



ADDENDUM "SET 2"

2nd 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.	CLARIFICATION	KRA RESPONSES
1.	No. 1: In case of a contractor arrangement between a foreign entity and a local entity where the foreign entity is the main tenderer that will subcontract the 40% contract value to the local entity, would a power attorney be required from both entities?, Please also clarify the main purpose of the power of attorney.	<p>Prospective bidders MUST note, in the event that the tenderer comprises of a contractual arrangement between a foreign entity and a local entity the following provisions apply:</p> <p>TDS 3.9: If the Supplier is a Joint Venture of two or more firms, all such firms shall be jointly and severally bound to KRA for the fulfilment of the provisions of the Contract and shall designate one of such firms to act as a leader with authority to bind the Joint Venture. The composition or constitution of the Joint Venture shall not be altered without the prior consent of KRA.</p> <p>TDS 23.4: In case the Tenderer is a JV, the Tender shall be signed by an authorized representative of the JV on behalf of the JV, and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized representatives.</p> <p>We require a written agreement establishing the contractual arrangement as a J.V, the agreement should authorise the nomination and appointment of a natural person who will be authorised to sign documents on behalf of the JV as well as negotiate a contract in the event of success.</p>
2.	No. 2: In the case of a contract/subcontractor arrangements as envisioned above, which mandatory documents should be filled, signed and stamped by the local entity, foreign entity or both?.	<p>Prospective bidders MUST meet all the evaluation criteria Requirements as provided in the tender document. Both parties must comply with mandatory requirements (MR) on page 26 of the tender document item MR 1,3,4,6,8,12 and 13 while the lead partner will avail the rest.</p>



3.	<p>No. 3: In reference to point 4.10 and 4.6 of the Standard Tender Document, related to “Foreign tenderers are required to source at least forty (40%) percent of their contract inputs...” Is this requirement strictly mandatory? This point, considering that, based on the tender document, we meet all commercial, operational, and technical requirements in full; and considering that, to our knowledge, there are no local companies in Kenya that could provide or support us in any of the major components and requirements of our system and operation, thus making it very difficult to comply with the “40%” requirement</p> <p>SECTION I - INSTRUCTIONS TO TENDERERS (ITT) item 4.10 on page 3</p> <p>Foreign tenderers are required to source at least forty (40%) percent of their contract inputs (in supplies, subcontracts and labor) from national suppliers and contractors. To this end, a foreign tenderer shall provide in its tender documentary evidence that this requirement is met. Foreign tenderers not meeting this criterion will be automatically disqualified. Information required to enable KRA determine if this condition is met, shall be provided in for this purpose is be provided in “SECTION III- EVALUATION AND QUALIFICATION CRITERIA, Item 9”.</p>	<p>The firm shall not earn any preference as indicated. All interested firms are eligible. No firm shall be disqualified for missing this requirement.</p>
4.	<p>No. 4: A local company that places the bid, but buys a system from a foreign firm, would that be considered a foreign input because its IP was generated by a foreign firm? or local input because it was provided by a local provider?</p>	<p>The firm shall not earn any preference as indicated above. All interested firms are therefore eligible. No firm shall be disqualified for missing the local sourcing requirement.</p> <p>Please note the provisions of the TDS 4.11; "a tenderer is considered a foreign tenderer, if it is registered in Kenya, has less than 51 percent ownership by nationals of Kenya and if it does not subcontract foreign contractors more than 10 percent of the contract price, excluding provisional sums. JVs are considered as foreign tenderers if the individual member firms are registered in Kenya have less than 51 percent ownership by nationals of Kenya. The JV shall not subcontract to foreign firms more than 10 percent of the contract price, excluding provisional sums."</p>
5.	<p>No. 5: In the document “consolidated annual procurement plan 2023-2024” item 37 it is stated that the budget for Exchange of information is around 40 million KES (image below). Since the EOIS</p>	<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>

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	System tender is for 3 years, does that amount (40 million KES) covers only the first year or the whole 3-year project?	
6.	No. 6: We are trying to find the route to register to the E-procurement portal where we have to upload the bid. The instructions say, "Prospective bidders should register for E-Procurement to enable them access the KRA portal under "New Supplier Registration" found under the Tender Tab". We are not sure if we are in the right route to register, can you please confirm if it is https://tenders.go.ke/PeRegistration ? We also have a doubt because it appears the following notification "ONLY PUBLIC PROCURING ENTITIES ARE ALLOWED TO REGISTER ON THIS PORTAL. ALL OTHER USERS WHO ARE NOT GOVERNMENT PROCURING ENTITIES ARE NOT REQUIRED TO REGISTER AND WILL HAVE THEIR REGISTRATION REQUEST DECLINED" since we are participating in this procurement, are we considered a public procuring entity?	Bidder are advised the link for supplier to use in registering as a vendor for KRA is https://suppliers.kra.go.ke#
7.	No. 7: Where and when would be the answer to the questions publish? It says that in www.kra.go.ke and <u>Public Procurement Information Portal (PPIP)</u> can you please specify in which section of this websites and the date? (we would appreciate if you can answer this last question by answering to this email)	Bidder are advised Tender documents may be viewed and downloaded from the website www.kra.go.ke free of charge. Tenderers who download the tender document must forward their particulars immediately to eprocurement@kra.go.ke , telephone +254 02 2817022 and P.O. BOX 48240 – 00100 to facilitate any further clarification or addendum. KRA E-Procurement portal is available on the KRA website www.kra.go.ke and prospective bidders should register for E-Procurement to enable them access the KRA portal under "New Supplier Registration" found under the Tender Tab.
8.	No. 8 In the Standard Tender Document, a request is made for the following: "The solution MUST meet the requirements of the KRA information security policy and functional requirements (provided)." We haven't been able to find the said "information security policy" in the document or as an appendix of the tender process. Where can we find it?	The KRA Information Security Policy and Guidelines are available on KRA E-Procurement portal is accessible through the KRA website www.kra.go.ke . Prospective bidders should register for E-Procurement under the Supplier Registration Tab on the website
9.	No. 9 At the page 57 (67 of the pdf) item 14 "Table 4: MINIMUM TECHNICAL SPECIFICATIONS" says "The bidder MUST provide all solution documents as per attached Annex" can you please confirm to what "annex" refers to?	The ANNEX is accessible once a prospective bidder registered on the supplier portal.



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10.	No. 10 At the page 42 (52 of the pdf) Chapter Technical Evaluation. "Table 3: TECHNICAL MANDATORY REQUIREMENTS") item 88 "Documentation" says "The bidder MUST provide all solution documents as per attached Annex" can you please confirm to what "annex" refers to?	The ANNEX is accessible once a prospective bidder registered on the supplier portal.
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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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