



Our Ref: KEBS/T013/2020-2023

20th April, 2021

M/s

Dear Sir/Madam,

ADDENDUM NO. 3 TO THE INTERNATIONAL TENDER NO. KEBS/T013/2020-2023 FOR PROVISION OF PRE-EXPORT VERIFICATION OF CONFORMITY (PVOC) TO STANDARDS SERVICES

The following amendments are made to the specified provisions of the Tender document for the Provision of Pre-Export Verification of Conformity (PVOC) to Standards Services.

1. RELATIONSHIP WITH THE PRINCIPAL TENDER DOCUMENT

Save where expressly amended by the terms of this Addendum, the Principal Tender Document shall continue to be in full force and effect.

The provisions of this Addendum shall be deemed to have been incorporated in and shall be read as part of the Principal Tender Document.

2. CHANGES IN THE TENDER DOCUMENT:

There are additional instructions under the Appendix to Instructions to Tenderers and are as follows;

APPENDIX: INSTRUCTIONS TO THE TENDERERS

The following information regarding the particulars of the tender shall complement and or amend the provisions of the Instructions to Tenderers *hereinafter abbreviated as ITT*. Wherever there is a conflict between the provisions of the ITT and the Appendix, the provisions of the Appendix herein shall prevail over those of the ITT.

No.	ITT Reference Clause	Particulars of Appendix
1.	2.1 Eligible Tenderers	<p>I. The tenderer must demonstrate existence and physical presence and must have the technical infrastructure and qualified personnel required for performing the required service.</p> <p>II. The tenderer must demonstrate existence of operational ICT infrastructure that can integrate with KEBS ICT Systems for seamless operations.</p> <p>III. The tenderer must be a legally registered company.</p> <p>IV. The tenderer shall have the financial capability to perform the contract and shall not have filed for bankruptcy or be under receivership.</p> <p>V. The tenderer shall be accredited to ISO/IEC 17020:2012 standard for inspection services.</p> <p>VI. The tenderer shall not have been debarred for a specified period of time of not less than 3 years and must not be precluded from entering into contract with KEBS or the Government of Kenya as per the Act.</p>

No.	ITT Reference Clause	Particulars of Appendix
		<p>VII. Except for client-provider relationships, the tenderer shall not be associated with activities that may suggest or be deemed to be in conflict with the inspection or certification services.</p> <p>VIII. The tenderer shall not be associated with another company proposing in this tender.</p> <p>1. Both the tenderer and its legal representatives shall be free of any impediment to contract with the client.</p> <p>IX. The tenderer shall present a tender as specified in Section V, to provide the services requested herein.</p> <p>X. The tenderer, their servant or agent shall not have offered any inducement to any personnel of Kenya Bureau of Standards.</p> <p>XI. The successful tenderer(s) shall be required to execute a contract with the client within thirty (30) days from the date of notification of award.</p> <p>XII. The successful tenderer shall provide the services for a period of three (3) years from the date of commencement specified in the contract (hereinafter referred to as the term).</p> <p>XIII. The tenderer and his or her sub-contractor, if any, is not debarred from participating in any procurement proceedings</p> <p>XIV. The tenderer has not been convicted of corrupt or fraudulent practices</p>
2.	2.11.2 (10) Documentary evidence of financial capability	i. Verifiable proof that the company has the financial strength to perform the contract. For the purpose of this tender, approved audited accounts for the last three years certified by a notary public.
3.	2.11.2 Documents of evidence of eligibility	<ol style="list-style-type: none"> 1. A list of all directors, their shareholding, giving full name, passport number, nationality, email address and daytime telephone numbers for each director. 2. A notarized/certified copy of certificate of incorporation. 3. A notarized/certified copy of valid Tax Compliance Certificate 4. Organizational Profile (Minimum content for qualification: brief history, business activities, organizational structure showing how the services shall be offered) 5. Curriculum vitae / brief of the staff directly responsible for inspection 6. Executed declaration of conflict of interest by executive staff and directors 7. Filled and signed Confidential Business Questionnaire 8. List of countries the tenderer intends to carry out the services

No.	ITT Reference Clause	Particulars of Appendix
		<p>9. <i>Notarized/certified copy(ies) of necessary license(s) to do business in each of the countries the tenderer intends to carry out the services</i></p> <p>10. <i>Evidence of current accreditation to ISO/IEC 17020:2012 - Conformity assessment -- Requirements for the operation of various types of bodies performing inspection to provide services in the countries the tenderer listed in 8 above.</i></p> <p>11. <i>Verifiable proof that the company has the financial strength to perform the services in form of approved audited account details for the last three (3) years (January 2017 - December 2019).</i></p> <p>12. <i>The tenderer shall provide list and proof of competent staff involved in inspection.</i></p> <p>13. <i>The tenderer shall also include a sworn statement made before a commissioner for oaths/notary public (attach valid practicing certificate as a commissioner for oaths/notary public) for the following:</i></p> <p>14. <i>That the company has not filed for bankruptcy or is not under receivership.</i></p> <p>15. <i>That the tenderer shall not have committed an offence relating to procurement under any other Act or Law of Kenya or any other jurisdiction or have been debarred for a specified period of time of not less than 3 years and must not be precluded from entering into contract with KEBS or the Government of Kenya as per the Act.</i></p> <p>16. <i>That, except for client-provider relationships the tenderer is not associated with any business that may lead to a conflict of interest or with another company proposing in this tender.</i></p> <p>17. <i>That both the tenderer and its legal representatives are free of any impediment to contract with the Kenya Bureau of Standards or the Government of Kenya and are not in any material legal dispute.</i></p> <p>18. Tender security.</p> <p>19. <i>Duly Filled and signed tender form</i></p> <p>20. <i>Tender document must be paginated. All tenderers are required to submit their documents paginated in a continuous ascending order from the first page to the last page in this format, i.e., 1, 2, 3, ..., n (where n is the last page)</i></p> <p><i>Duly filled and signed tender form must be filled together with financial proposal</i></p>
4.	2.1(xxvi) Contract period	The contract period is three (3) years.

No.	ITT Reference Clause	Particulars of Appendix
5.	2.10.1 Tender Currencies	Prices to be quoted in United States Dollars (USD)
6.	2.12 Tender Security	<p>Tenders must be accompanied by Tender Security of United States Dollars 200,000 in accordance with clause 2.12.3 below. The format of the tender security is as specified in the Tender Security Form (30 days beyond the tender validity period.)</p> <p>The tender validity period is 180 days.</p> <p>The tender security shall be denominated in United States Dollars and shall be in the form of bank guarantee from a registered and licensed bank.</p>
7.	2.14.3 Tender presentation	<p>This is a ONE envelope tender. The financial and the technical proposals shall be presented in ONE envelope.</p> <p>The outer envelope of the original shall be clearly marked "Original" while the outer envelope of the each of the copies shall be clearly marked "Copy".</p>
8.	3.5.1 Performance Security	The performance security shall be in a form of a bank guarantee valued USD 500,000 . The validity of the bond shall be equivalent to the contract period.
9.	Section 1 Invitation to Tender	TENDER NO KEBS/T013/2020-2023 is an International Open Tender and shall be awarded under framework agreement for a period of three years as per section 114 of the Public Procurement and Disposal (PPAD) Act 2015
10.	2.11.2 (C) Financial Evaluation	<p>An additional clause no. 5 shall now cater for margin of preference to Kenyan Citizens as per Section 157 (8)(b) of the Public Procurement and Asset Disposal Act (PPADA)2015 read together with Regulation 164(c)(d)(e) of the Public Procurement and Asset Disposal Regulations (PPADR) 2020 and Regulations 77(2)(d) of the (PPADR)2020.</p> <p>Note:</p> <ul style="list-style-type: none"> i. Notarized documentation on proof of shareholding Must be presented to qualify for preference application. ii. Margin of preference shall only apply to Royalties only.
11.	2.22.3 Mode of Award of Contract	<p>This is a multiple award tender.</p> <p>KEBS shall award the tender to the tenderer(s) that is (are) responsive to Technical and Financial bids with the highest royalty fee offer subject to a minimum of eight (8) tenderers (service providers). Where bidders tie in technical scores and are financial responsive both shall be awarded.</p> <p>Supposedly the tender does NOT achieve a minimum of eight (8) tenderers a possible re-tender may be done to achieve additional numbers of service providers to reach the minimum eight (8) service providers or even more.</p>

5. CLARIFICATION HAVE BEEN SOUGHT AS FOLLOWS:

Question 1

Since Bids were not opened on 24th March, 2021 and some bidders had delivered their bid documents, do the bidders have to bring other documents, or add documents if they wish and can new bidders bid and submit?

Answer:

Pursuant to the Public Procurement Administrative Review Board (PPARB) Application No. 40/2021 of 23rd March 2021 the order given by PPARB is that the tender submission deadline be extended for a period of fourteen (14) days from the date of issuance of this addendum. This allows the bidders who submitted their documents on 24th March, 2021 to add additional documents if they so wish and to ensure the bid security is extended to cater for the One hundred and eighty days (180) days tender validity period from the date of opening.

New bidders are also allowed to submit.

4. CLOSING DATE

The closing date is Wednesday, 5th May 2021; 1100hrs (East African Time).

All other terms and conditions remain as per the Principal Tender Document (PTD).

Yours faithfully,
For: KENYA BUREAU OF STANDARDS,



Lt Col (Rtd.) BERNARD N. NJIRAINI
MANAGING DIRECTOR

