



KAA/ICB/JKIA/0091/2021-2022

10th January, 2022

To: All Tenderers

Dear Sir/Madam,

RE: DEVELOPMENT AND MANAGEMENT OF DUTY FREE SHOPS AT TERMINAL 1B & TERMINAL 1C AT JOMO KENYATTA INTERNATIONAL AIRPORT

TENDER NO: KAA/ICB/JKIA/0091/2021-2022

ADDENDUM NO. 3

The following are tender clarifications/addendum issued regarding the above tender in accordance to instructions to tenderers clause 7 of the bidding document for the referenced tender.

No.	Query	Response																								
1	LOGISTIC : (i) Is there any freight elevator (products-sized) for products to supply our stores? (ii) What is the products journey within the airport and control?	(i) Yes (ii) The products will go through security screening at designated points.																								
2	Annual PAX and aircrafts movements from both terminal 1 C & 1 B in year 2018, 2019, 2020 and 2021	<table border="1"> <thead> <tr> <th colspan="4">AIRCRAFT MOVEMENT PER TERMINAL</th> </tr> <tr> <th></th> <th>T1A</th> <th>T1B</th> <th>T1C</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td>26,850</td> <td>1,714</td> <td>6,891</td> </tr> <tr> <td>2019</td> <td>28,473</td> <td>1,711</td> <td>6,631</td> </tr> <tr> <td>2020</td> <td>10,840</td> <td>1,005</td> <td>3,614</td> </tr> <tr> <td>2021</td> <td>17,115</td> <td></td> <td></td> </tr> </tbody> </table>	AIRCRAFT MOVEMENT PER TERMINAL					T1A	T1B	T1C	2018	26,850	1,714	6,891	2019	28,473	1,711	6,631	2020	10,840	1,005	3,614	2021	17,115		
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3	<p>We request for departing passenger numbers data for JKIA for the years 2016,2017,2018,2019,2020,2021.</p> <p>Departing PAX annual figures pre and post COVID</p>	<table border="1"> <thead> <tr> <th colspan="3">INTERNATIONAL DEPARTING PAX NUMBERS</th> </tr> </thead> <tbody> <tr> <td>2016</td> <td>2,789,003</td> <td></td> </tr> <tr> <td>2017</td> <td>2,885,801</td> <td></td> </tr> <tr> <td>2018</td> <td>3,282,624</td> <td></td> </tr> <tr> <td>2019</td> <td>3,359,597</td> <td></td> </tr> <tr> <td>2020</td> <td>967,863</td> <td></td> </tr> <tr> <td>2021</td> <td>859,194</td> <td>9 months traffic</td> </tr> </tbody> </table>	INTERNATIONAL DEPARTING PAX NUMBERS			2016	2,789,003		2017	2,885,801		2018	3,282,624		2019	3,359,597		2020	967,863		2021	859,194	9 months traffic
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4	<p>We would like to know the projections of the passenger passing through JKIA in 2022 and beyond and the source of the data.</p>	<p>it is not possible to project this for now considering that we are still in the COVID-19 period.</p>																					
5	<p>What are your basis of charging annual minimum guarantee of US\$3.5M as per the below statement?</p> <table border="1" data-bbox="165 958 849 1249"> <tr> <td data-bbox="165 958 309 1249">Minimum Annual Guarantee</td> <td data-bbox="316 958 676 1249">Payment of a fixed Minimum Annual Guarantee of USD 3,500,000.00 payable quarterly in advance. Bidders should note that the Minimum Annual Guarantee does not include applicable taxes, Space Rent and Service Charge.</td> <td data-bbox="683 958 849 1249">Bidders to sign statement of financial compliance.</td> </tr> </table>	Minimum Annual Guarantee	Payment of a fixed Minimum Annual Guarantee of USD 3,500,000.00 payable quarterly in advance. Bidders should note that the Minimum Annual Guarantee does not include applicable taxes, Space Rent and Service Charge.	Bidders to sign statement of financial compliance.	<p>Space allocation, sole operator of main duty free products, Return on Investment (ROI).</p>																		
Minimum Annual Guarantee	Payment of a fixed Minimum Annual Guarantee of USD 3,500,000.00 payable quarterly in advance. Bidders should note that the Minimum Annual Guarantee does not include applicable taxes, Space Rent and Service Charge.	Bidders to sign statement of financial compliance.																					
6	<p>Are you estimating a Net profit after Tax from both the terminals (IB & IC) will be approximate US\$10M?</p>	<p>No</p>																					
7	<p>Is currently Terminal IA area making approximately a Turnover per Annum of US\$50M? is this being achieved?</p>	<p>This is confidential information, which cannot be shared.</p>																					
8	<p>Currency use for Tender In page number 6 point number 14.1 mentioned as "14.1 The currency (ies) of the Tender and the currency(ies) of payments shall be the same. The Tenderer shall quote in Kenya shillings unless otherwise specified in the TDS", similarly in page number v mentioned as "All Prices quoted should be inclusive of all costs and taxes; and must be in US Dollars and shall remain valid for 126 days from the closing date of Tender" In this regards appreciate your advice on which currency we shall use in submitting the tender?</p>	<p>Currency of use is USD</p>																					
9	<p>Page 61 to 64: - Is the Technical specification we need to adhere to. Are we supposed to submit the TSS along with the tender or these will be provided by KAA post award of the Tender? Appreciate your clarification</p>	<p>Bidders are advised to ignore this section, these are guidelines to the procuring entity for use during preparation of the standard tender documents.</p>																					

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10	Page 47 to 52 in Tender document, are we need to submit all these forms or only applicable?	Bidders are required to fill the forms which they are instructed to do so as per SECTION III - EVALUATION AND QUALIFICATION CRITERIA
11	Do we need to submit the Owner's Authorization from the Brand owners as mentioned on page 53 of the tender document?	Yes
12	<p><u>Page 3 of tender document</u></p> <p>3.10 For purposes of granting a margin of preference, a tender is considered a national tenderer if it is registered in Kenya, has more 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 national tenderers and eligible for national preference only if the individual member firms are registered in Kenya or have more than 51 percent ownership by nationals of Kenya, and the JV shall be registered in Kenya. The JV shall not subcontract to foreign firms more than 10 percent of the contract price, excluding provisional sums.</p> <p><u>Page 13 of tender document</u></p> <p>32 Margin of Preference and reservations 32.1 No Margin of Preference and Reservations shall be allowed in this tender.</p> <p>With above clauses on page 3 & 13 it is contradicting with each other. Clause 32 reads no margins of preference allowed in this tender. Need clarification on the same.</p>	<p>A margin of preference shall be allowed pursuant to the Public Procurement and Asset Disposal Act 2015 Section 157 (8) (b) (i) hence Clause 32.1 is hereby amended.</p> <p>The margin of preference shall apply as contained in Clause 3:10 in the Instructions to Tender and the provisions of the Public Procurement and Asset Disposal Act 2015 and its attendant Regulations.</p>
13	<p>Clause on page 15:</p> <p>38. Award Criteria 38.1 The Procuring Entity shall award the Contract to the successful tenderer whose tender has been determined to be the Lowest Tender.</p>	38.1 This is amended to read "the Procuring Entity shall award the contract to the successful tenderer whose tender has been determined to be the Highest Evaluated Tender
14	Please advise on the eligibility of tenderers in regard to Joint Venture.	<p>Those bidding under Joint Venture MUST submit Joint Venture Agreement or a letter of intent to execute a Joint Venture Agreement in the event of a successful Tender and shall be signed by all members and submitted with the Tender, together with a copy of the proposed agreement, which must clearly set out the proposed shareholding.</p> <p>Members of a joint venture may not make an individual tender, be a subcontractor in a separate tender or be part of another joint venture for the purposes of the same Tender.</p>



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15	According to ITT 19.1 <i>“The Tenderer shall prepare one original of the documents comprising the Tender as described in ITT 11 and clearly mark it “ORIGINAL.” Alternative Tenders, if permitted in accordance with ITT 13, shall be clearly marked “ALTERNATIVE.” In addition, the Tenderer shall submit copies of the Tender, in the number specified in the TDS and clearly mark them “COPY.” In the event of any discrepancy between the original and the copies, the original shall prevail.</i> “ Given the above, how does one submit online the original and copies of the bid document?	Tenders shall be submitted electronically in KAA portal as stated in the invitation to tender and the Tender Data Sheet Clause 1.2 (a) (3) of the tender document. The tender security shall be submitted as per Addendum No. 2 dated 22 nd December 2021.

The closing/opening date is hereby extended to **19th January, 2022** from **12th January 2022** at **11.00 a.m.**

Kindly amend your tender accordingly and ensure the tender is valid for **126** days and the tender surety is valid for **156** days from the **NEW** closing/opening date of **19th January, 2022.**

This addendum forms part of the bidding document and it is binding on all the bidders. All the other conditions remain the same.

Yours faithfully,



Patrick K. Wanjuki
GM (PROCUREMENT & LOGISTICS)
FOR: MANAGING DIRECTOR/CEO