



Our Ref: KEBS/T012/2020-2023

20TH April, 2021

M/s

Dear Sir/Madam,

ADDENDUM NO. 3 TO THE INTERNATIONAL TENDER NO. KEBS/T012/2020-2023: International Tender for Provision of Pre-Export Verification of Conformity (PVOC) to Standards Services for Used Motor Vehicles, Mobile Equipment and Spare Parts

The following amendments are made to the specified provisions of the International Tender for 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. 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>Each tenderer proposing in this Tender shall fulfill the following requirements:</i></p> <ul style="list-style-type: none">i. <i>The tenderer must be an inspection company legally registered to perform services required in this tender in Japan, United Kingdom and United Arab Emirates.</i>ii. <i>The tenderer must have the physical and technological infrastructure required to satisfactorily perform services required under this tender in Japan.</i>

No.	ITT Reference Clause	Particulars of Appendix
		<p>iii. <i>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.</i></p> <p>iv. <i>The tenderer must have qualified personnel required for performing the required service as in KS1515:2019 in its tender document. In the countries where the tenderer proposes to use subcontractor(s), the tenderer must demonstrate that the subcontractor to be used has/have, competent personnel meeting the requirements for inspectors specified in KS1515: 2019 in its bid document.</i></p> <p>v. <i>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.</i></p> <p>vi. <i>The Tenderer shall hold a valid 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.</i></p> <p>vii. <i>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.</i></p> <p>viii. <i>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 services.</i></p>

No.	ITT Reference Clause	Particulars of Appendix
		<ul style="list-style-type: none"> ix. <i>The tenderer shall not be associated with another company proposing in this tender.</i> x. <i>Both the tenderer and its legal representatives shall be free of any impediment to contract with the client.</i> xi. <i>The tenderer shall present a tender as specified in Section V, to provide the services requested herein.</i> xii. <i>The tenderer, their servant or agent shall not have offered any inducement to any personnel of Kenya Bureau of Standards.</i> xiii. <i>The successful tenderer(s) shall provide the services for a period up to three (3) years (hereinafter referred to as the term) from the date of commencement specified in the Tender documents.</i>
2	2.11.2 (10) Documentary evidence of financial capability	<p><i>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 an average 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.</i></p>
3.	2.11.2 Documents of evidence of eligibility	<ul style="list-style-type: none"> 1. <i>A notarized/certified copy of certificate of incorporation</i> 2. <i>A list of all directors, their shareholding, giving full name, passport number, nationality, email address and daytime telephone numbers for each director.</i> 3. <i>A notarized/certified copy of valid Tax Compliance Certificate</i> 4. <i>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.</i> 5. <i>Organizational Profile (Minimum content for qualification: brief history, business activities, organizational structure showing how the services shall be offered)</i> 6. <i>Notarized/certified copy(ies) of necessary license(s) to do business in Japan,</i>

No.	ITT Reference Clause	Particulars of Appendix
		<p><i>United Kingdom and United Arab Emirates to carry out the services</i></p> <p>7. <i>Copy(ies) of licenses issued by the relevant Government authority issued either to the tenderer or in case of subcontracting to the subcontractor to do business in Japan, United Arab Emirates, United Kingdom, Singapore, Thailand, South Africa and Australia.</i></p> <p>8. <i>Filled and signed Confidential Business Questionnaire</i></p> <p>9. <i>Evidence of current accreditation to ISO/IEC 17020:2012. - Conformity assessment - Requirements for the operation of various types of bodies performing inspection. The scope of accreditation must cover motor vehicle inspection requirements.</i></p> <p>10. <i>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 an average 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.</i></p> <p>11. <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> <ul style="list-style-type: none"> i. <i>That the company has not filed for bankruptcy or is not under receivership.</i> ii. <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>

No.	ITT Reference Clause	Particulars of Appendix
		<p>iii. That, except for client-provider relationships the tenderer or its directors or associated companies is not associated with any business that may lead to a conflict of interest or with another company proposing in this tender.</p> <p>iv. 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.</p> <p>v. That the tenderer has given full disclosure of its directors and associated companies for purposes of (iii) above.</p> <p>12. Tender security.</p> <p>13. Duly Filled and signed tender form</p> <p>14. 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)</p>
4.	2.1(xxvi) Contract period	The contract period is three (3) years.
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/T012/2020-2023 is an International Open Tender and shall be awarded under framework

No.	ITT Reference Clause	Particulars of Appendix
		<i>agreement for a period of three years as per section 114 of the Public Procurement and Disposal (PPAD) Act 2015</i>
10.	2.11.2 (C) Financial Evaluation	<p><i>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.</i></p> <p>Note:</p> <ul style="list-style-type: none"> <i>i. Notarized documentation on proof of shareholding Must be presented to qualify for preference application.</i> <i>ii. Margin of preference shall only apply to Royalties only.</i>
11.	2.22.3 Mode of Award of Contract	<p><i>This is a multiple award tender.</i></p> <p><i>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 seven (7) tenderers (service providers). Where bidders tie in technical scores and are financial responsive both shall be awarded.</i></p> <p><i>Supposedly the tender does NOT achieve a minimum of (7) tenderers a possible re-tender may be done to achieve additional numbers of service providers to reach the minimum seven(7) service providers or even more.</i></p>

3. 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. 39/2021 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 allowed to submit.

Question 2

Reference is made to ADDENDUM NO.1 to above subject. We seek clarification on the below:

- a) **Notarization should be done at source:** Does this mean Notarization from the country where the bidder's Headquarter resides; or from every country that the bidder intends to bid for? What does Source mean?

Answer: The term "source" means, Notarization should be done from the Country where the bidder intends to bid for.

- b) **CV and Certificates to be certified by attorney:** Can the in-house attorney certify these documents? Could the inhouse attorney based in a different bidder's office certify the documents? Most offices have few staff and do not have inhouse attorney but makes use of the services of inhouse attorneys in other affiliate offices.

Answer: The in-house attorney can certify the said documents. Since most offices do not have in house attorney, the documents can be certified by the organization's attorney based at the Headquarters. Please note that, the documents certified by the attorney should be accompanied by the attorney's current/valid practicing certificate and or license for 2021.

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

