



KAA/OT/RFP/0088/2023-2024

13th December, 2023

To: All Tenderers

**RE: FRAMEWORK CONSULTANCY FOR PROVISION OF
LOT 1: MARKETING AGENCY
LOT 2: COMMUNICATION SERVICES
FOR KENYA AIRPORTS AUTHORITY.**

TENDER NO. KAA/OT/RFP/0088/2023-2024

ADDENDUM NO. 5

The following are tender clarifications/addendum issued regarding the above tender in accordance to instructions to tenderers clause 9.1 of the bidding document for the referenced tender.

No.	Inquiry	Response
1.	ITT 6.2 The documents have not been available as per addendum. How and when can KAA avail the documents?	Bidders are informed that the required documents are available in a soft copy format on our corporate website from the date of this addendum.
2.	Clause 15.1 Each Tenderer must provide a complete Form of Tender- Technical and Financial proposal using the relevant forms furnished in section IV tendering forms. There is a requirement on page 82 indicates that the rate card for each item will be the basis for award to the lowest bidder. Why KAA is requiring bidders to disclose their financial at this stage?	Bidders are instructed to adhere strictly to the guidelines outlined in the Tender Data Sheet ref 21.1 with reference to the header that states" Please submit your tender document with a TABLE OF CONTENTS as follows: <i>i. Technical requirements in the tender document and all other submissions – to be attached under the Technical Rfx Response folder (C folder) in the KAA portal. The Technical Proposals shall not be attached in the Notes and</i>

		<p><i>Attachments in the KAA portal.</i></p> <p><i>ii. Bill of Quantities/Price Schedule/Financial Proposals – in one (1) attachment – to be attached in one (1) attachment under the Notes and Attachments in the KAA portal. The Financial Proposals shall not be attached in the Technical Rfx Response Folder (C folder) in the KAA portal”.</i></p> <p>This tender used a framework agreement as per standard tender provided by PPRA and therefore, unit rate will be applicable.</p> <p>KAA has ensured that the prices will not be disclosed.</p>
	<p>Since the contents of the financial proposal is strictly limited to the bill of quantities and price schedule (page 30), where is this Form 40% rules then supposed to be placed without breaching the second envelope rule.</p>	<p>Bidders are asked to refer to the instruction to tenders on how to submit bid as per the reply on row 2 column 3 above.</p> <p>The Form 40% rule is not applicable for this tender unless the tenderer is bid as joint venture with a foreign firm.</p>
3.	<p>Tender amount identification: We have noted that the tender price will be largely based on the bills of quantities. Taking example of Lot1 (page 51), we noted that the bills of quantities have 6 columns: i) Category ii) Item iii) Local price iv) Imported price v) Unit rate (incl. of VAT) and vi) Approximate price.</p> <p>In as much as there is a local and imported price, it is unclear which total price we are supposed to indicate- is it for the imported or local?</p> <p>There is a lack of clarity as to where import duty would fall under the above table since there is the only provision for VAT. We find that with the above ambiguities, then KAA will not be giving the bidders a clear opportunity to compete as required in the constitution.</p>	<p>Bidders are informed that:</p> <p>a) Bill of Quantities rates will be the guiding rate card for the entire period of the contract.</p> <p>Where local and imported prices are applicable, bidders must include all applicable taxes in the unit price.</p> <p>N/B</p> <p>Please note this is a framework contract; therefore, the rate card applies to each item.</p>

<p>4.</p>	<p>Basis of Award.</p> <p>Use only criteria in this Section-The Procuring Entity shall use the criteria and methodologies listed in this Section to evaluate tenders and arrive at the Lowest Evaluated Tender. The tender that (i) meets the qualification criteria, (ii) has been determined to be substantially responsive to the Tender Documents, and (iii) is determined to have the Lowest Evaluated Tender price shall be selected for award of contract.</p> <p>We are mostly concerned about the requirements on page 34 that says "Use only criteria in this Section" which to us means that any other criteria should be disregarded.</p>	<p>Bidders are informed that the basis of award is determined by the set evaluation and qualification criterion such as;</p> <ol style="list-style-type: none"> 1. Preliminary/Mandatory 2. Technical 3. Financial as per the narrative stated in section III. 4. All the conditions in the special conditions of contract also need to be considered
	<p>On page 57, LOT 2: FINANCIAL EVALUATION ((b) 2.27.4 Award Criteria). State "The bidder shall submit their financials as outlined in the bills of quantities giving the unit rate (where applicable) and total cost for each item" There is then a third column states "Highest bid shall be awarded"</p> <p>The above appears to suggest that the person with highest financial quote will be the successful bidder.</p>	<p>Bidders are informed that the requirement is hereby amended to read "Bills of Quantities rates will be the guiding rate card for the period of the contract".</p> <p>The third column narrative is amended to read "Award is based on the lowest responsive evaluated bid"</p>
	<p>The summation of the above is- how does KAA intend to identify the successful bidder, will that bidder be the highest quoted, lowest evaluated or the highest combined scores?</p> <p>The document seems to be outside the standard tender as issued by PPRA. We request you issue afresh tender document with clear financial evaluation criterion including clear competition on financial items.</p>	<p>Bidders are informed as follows;</p> <ol style="list-style-type: none"> i) The identification of the successful bidder is through a set evaluation and qualification criterion as per section iii. ii) This is a standard framework document as per PPRA guidelines. iii) The price will be determined by taking an average of bidders who qualifies for financial evaluation. In this process, the prices falling on outliers will not be considered during the average process

The closing/opening date is hereby extended to **21st December, 2023 at 11:00 am from 14th December 2023 at 11.00 a.m.**

Kindly ensure your tender is valid for a period of **126 days** from the NEW closing/opening date of **21st December, 2023 at 11.00. a. m.**

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



Vincent Korir

GM (PROCUREMENT AND LOGISTICS)

For: MANAGING DIRECTOR/CEO