Eligible tenderers) and under EVALUATION (Clause 2.11.2 (a). Preliminary Evaluation. If the tenderer's accreditation does not cover this minimum the tenderer will be treated as non-responsive. Subcontracting applies only where the tenderers accreditation has met the minimum requirements.

Question 3:

Under clause 2.1 (iii), is there a limitation to subcontracting of the required services? Can a tenderer demonstrate capacity 100% through subcontractors?

KEBS Response

Although the tender does not give a limitation on subcontracting, guidelines for subcontracting are given in ISO 17020:2012 which is a mandatory requirement for participating in this tender.

NO. Based on the foregoing, a tenderer cannot demonstrate capacity 100% through subcontractors. (Kebs response/ clarification to question 3 above)

QUESTION/ CLARIFICATION SOUGHT

In your responses to question 1 and 2, you have confirmed that there is no restriction to subcontracting. However, your response to question 3 gives a contrary position where tenderer cannot demonstrate capacity 100% through subcontractors. Would you please clarify?

The two responses do not contradict each other. There is no restriction with regard to the type of activities that can be subcontracted but the bidder must themselves have capacity to undertake inspection work. For avoidance of doubt please refer to response to question 1 above for minimum requirements for demonstrating capacity in Japan.

Taking into consideration your responses in addendum No. 1 and any other clarification on this tender, would you consider clarifying clause 2.1 (ii), clause 2.1(iii) by re-writing them as they should currently read after the addendums.

The clauses should be read together with the clarifications. The latest clarification supersedes.

Clause 2.11.2 (b) (3)(i) Technical Evaluation – Experience gained

A brief description of similar conformity assessment contracts performed by the company for period of not less than three (3) years in the last 9 years including the name of regulatory authority/ies, nature of service provided and, duration of service provision.

QUESTION/ CLARIFICATION SOUGHT

For cases where the tenderer decides to use a Subcontractor, should the Subcontractor also possess the same experience?

YES

NOTE THIS ADDENDUM SHALL BE CONSTRUED TO FORM PART OF THE TENDER DOCUMENT

ALL OTHER TERMS AND CONDITIONS REMAIN THE SAME

MANAGING DIRECTOR