



**Kenya Bureau of
Standards**
Standards for Quality life

Our Ref: KEBS/T012/2020-2023

9th February, 2021

M/s

Dear Sir/Madam

ADDENDUM NO. 1 TO THE INTERNATIONAL TENDER NO. KEBS/T012/2020-2023
FOR PROVISION OF PRE-EXPORT VERIFICATION OF CONFORMITY (PVOC) TO
STANDARDS SERVICES FOR USED MOTOR VEHICLES, MOBILE EQUIPMENT AND
SPARE PARTS

Reference is made to our Public notice KEBS/T012/2020-2023 on the above stated subject dated 21st January 2021 and the subsequent extension dated 3rd February 2021. Following this tender announcement, some tenderers have asked questions and sought clarifications which have led to the publication of this addendum.

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 for used motor vehicles, mobile equipment and spare parts.

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. CLARIFICATION HAVE BEEN SOUGHT AS FOLLOWS:

Question 1:

What is the tender number?

Answer:

The Tender number is KEBS/T012/2020-2023 and not KEBS/T012/2020-2021. Take note of the correct tender number while preparing your bid document.

Question 2:

Clause 2.22.3 mode of award of contract on page 21 and 34 of 91... "This is a multiple award tender. 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 four (4) tenderers (service providers). Where bidders tie in technical scores and are financially responsive both shall be awarded. Supposedly the tender does NOT achieve minimum of (4) tenderers a possible re-tender may be done to achieve additional numbers of service providers to reach the minimum four (4) service providers or even more. " ..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 four (4) tenderers. Where bidders tie in technical scores and are financial responsive both shall be awarded."

Question 2.1.

If the tender does not achieve a minimum of 4 tenderers does it automatically imply that the tender will be cancelled and those who were successful compelled to retender?

Answer

The tender shall be awarded to the few who have qualified (even if it's only one who qualified) and KEBS might decide to re-tender to achieve the additional ones. Note that KEBS reserves the right to re-tender.

Question 2.2.

Will the unsuccessful bidders in the first tender be allowed to participate in the retendering process?

Answer

The unsuccessful bidders in the first tender shall be allowed to participate in the re-tendering process and any other new entrant. Those who will have been awarded contracts shall not participate in the re-tendering process.

Question 2.3.

Is this award criteria compliant or consistent with the Section 86 of the Public Procurement and Asset Disposal Act, 2015?

Answer

Yes, the tender is consistent with Section 86 of the Public Procurement and Asset Disposal Act, 2015

Question 2.4.

For example, in a scenario where bids by 4 different companies are technically and financially responsive but have offered different royalties above the KEBS set minimum

Will KEBS award the bidder with the highest royalty offer but also include the other 3 with lower royalty offer simply to meet the 4 minimum tenderers required?

Answer

The first four who have met the technical and financial requirements will be awarded. Please note that if there are more others who have met the thresholds, they shall be awarded, this is a multiple award tender.

Question 2.5.

Is your statement that where bidders tie in technical scores but a financially responsive both shall be awarded consistent with section 131 and 132 of the PPAD Act of 2015?

Answer

This is an International Open Tender, Section 131 and 132 of the PPAD Act 2015 refers to competitive negotiations under Part X subject to Procurement of Consultancy Services. The Tender methodology is neither a procurement of consultancy service nor provides for negotiations. A tie results to awarding all who tie in line with the spirit of fairness.

Question 3:

Appendix to ITT reference clause 2.14.3 Tender presentation, provides that both technical and financial proposals shall be presented in ONE envelope. However, according to clause 2.11.2 page 21, financial evaluation is the third stage of the tenderer's tender evaluation, following and depending on the results of, the technical evaluation. For that reason, we consider that the financial proposal should not be presented with the technical proposal.

Please confirm that the financial proposal (tender form and price schedule) shall be presented in a separate envelope.

Answer:

Please note that evaluation of tender shall be in stages indicated in the tender document and all documents should be submitted in ONE envelope. There is no submission of separate envelopes.

Question 4

Clause 2.112 (b) 4 Qualification and experience of the company's personnel - How will KEBS confirm the Qualifications of personnel based on the schedule and C.V without the tenderer providing certified academic Certificates of personnel and inspectors?

Answer:

The details are in the technical evaluation table 3 of KEBS/T012/2020-2023

Question 5:

Table 3 Criteria for technical evaluation 4: What evidence will KEBS require from the tenderer to demonstrate that the inspectors have a diploma in automotive engineering or its equivalent?

Answer:

The details are in the technical evaluation table 3 of KEBS/T012/2020-2023

Question 6:

Criterion No. 1 in Table 3 Criteria for technical Evaluation on page 31 of 91- Could KEBS provide the list of the equipment required in KS1515:2019 as the standard is not clear on the equipment?

Answer:

Bidders are advised to acquire a copy of KS 1515:2019 from KEBS Standards Webstore (<https://webstore.kebs.org>) and any other standards referenced in this standard and familiarize themselves with the required equipment. The equipment are available in KS 1515:2019, Table 3 — Tests and test equipment and in KS 2499:2013 (which is referenced in KS 1515:2019). Additionally, bidders are required to have motor vehicle radiation testing equipment.

Question 7:

What did KEBS mean by saying "All the Requirement of KS1515:2019"? If one center misses equipment will the bidder lose the entire marks under this criterion for that particular center or a" centers?

Answer:

The inspection centers must meet all the requirements as per KS 1515:2019.

Question 8:

If a bidder does not meet all the set requirement of KS1515:2019 shall that lead to the bidder being disqualified?

Answer:

For the inspection center to qualify, it must meet the requirements as per KS 1515:2019. Refer to table 3 of KEBS/T012/2020-2023 for scoring

Question 9:

Table 3: Criteria for Technical evaluation No.2 - page 31 of 91- Under this criterion, where a tenderer's accreditation to ISO 17020:2012 covers inspection centres, 5 marks is awarded. However, it is not clear whether it is mandatory for all the 21 centres are to be covered by the accreditation for a tenderer to get full 5 marks. Kindly confirm whether the 5 marks are ONLY awarded where the accreditation covers ALL 21 inspection centres or how shall marks be awarded where accreditation does not cover all the 21 centres?

Answer:

The marks will be awarded as a proportion of the inspection centers covered by ISO/IEC 17020:2012 accreditation against the required inspection centers subject to a maximum of 5 marks.

Question 10:

Clause 2.11.2(b) 6 (ii) page 27 of 91-How is the evidence of an ICT based Risk Management System supposed to be presented by tenderers? Should it be in soft or hard copy? Is a tenderer required to provide access credentials to its Risk Management System for verification during evaluation or how shall the evaluators confirm the Risk Management System is ICT based?

Answer:

Brief explanation supported by copies of inspection documents for consignments prevented following successful profiling in the last 12 months. Evidences will be hard-copy documentation with clear illustration/description/diagrams/system screen-dumps.

Question 11:

Clause 3.12.1 on page 37 of 91 on termination for convenience: - Is this clause consistent with the provisions of contract law and procurement law especially Article 227 of the constitution that public procurements must uphold fairness?

Answer:

This shall be addressed at the contract preparation stage

Question 12:

If we propose to use subcontractors for some countries, do they need to show all of the same qualifications? including ISO 17020 accreditation and will the scope of such accreditation be used in the points scores?

Answer:

Please refer to Instruction to Tenderers and schedule of requirements in the tender documents subject to sub-contracting.

Question 13:

Is it required that we cover all countries listed in annex 6 or do we choose which countries we want to cover? If so how do we inform you? By providing a list of countries?

Answer:

KEBS/T012/2020-2023 does not have Annex 6

Question 14:

We are not sure exactly what it means by providing certified copy of reference from authorities where we have PVoC type contracts??? Can you clarify exactly what is required? As a minimum?

Answer:

Refer to the note on clause 2.11.2 (b) (3) under the evaluation criteria.

Question 15:

If it is possible to cover only some of the countries do we still have to provide the full bank guarantee security deposit amount, for example if we cover only 30% of the countries then we will have less business volume and revenue, can we not then qualify only to pay a 30% security deposit amount? It would seem that such deposits are based on revenue potential and not one same amount for all (note for liability we have extensive insurance to cover several million USD the same as all serious inspection companies)

Answer:

Tender security and performance security are as per the tender document.

Question 16:

Clause 2.1 (i) and (iii) on page 15 of 91 of KEBS/T012/2020-2023 are contradicting with regard to registration of the companies. (i) Says the company must be registered in three countries namely Japan, UK and UAE while (iii) says they must be registered in eight countries Japan, UK, UAE, South Africa, Singapore, Thailand and Australia either singly as tenderer or the proposed sub-contractor.

Is it mandatory as per (i) for the tenderer to be registered in Japan, UK and UAE?

Answer:

There is no contradiction between (i) which is about registration and (iii) which refers to demonstration of capacity to carry out the inspection services.

The tenderer must be an inspection company legally registered to perform services required in this tender in Japan, United Kingdom and United Arab Emirates.

Question 17:

Is it mandatory for a proposed sub-contractor In Japan, UK and UAE to be a legally registered entity in the aforementioned countries and provide evidence of the same as part of the preliminary requirement?

Answer:

Refer to instruction to tenderer: 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, Thailand and Australia. 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 18:

Is it mandatory for the proposed subcontractors to be registered in South Africa, Singapore, Thailand and Australia?

Answer:

Same as above: 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, Thailand and Australia. 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 inspection services.

Question 19:

Is it a mandatory for a tenderer to provide a legally binding document signed with a proposed sub-contractor(s) as a preliminary requirement?

Answer:

It is not a preliminary requirement, however, the bidders are expected to demonstrate a legal relationship between the bidder and the sub-contractor through legally binding documents

Question 20:

Clauses 2.1 (ii) and (iii) on page 15 of 91 of KEBS/T012/2020-2023 are contradicting each other with regard to availability of physical and technological infrastructure. As per (ii) says tenderer must have physical and technological infrastructure in Japan only. While as per (iii) says can demonstrate capacity either singly or through subcontractor in eight countries Japan, UK, UAE, South Africa, Singapore, Thailand and Australia

What is the level of physical and technological infrastructure required for a bidder to satisfactorily perform the services in Japan

Answer:

Physical and technological infrastructure required to carry out inspection and certification as per KS 1515:2019 requirements. The equipment are available in KS 1515:2019, Table 3 — Tests and test equipment and in KS 2499:2013 (which is referenced in KS 1515:2019). Additionally, bidders are required to have motor vehicle radiation testing equipment.

Question 21:

What is the level of physical and technological infrastructure for a bidder to satisfactorily perform the services in UK, UAE, South Africa, Singapore, Thailand and Australia?

Answer:

Physical and technological infrastructure required to carry out inspection and certification as per KS 1515:2019 requirements. The equipment are available in KS 1515:2019, Table 3 — Tests and test equipment and in KS 2499:2013 (which is referenced in KS 1515:2019). Additionally, bidders are required to have motor vehicle radiation testing equipment.

Question 22:

If the tenderer is expected to be physically and technologically present in Japan to perform the services, how many Inspection centers should the tenderer own in Japan.

Answer:

Required to have fourteen (14) inspection centers in Japan (refer to Table 3 (1) Criteria for Technical Evaluation)

Question 23:

Since the tenderer is required to be legally registered in Japan, UK and UAE to perform services required in this tender, is it appropriate for a tenderer to subcontract wholly required services in these countries.

Answer:

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, Thailand and Australia. 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 inspection services. Refer to Table 3 (1) Criteria for Technical Evaluation

Question 24

What is the level of physical and technological infrastructure required for the proposed subcontractor(s) of the tenderer to satisfactorily perform the services in all the countries bided for?

Answer

Physical and technological infrastructure required to carry out inspection and certification as per KS 1515:2019 requirements. The equipment are available in KS 1515:2019, Table 3 — Tests and test equipment and in KS 2499:2013 (which is referenced in KS 1515:2019). Additionally, bidders are required to have motor vehicle radiation testing equipment.

Question 25:

In relation to Clause 2.1 (v) page 16 of KEBS/T012/2020-2023, where the tenderer is demonstrating financial capability to perform the services through subcontractors:

Will KEBS consider the financial capability of US\$ 7 million of the subcontractor and not the tenderer pursuant to (v) of page 16?

Answer:

The tenderer shall have the financial capability to perform the contract. The company must have handled an average annual turnover in motor vehicle road worthiness inspection of not less than US\$ 7 million for the last three years and shall not have filed for bankruptcy or be under receivership or undergoing legal proceedings for the aforementioned.

Question 26:

Is it mandatory for the proposed subcontractor to provide evidence of the financial capability of US\$ 7 million too?

Answer:

The tenderer shall have the financial capability to perform the contract. The company must have handled an average annual turnover in motor vehicle road worthiness inspection of not less than US\$ 7 million for the last three years and shall not have filed for bankruptcy or be under receivership or undergoing legal proceedings for the aforementioned.

Question 27:

Clause 2.1 (vi) of KEBS/T012/2020-2023 is vague because there are three categories/type of accreditation on ISO/IEC 17020:2012, that is type A, B and C based on the level of independence.
Clarify the Accreditation Type of ISO/IEC 17020:2012 required in this tender.

Answer:

The type required is valid Type A, ISO/IEC 17020:2012 accreditation

Question 28:

Clause 2. (viii) on page 17 of 91 of KEBS/T012/2020-2023 "Except for client-provider relationships, the tenderer or its directors or associated companies shall not be associated with activities that may suggest or be deemed to be in conflict with the inspection or certification service"
Could you please provide a list of business activities that KEBS consider to suggest or deem to be in conflict with the inspection or certification services?

Answer:

Refer to Annex A of ISO/IEC 17020:2012 for a Type A Inspection Body

Question 29:

Should the subcontractors also not be engaged in activities that may suggest or deemed to be in conflict with the inspection or certification services?

Answer:

Subcontractors should not be engaged in activities that may lead to a conflict of interest

Question 30:

Clause 2.11.2 (3) page 17 of 91 of KEBS/T012/2020-2023 - the notarized/certified copy of certificate of incorporation.

Is the notarized/certified copy of certificate of incorporation required for all the countries bided for as stated in clause 2.1 (i)and (ii) for page 15 of 91

Answer:

Certificate of incorporation for the countries bided for shall be notarized or certified at source/origin.

Question 31:

Are the documents above part of the preliminary evaluation requirement number 1 on page 24 of 91?

Answer:

Refer to clause 2.11.2(a) preliminary evaluation in the tender document (KEBS/T012/2020-2023).

Question 32:

Clause 2.11.2 (3) page 18 of 91 of KEBS/T012/2020-2023 "A notarized/certified copy of valid Tax Compliance Certificate

Is the notarized certified copy of valid tax compliance certificate required for both the tenderer and subcontractors and in all the eight countries?

Answer:

Valid tax compliance certificate or its equivalent is required for the tenderer and not the subcontractor

Question 33:

And will this apply also to preliminary evaluation requirement NO. 3 on page 24 of 91?

Answer:

This will apply to the tenderer and not the subcontractor

Question 34:

Clause 2.11.2(4) on page 18 of 91 of KEBS/T012/2020-2023 "Organizational chart: The chart should clearly identify the persons responsible for (i) inspection management, (ii) ICT services, (iii) quality assurance/risk management and (iv) monitoring of subcontractors, where applicable, in provision of the tendered services

Are subcontractors also required to provide an organization chart for centers/countries where they intend to perform services on behalf of the tenderer?

Answer:

This will apply to the tenderer and not the subcontractor

Question 35:

Clause 2.112 (b) 4 Qualification and experience of the company's personnel

How will KEBS confirm the Qualifications of personnel based on the schedule and C.V without the tenderer providing certified academic Certificates of personnel and inspectors?

Answer:

The details are in the technical evaluation table 3 of KEBS/T012/2020-2023

3. Royalty for motor vehicles

KEBS has revised the royalty fee in the tender document to a minimum of **Forty-Five United States Dollars (USD 45)** of the inspection fee paid per vehicle inspected in any of the seven (7) countries (Japan, United Kingdom, United Arab Emirates, South Africa, Singapore, Thailand and Australia)

4. CHANGE OF CLOSING DATE

The closing date has been changed from 10th February, 2021 to 25th February, 2021.

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