



ADDENDUM "SET 3"

9th November 2023

To all bidders,

KRA wishes to inform prospective bidders of the following clarifications for **Tender No. KRA/HQS/ICB- 007/2023-2024: Supply, Delivery, Installation, Commissioning and Maintenance of Exchange of Information System (EOIS) For a Period of Three (3) Years**

No	Ref	Subject	Question/ CLARIFICATION	KRA RESPONSES
1.	Page 15	Article 1.2 of Section III on page 15 says that multiple contracts will be permitted and that there are different lots	This is not in accordance with the rest of the Tender Document. Should we disregard this article?	Bidders are advised that tender has not been split into lots therefore, the clause is not applicable.
2.	Page 26	Table 1: Mandatory Requirements MR 8	Our country does not issue CR 12 for Limited Liability Companies. How is this CR 12 different from a Certificate of Registration / Incorporation (MR 1)?	A CR12 is an official confirmation by the Registrar of Companies in Kenya as to whom the directors/shareholders of a company are. It also confirms that the company's records exist at the Company registry. Bidders are advised KRA require a certificate/documentation showing the directors and shareholders of corporate bidders from the bidders' country. This is different from the incorporation certificate in MR-1
3.	Page 21	In the TDS, specifically in ITT-15.1, alternative tenders are mentioned as not permitted.	However, the description of the financial evaluation mentions that KRA shall consider alternative tenders. Please be so kind to clarify	Bidder are advised that Alternative Tenders shall not be permitted. Clause 4(ii) of the Financial evaluation is also clear on this.
4.	Page 86	In the Price Schedule, prices need to be submitted inclusive of all applicable taxes.	In our experience in international tenders, bids are often submitted exclusive of taxes. This is done to compare bids without the possible complications of one bidder misinterpreting the Kenyan tax legislation and therefore being unintentionally and erroneously lower/higher than other financial bids. Without changing the requirement that the Supplier will be entirely responsible for all taxes, stamp duties, license fees, and other such levies, could you please reconsider and request the Price	Bidder are advised to refer to the Price schedule on pages 86, 87 and 88 in the tender document for pricing of the tender requirements.

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5.	Page 86	Taxes on software license and work to be done outside of the country	Schedule exclusive of taxes? Generally with software that is supplied to many countries around the world, the software license is supplied free of taxes in case these are supplied from overseas. Only on the local support and maintenance, which is specifically performed on-site in country by local representatives, all the standard taxes are applicable. All work that is done outside of the specific client country is already taxed in the country where the work is performed. Is this also how we should quote this proposal?	Bidders are advised to refer to the Price schedule on pages 86, 87 and 88 in the tender document for pricing of the tender requirements.
6.	Page 22	Tender Security Box located at Times Tower Building, Ground Floor any day before the tender closing date. The Bid Security must be in a sealed envelope bearing the Tender Description and addressed to the address indicated above.	Our bid security form is completed and ready to be mailed to the KRA. But how do we get the tender security to be deposited in the specific Tender Security Box if mailed from overseas by courier who will also need a signature? We need a physical address/ number/ person to courier the bid security too. Will you allow a copy of the bid security to be included in the proposal and once we visit for the onsite demo, we will submit the hard copy?	Overseas bidders who are not able to physically drop their Tender Security in the tender box are advised to send their Tender Security to the address below so as to be received on or before the Tender closing date and time. Deputy Commissioner - Supply Chain Management Times Tower Building, 21st Floor, P.O Box 48240- 00100 GPO, Tel. +254 020 310900 Nairobi, Kenya. website: www.kra.go.ke Email : eprocurement@kra.go.ke
7.	Page 68	Evaluation: any bidder that passes the following evaluations (1) Tender Responsiveness (2) Vendor Evaluation minimum score (3) Technical Mandatory Requirements (4) technical requirements with Weighted scores minimum score (5) demo minimum score, is considered 'good enough' and will therefore be judged on pricing?	Is our interpretation correct that there is no benefit to scoring more than the cut-off scores? Example: - Bidder A: Vendor evaluation: 16, Technical requirements with weighted scores 86% and Demo 76% - Bidder B: Vendor evaluation: 19, Technical requirements with weighted scores 99% and Demo 99% In above example, will bidder A be awarded the contract if their financial bid is lower? In case there is a benefit to scoring more than the cut-off score, how will this be considered in a price-quality ratio? In our experience with government tenders for software, there is always a technical (70-80%) and financial (20-30%) weight factor applicable for evaluation.	Bidders who pass the technical evaluation will be required to demonstrate their ability to provide the best solution through a Demo which will form a major part of the assessment. The successful bidder who passes the technical and evaluation stage will be subjected to Due diligence process which will ensure that the bidder has both technical and financial capacity to effectively do the work. The due diligence process involves contacting current and previous customers of the bidder

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8.	Page 188 It seems that the SCC only stipulates that Third party liability insurance is required, so not all the insurances mentioned in the GCC.	Could you please confirm that this is the case?	Bidders are advised that the Insurance provisions of GCC clauses 36 and 37 are all applicable. The SCC clause 37.1 (c) is modified as follows: The Supplier shall obtain appropriate insurance coverage against third party liabilities that may arise pursuant to this contract; and for its staff and equipment necessary for the Performance of its obligation under this contract. Bidders are advised that KRA have a malware protection library.
9.	Table 4 - Line 6	This infers integration to a malware protection library - do they have one, or do we have to add the licensing of this to the pricing?	Bidders are advised that KRA have a malware protection library.
10.	Table 3 - #90	Demo of System Monitoring Solution - If this is hosted in AWS or Azure, they have tools. If it is on premise, then we would expect KYA to have an enterprise wide licensing for this. Are you able to give some guidance please? We would also need to understand what this needs to cover? Hardware Sizing - they are asking for a HW sizing table. This is almost impossible to do without information on number of users, amount of traffic etc.	The bidders are advised that Demo will be done on site, KRA will provide internet connectivity to access any of your systems online if required. The expected number of users at any given time will be 1000 and 2000 concurrent sessions (this includes financial institutions and KRA staff).
11.	Recurrent Cost Summary Table	What items would you expect to see in this "Recurrent Cost Table"?	Bidders are advised to refer to the Price schedule on pages 86, 87 and 88 in the tender document for pricing of the tender requirements.
12.	-	After qualification of the Technical Evaluation Stage, how soon should the bidders expect to be called for a demo session with the KRA evaluation team?	Bidders are advised that qualified bidders for demo will be invited for presentation of their demo within fourteen (14) days from the date of the Tender Opening.
13.	-	Can the demo be done virtually?	Bidders are advised that Demo will be done on-site.
14.	-	How much time shall be allocated for the demo?	At least 1 hour
15.	-	What are the timelines for the date of final signature, date of project start, etc.?	Approximately Ninety (90) days from the date of the Tender Opening and all factors remain constant.
16.	-	When submitting the Tender Security and filling the Bank Reference Letter as a Joint Venture bid, can this be done in the name of PwC only (40% Rule)?	Bidders are advised that One (1) partner in Joint Venture can submit Tender Security. However, filing the Bank Reference Letter MUST be submitted by ALL the partners in the Joint Venture.
17.	-	What are KRA's expectations with regards to maintenance of the AEIOI platform?	After the system going into production (live) we expect <ul style="list-style-type: none"> • In case AEIOI system goes down we expect that initially you will be able to liaise with OECD on KRA behalf but expect to build capacity. • A warranty period of at least 6 months so as to

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		<p>ensure the product supplied can adequately stand on its own.</p> <ul style="list-style-type: none"> We expect some of your dedicated member of your staff in KRA premise during implementation and during the warranty period. According to the Kenyan law, you were to have local presence so we expect that in case we require your services you will be accessible.
18.	-	<p>There is mention of implementation timeline, however, none is provided. What are deadlines for implementation i.e. Phase 1 & 2? When are both phases expected to start and when are they expected to go live?</p> <p>There should be a working system (Phase I) by May 2024. The project plan will be discussed with the winner of the tender. However the expected milestones (this could change) are listed below</p> <ul style="list-style-type: none"> Requirements – Developing and confirming requirements with the users Development/Customization of the application to meet user needs Testing – this will involve a user acceptance test, vulnerability test. Deployment and Post Deployment – This will involve installation of the system. It will involve a pilot of the system, knowledge transfer to our system administrators, users, analysts and other support staff of the system and other post deployment activities
19.	-	<p>Bidder are advised to refer to the Price schedule on pages 86, 87 and 88 in the tender document for pricing of the tender requirements</p>
20.	-	<p>The applicable currency is Kenya shillings as provided in the tender requirements.</p>
21.	-	<p>Bidders are required to submit Tender Security as provided in Section II – Tender Data Sheet (TDS), ITT 22.2 on page 22 of the tender document.</p>
22.	-	<p>The subject procurement is guided by the Public Procurement and Asset Disposal Act, 2015 which does not allow negotiation for an open tender.</p>

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23.	Is KRA open to using a vendor Master Service Agreement (MSA) in the case a subscription software is offered?	No KRA do not normally use a vendor Master Service Agreement. KRA will carry out an SLA with a partner who will engage the vendor.
24.	Is KRA CRS & CbCR reciprocal?	Bidders are advised that CRS and CbCR will be reciprocal.
25.	We kindly request clarification regarding the specific number of licenses required for the successful implementation of the Exchange of Information System (EOIS). This clarification is essential to support our ongoing proposal preparation efforts.	Bidder are advised to refer to the Price schedule on pages 86, 87 and 88 in the tender document for pricing of the tender requirements

Please note, the tender closing date and time remain **Thursday 16th November 2023 at 11:00AM.**

The clarifications/ addendum form part of the bidding document and is binding to the bidder. All other terms and conditions of the tender remain the same. You are therefore required to immediately acknowledge the receipt of this addendum.

Regards,

Dominic Oporo, HSC

For: Deputy Commissioner - Supply Chain Management

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