



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

KEBS/T009/2019-2021 AND KEBS/T009/2019-2021

18TH DECEMBER, 2019

TO: ALL INTERESTED BIDDERS

REF: ADDENDUM –NO. 1 INTERNATIONAL TENDER FOR ENLARGEMENT OF PROVISION OF PRE-EXPORT VERIFICATION OF CONFORMITY (PVOC) TO STANDARDS SERVICES FOR USED MOTOR VEHICLES, MOBILE EQUIPMENT AND SPARE PARTS

The Kenya Bureau of standards wishes to respond to below clarifications from tenderers as follows:

With reference to the above Tender No. KEBS/T010/2019-2021 for the Provision of Pre-Export Verification of Conformity (PVOC) to Standards Services for Used Motor Vehicles, Mobile Equipment and Spare Parts, we hereby seek clarification on the following: -

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?

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.

Question 2:

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

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.

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?

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.

Clause 2.1 (I): Eligibility of tenderers

The Tenderer shall hold a valid Type A ISO/IEC 17020:2012 accreditation for inspection services. The scope of the accreditation shall meet the inspection requirements specified in KS 1515:2019. Coverage of accreditation scope to inspection of machinery, *mobile equipment, used spare parts, radiation detection and covers inspection centers* shall be an added advantage

Question 4:

Does this requirement applies to subcontractors?

Whereas the requirement for accreditation as per the Tender applies to the Tenderer and not subcontractors, engagement of subcontractors shall comply with the requirement of ISO IEC 17020:2012

Clause 2.11.2 (a) 10.

Verifiable proof that the company has the financial strength to perform the contract. For the purpose of this tender, the company must have handled roadworthiness inspection of vehicles with a minimum annual turnover of USD seven (7) million for the last three years. Approved audited accounts for the last three years certified by a notary public.

Question 5:

Where a tenderer is demonstrating capacity through a subcontractor, will KEBS accept the annual turnover of the subcontractor as evidence of compliance with this clause?

No. The tender requires the annual turnover of the Tenderer.

Clause 2.11.2 (a) 11.

Question 6:

Does this clause in its totality also apply to subcontractors, particularly with regards to conflict of interest?

Yes. The clause is intended to safe guarding the integrity of the inspection services and therefore applies to the subcontractors as well.

Clause 2.11.2 (b) 1 (ii): Technical Evaluation

A list of the inspection centers in each country giving the physical address of the center. **Note:** Attach a copy of title/proof of lease/tenancy

agreement for inspection center and equipment certified by a notary public.

Question 7:

Can the tenderer use its company lawyer to certify the title/proof of lease/tenancy agreement for the inspection center(s) and equipment?

The requirement for the tender is a certification to be done by a notary public.

Clause 2.11.2 (b) 4 (ii): Technical Evaluation

Curriculum vitae for Technical Manager, Quality Assurance Manager, and Inspection supervisors. The CVs must be signed by the owners and certified by an attorney

Question 8:

Can the tenderer's person(s) with the power of attorney from the tenderer be allowed to sign the CVs?

No. The CVs must be signed by the owners and an attorney.

Clause 1.5: Tender Submission

The tender submission date is Tuesday 24th December 2019: 1200hrs East African Time.

The Tender submission has been extended to 7th January 2020: 1200hrs East African Time.

Question 9:

There was almost one-week delay on KEBS side in issuing the tender documents to the tenderers. Considering the December festive season including the delay by KEBS to release the tender documents, can KEBS extend the tender submission date to 17th January 2020?

The Tender submission has been extended to TUESDAY 7th January 2020: 1200hrs East African Time.

10. Main Heading: APPENDIX TO INSTRUCTIONS TO THE TENDERERS

Clause 2.1 xi (ii) appearing on page:17 of 55 is amended to read :

The successful tenderer shall provide the services for a period one year (hereinafter referred to as the term) from the date of commencement specified in the Tender documents.

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

All other terms and conditions remain the same

MANAGING DIRECTOR