

TAC 7

Our Ref: KETRACO/PT/045/2023

23rd April 2024

Notice to all Bidders.

TENDER ADDENDUM AND CLARIFICATION No. 7 (TAC 7)


RE: Procurement of Plant, Design, Supply and Installation of the 220kV Mariakani - Dongo Kundu Transmission Line and Associated Substations (KETRACO/PT/045/2023)

The following amendments are made to the specified provisions for the bidding documents for procurement of plant, design, supply and installation of the 220kV Mariakani - Dongo Kundu Transmission Line and Associated Substations (KETRACO/PT/045/2023).

Save where expressly amended by the terms of this clarification, the Principal Tender Document shall continue to be in full force and effect.

Find herein the ADDENDUM and CLARIFICATION No. 7, consisting of eighteen (18) pages into the Principal Tender Documents as attached. This document should be returned along with dully filled Form of Tender.

All other terms and conditions of the Request for Bids document remain the same.


PETER NJEHIA
SENIOR MANAGER, SUPPLY CHAIN

Tender Addendum and Clarification No. 7 of Tender No. KETRACO/PT/045/2023 has been received and incorporated in the Tender Documents.

Name of Tenderer (in block letters): _____

Signature: _____

Date: _____

Signed for the Tenderer by (Name in block letters): _____

In the office bearer capacity of: _____



A. Clarification No.7

No.	Volume	Part / Page	Section / Clause No.	Reference	Clarification	Reply from KETRACO
1	Volume VII of VII PART 3	Section VIII. Particular Conditions (PC)	PC-22 Sub-Clause 13.5 Provisional Sums	"As an exception to the above, the Provisional Sum for the cost of the DB shall be used, in accordance with Sub-Clause 20.2 [Appointment of the Dispute Board], for payments to the Contractor of the invoices of the DB for its Regular Cost and one-half of its Non-Regular Cost.	Please clarify the breakdown of Regular Cost and Non-Regular Cost. The Bidder understands that the amount of "Cost of Dispute Board (DB)" written in ITB 14.10 of Bid Data Sheets includes Regular Cost and Non-Regular Cost and the Contractor shall bear half of the Non-Regular Cost.	Refer to Sub-clause 20.2 of the General Conditions of Contract and the Specific Provisions.
2	Volume I of VII- PART 1	Section IV. Bidding Forms Price Schedule	IV-C1-34 Schedule of Specified Provisional Sums	CSR Project	Please clarify what activities are included in the CSR envisioned here in Provisional Sum. And who will lead this subject?	The CSR activities shall be determined through the consultation with the communities in the project affected areas during the construction period. The successful bidder shall be instructed by the Employer on what activities to undertake during construction period.

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<p>3</p> <p>Volume II of VII-Part2</p>	<p>Section VI-1A. Scope of Supply of Plant and Installation Services by the Contractor</p> <ul style="list-style-type: none"> - Transmission Line <p>&</p> <ul style="list-style-type: none"> 1B- Specification- Transmission Line -13-Tests 	<p>3.6 PARTICIPATION IN FACTORY ACCEPTANCE TESTS & 13.4 FAT</p>		<p>Please clarify how many people of Employer does the Contractor provide opportunity for FAT for each trip.</p> <p>There are discrepancies in the followings.</p> <p><3.6 Participation in Factory Acceptance Tests></p> <p>The Contractor shall provide facilities for the participation/witnessing of the factory acceptance tests for 2 Representatives of the Employer.</p> <p><13.4 FAT></p> <p>The Contractor shall also include in the price for the attendance by three(3) Employer's representatives to witness the tests, that is, three (3) Employer's representatives for each trip.</p>	<p>Refer to Tender Addendum and Clarification No.2</p>
<p>4</p> <p>Volume III of VII-Part2</p>	<p>Section VI-2A. Scope of Supply of Plant and Installation Services by the Contractor</p> <ul style="list-style-type: none"> - Substations 	<p>2. Training for Employer's Staff Overseas Training</p>	<p>Four (4) engineers of the Employer will participate in each of the above training modules. The full cost of the above training including course fee, foreign accommodation and food, round way air fare, transport and per diem allowance (as per World Bank rates) etc. shall be borne by the Contractor.</p>	<p>Please clarify how much is the rate of per diem according to the World Bank rates.</p>	<p>Refer to Tender Addendum and Clarification No.2</p>
<p>5</p>			<p>Consignee of shipment</p>	<p>Please confirm the Consignee of shipment related to this project will be KETRACO.</p>	<p>Consignee is the Employer.</p>

6				<p>Custom Security Bond</p>	<p>The Bidder understands that Custom Security Bond allow us to import the goods without paying duties and levies and this contributes to smooth custom process.</p> <p>(1) Please clarify that the nominee of Custom Security Bond will be a Consignee.</p> <p>(2) Please clarify that the fee for Custom Security Bond* will be reimbursed.</p> <p>*The Bidder understands that the fee for Custom Security Bond for the materials, equipment, and spare parts exclusively utilized for the Project but not incorporated to the Permanent Works such as temporally materials shall be reimbursed.</p>	<p>1.Refer to Treasury Circular No. 9/2018 which states that the nominee of the custom security bond can either be the employer or the contractor.</p> <p>2 Bonds should be taken, when necessary, as precautionary measure. The contractor should always apply for tax exemptions in advance. Any reimbursements shall comply with the provisions in Sub-clause 20.1 of the General Conditions of Contract.</p>
7					<p>Due to pending clarifications and delays in receiving responses from KETRACO regarding the type test report and end user certificate requirements we kindly request an extension of the tender closing date from 9th April 2024 by an additional 4 weeks. This extension would provide us with the necessary time to finalize and prepare a Comprehensive & Competitive offer.</p>	<p>Refer to Tender Addendum and Clarification No.2.</p>

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<p>8</p> <p>Volume 1 of PART 1</p>	<p>Section I. Instructions to Bidders</p>	<p>6.3: Contents of Bidding Document</p>	<p>"Unless obtained directly from the Employer, the Employer is not responsible for the completeness of the Bidding Document, responses to requests for clarification, the minutes of the pre-bid meeting (if any), or addenda to the Bidding Document in accordance with ITB 8. In case of any contradiction, documents obtained directly from the Employer shall prevail."</p>	<p>Please clarify whether obtaining the bid document from the employer involves obtaining physical or soft copies from KETRACO offices, or if it involves downloading soft copies from the KETRACO website.</p>	<p>It involves downloading soft copies from the KETRACO website.</p>
<p>9</p> <p>Volume 1 of PART 1</p>	<p>Section I. Instructions to Bidders</p>	<p>18. Period of Validity of Bids 19. Bid Security Form of Bid Security</p>	<p>■ITB 18.1 The Bid validity period shall be one hundred and eighty (180) days ■ITB18.2 Period of Validity of Bids The Bid Security shall be extended for twenty-eight (28) days beyond the extended validity period. ■ITB19. Bid Security The Bid Security shall be valid for twenty-eight (28) days beyond the original validity period of the Bid, or beyond any period of extension if requested under ITB18.2.</p>	<p>Please clarify whether we can set "the fixed date" as expiry in the Bid Bond. According to the ITB 18.1/18.2/19.2, it is clear that the bid validity is 180 days. And the bid security shall be valid 28 days beyond the original validity period of the bid, or beyond any period of extension. Since it is clearly mentioned in the ITB for the validity of the Bid Security, we would like to ask you to set the fixed date.</p>	<p>The Bid Security Form shall be in the format given in Volume I, Part 1, Section IV-Bidding Forms and shall not be altered.</p>
<p>10</p> <p>Volume VII of PART 3</p>	<p>Section VIII. Particular Conditions (PC)</p>	<p>PC-30 Sub-Clause 14.9 Payment of Retention Money</p>	<p>Unless otherwise stated in the Particular Conditions, when the Taking-Over Certificate has been issued for the Works and the first half of the Retention Money has been certified for payment by the Engineer, the Contractor shall be entitled to substitute a guarantee, in the form annexed to the Particular Conditions or in another form approved by the</p>	<p>Please clarify whether the Retention money Security issued by Japanese bank located from outside of the Employer's country are acceptable. The Bidder understands that reputable bank or financial institution can be selected by the Contractor at its discretion.</p>	<p>Not acceptable.</p>

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11	Volume VII of VII PART 3	Section VIII. Particular Conditions (PC)	1.16 (A) The Contractor's Liabilities as to the payment taxes and duties	Employer and issued by a reputable bank or financial institution selected by the Contractor, for the second half of the Retention Money. Personal income tax on Japanese employees engaged in the implementation of the Project for their personal income derived from Japanese companies operating as suppliers, contractors and/or consultants for the implementation of the Project ----- No Pay The Contractor shall have all Engineering plans, designs, surveys, schemes, proposals, reports, studies, calculations and drawings signed off by a Professional Engineer registered in Kenya before submitting to Employer for review and approval. This is a mandatory requirement by the most recent Engineers Act under Kenyan law.	Please confirm whether the personal income tax of foreign people other than Japanese nationals are exempted if they are employee of Japanese Company.	Refer to Tender Addendum and Clarification No.6 Item no.29.
12	Volume II of VII-PART 2	Section VI-1B Transmission Line Specifications	VI-1B-01-26 1.25 Design and Standardization	The Contractor shall have all Engineering plans, designs, surveys, schemes, proposals, reports, studies, calculations and drawings signed off by a Professional Engineer registered in Kenya before submitting to Employer for review and approval. This is a mandatory requirement by the most recent Engineers Act under Kenyan law.	Please clarify whether the Professional Engineer can be nominated from the bidder and/or subcontractors or subcontracted as part of a Kenyan Design/Engineering Consultant Firm.	Confirmed if the firm / proposed person has the requisite experience / competences for the job.
13	Volume I of VII-PART 1	Section II: BID Data Sheet	ITB 14.9	d) As per the Exchange of Note signed between the government of Kenya and Japan, the government of Kenya is responsible for exempting Japanese companies and Japanese employees in the Japanese ODA projects from taxes, including direct taxes as follows:	Please clarify how the current 6-month conservatory order issued by the Court of Appeal in December 2023, regarding the legality of the Exchange Note, might impact the terms of the exchange note once the 6-month period expires.	Following the conservatory order issued by the Court of Appeal on 19 December 2023, the exemptions are still law pending a determination by the Court of Appeal. Any change in law which will affect the Exchange of Note will be governed by General Condition Sub-clause 13.7 "Adjustments for changes in Legislation" (FIDIC-Plant and Design Build, First Edition

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<p>14</p>	<p>Volume II of VII-Part2</p>	<p>04-Section VI-1B_01_General-20231114</p>	<p>1.38.4 Internship and Graduate Employment</p>	<p>The Contractor shall accommodate ten (10) persons for internship/apprenticeship during the Contract period. The internship period for each student shall be 12 months. A monthly stipend allowance of Kshs 25,000 shall be provided to each intern.</p> <p>The Contractor shall also employ four (4) local graduate engineers (2 civil and 2 electrical) for the duration of the contract. The graduates shall have not more than 2 years' experience. Their minimum monthly remuneration shall be Kshs 100,000 per graduate.</p> <p>The Contractor shall also employ four (4) local technicians (electrical) for the duration of the contract. Their minimum monthly remuneration shall be Kshs 80,000.</p>	<p>Please clarify whether the Bidder has a responsibility for paying Personal Income Tax for the following people.</p> <p>(1) For 10 persons for internship/apprenticeship (2) For 4 local graduate engineers (3) For 4 local technicians</p> <p>if the Bidder needs to manage tax and levies, please clarify which item is applicable.</p>	<p>1999).</p> <p>The Contractor shall be responsible for any taxes due. However, the Contractor is advised to undertake due diligence.</p>
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15	Volume III, Part 3, Section VIII. Particular Conditions (Part A: Contract Data)	PC-2	<p>The Contractor's Liabilities as to the payment taxes and duties:</p>	<p>b) KETRACO has duty of collecting withholding tax from contractors on behalf of Kenya Revenue Authority under the Kenyan Income Tax Act.</p> <p>c) As per the Exchange of Note signed between the government of Kenya and Japan, the government of Kenya is responsible for exempting Japanese companies and Japanese employees in the Japanese ODA projects from taxes, including direct taxes as follows:</p> <ol style="list-style-type: none"> i. Personal income tax on Japanese employees engaged in the implementation of the Project for their personal income derived from Japanese companies operating as suppliers, contractors and/or consultants for the implementation of the Project No Pay ii. Corporate income tax on Japanese companies operating as suppliers, contractors and/or consultants with respect to the income accruing from the supply of products and/or services to be provided under the Loan No Pay 	<ul style="list-style-type: none"> • About Personal Income Tax; Do "contractors" include sub-contractors and sub-sub-contractors in terms of direct tax exemption? Furthermore, in relation to the exemption on corporate income tax, is the sub-contractor exempt from permanent establishment (PE) judgement, when the contract duration exceeds 183 days? Or, even when it is judged as PE and the tax amount is zero due to the tax exemption, is it exempt from tax return preparation and tax filing? If yes, is the exemption applied to sub-contractors or sub-sub-contractors in not only Japanese companies but also other countries (such as Sweden, Switzerland, Norway, India)? • Others; From the official tendering documents there are with indications that following taxes could be no pay: <ul style="list-style-type: none"> • Custom Duties • Railway Development Levy • VAT (but must be approved by Kenya authorities) • Corporate Income Tax • Personal Income Tax In official tendering documents indicate that Corporate Income Tax on 	<p>1) Refer to Tender Addendum and Clarification No.3 item No.43.</p> <p>2) Bidder is advised to undertake due diligence.</p> <p>3) Refer to; -Volume I, Part 1, Bid Data Sheet, ITB 14.9. -Tender Addendum and Clarification No.5, Item no. 29.</p> <p>Exchange of Notes signed between the government of Kenya and Japan is a confidential document hence can't be shared to bidders.</p>
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					<p>Japanese companies obtained income accruing from the supply of services – No Pay, but also indicate that the customer has duty of collecting withholding tax, please also make confirmation if Corporate Withholding Tax on non-resident corporations from services supply/provided in Kenya could also be tax exemption? VAT no pay is required to be approved by Kenya authorities, any further documents for VAT exemption will be required to be prepared by the suppliers? We request the Employer to provide the copy of the Exchange of Notes signed between the government of Kenya and Japan. And / OR the official tax exemption certificate issued by the Kenyan government that the JICA ODA Loan project contains details of the tax exemption. Some of other JICA tender documents included the copy. We need to know that. The above inquiries 1 to 3 are affect to making competitive price bid for all of the bidders.</p>	<p>Refer to Tender Addendum and Clarification No.2</p>
<p>16</p>	<p>02-Section VI-2A Scope of Work Substations -</p>	<p>VI-2A-45 (46/47)</p>		<p>Overseas Training The Contractor shall arrange product training on new switchgear, substation automation system,</p>	<p>It's understood that regardless all newly requested equipment in the RFQs to new Dongo Kundu substation and the existing Mariakani substation,</p>	

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20230704	C. Other Requirements	2.Training for Employer's Staff Overseas Training & Training at site	protection relays, power quality analyzer and telecommunication system for Employer's staff (engineers). Training at Site Appropriate training shall be provided by the Contractor for ten (10) members of Employer's staff including operators with respect to installation, testing, operation and maintenance of the equipment/system being newly installed.	both trainings shall be conducted. Details are if the clause request items for the extension of Mariakani such as 220kV CB, CT, CVT, DS, SA, SAS, Telecommunication as well? Please confirm.	
17	General	Pre-shipment Inspection		It's not described and specified on "Pre-shipment Inspection". Does the contractor request it? If necessary, kindly specify which equipment would be considered to conduct the additional inspection.	All imports to the country must be inspected or apply for a Pre-Export Verification of Conformity (PVOC) exemption. Refer to Tender Addendum and Clarification No. 1 item r.o. 10 for more information.

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<p>18 Volume IV, PART 2, 26-Section VI-2B - Employer's Requirements - 2B- Specification-Substations - 20230704-22 Specifications- Fire Fighting Facilities - Cl. No. 22.5. Gas Fire Suppression Systems [VM3] & price schedule C2-Substation Schedule No.3, Sl. No.338</p>	<p>VI-2B-22 – 3 to 4</p>	<p>Gas Fire Suppression Systems (VM3)</p> <div style="border: 1px solid red; padding: 10px; margin: 10px;"> <p>22.5. Gas Fire Suppression Systems</p> <p>This shall be provided at least 2 set for Main Transformers.</p> <hr/> <p>Vendor: S/Z Alkhatib</p> <p style="text-align: right;">VI-2B-22-3</p> </div>	<p>Please note that specification for Fire Fighting Facilities calls for 2 set of Gas Fire Suppression Systems [VM3] for power transformers. Whereas price schedule C2-Substation Schedule No.3, Sl. No.338 calls for hydrant fire system for Power Transformers. Hence please clarify whether requirement of Gas fire suppression system.</p>	<p>Gas Fire Suppression System for Transformer is not required.</p>
<p>19 Volume I, PART 1 _20231227, Section IV, Bidding Forms, Documents & Drawings to be submitted with tender</p>	<p>BF-19</p>	<p>DOCUMENTS & DRAWINGS TO BE SUBMITTED WITH TENDER</p> <p>As minimum the following documents & drawings shall be submitted with the Tender</p> <p>A. SUBSTATION WORK</p> <p>10. Suggested plan, and section drawings of Diesel Generator Substation at Madinat Substation</p> <p>11. Drawings showing details of construction and dimensions of</p> <ul style="list-style-type: none"> • Control Towers • Distribution • Single wire die • Current Transformers • Voltage Transformer • MV LV Distribution • Auxiliary Equipment • Details of proposed low-voltage bus, switch and busbar connections • General Electrical Equipment modules • MCC - 400V • All types of distribution cables connected to lamps, terminals etc. • Protection for light fixtures 	<p>Please note that typical arrangement drawings for below mentioned items during tender stage is not feasible to furnish by the vendors.</p> <ul style="list-style-type: none"> • Transformer Fire Fighting system, pumping station & water supply • CCTV system, • connectors, clamps, terminals drawings <p>Hence please confirm</p>	<p>In the absence of typical arrangement drawings, provide catalogues/brochures and parts list.</p>

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<p>20</p> <p>Drawing No. MSEZ-2022-DL/E-002, SEZ Substation-Typical Arrangement of 33kV Local Substation /Switching Station Electrical</p>		<p>Please note that 33kV Local Substation building size (6.5m x 3.7m) may vary during detail engineering stage. Hence please confirm if any variation quantity will be amended</p>	<p>The contractor is responsible for design of the works and therefore should quote based on their proposed designs. There will be no variation due to change in building size during implementation.</p>
<p>21</p> <p>Volume I, PART 1, Volume I - PART 1_20231227, Section III. Evaluation and Qualification Criteria (without prequalification) EQC-1, 1.1.3 Subcontractor for major item of the Works</p>		<p>Please note that Evaluation and Qualification Criteria (without prequalification) Calls for 20 years' experience for below items.</p> <ul style="list-style-type: none"> • LVAC, DC system, • Conductor, • Oil purifier unit and • Steel structure. <p>Whereas the above equipment's vendors not available of 20 years' experience of supply record. Hence please confirm experience list.</p>	<p>Bidders to comply with criteria. If proposed materials/equipment/manufacturer do not satisfy the minimum criteria, it may be a cause for disqualification.</p>

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<p>22 Volume I, PART 1, 20231227, Section VI- 24. Guarantee Technical Particulars, Technical Data Sheet for 33 kV Cable & Volume V, PART 2, 28-Section VI-2B-24-Specifications-HV Underground Cables- 20230704-2B-Specification-Substations -Section VI. Employer's Requirements - 24 - High Voltage Underground Cables-24.7 Technical Data Sheet for 33 kV Cable</p>	<p>BF-238 VI-2B-24 - 66</p>	<table border="1"> <tr> <td>Number of cores</td> <td>1</td> <td>Minimum</td> </tr> <tr> <td>Conductor Material</td> <td>Aluminum</td> <td></td> </tr> <tr> <td>System voltage</td> <td>33 kV</td> <td></td> </tr> <tr> <td>Conductor size</td> <td>33</td> <td></td> </tr> <tr> <td>Insulation type</td> <td>XLPE</td> <td></td> </tr> <tr> <td>Metal sheath type</td> <td>Aluminum</td> <td></td> </tr> <tr> <td>Overhead type</td> <td>Underground</td> <td></td> </tr> <tr> <td>2.0 Insulation Coordination</td> <td></td> <td></td> </tr> <tr> <td>Highest system Voltage (in this section class)</td> <td>33 kV</td> <td></td> </tr> <tr> <td>Nominal Voltage between ventilators</td> <td>33 kV</td> <td></td> </tr> <tr> <td>Number of cores</td> <td>1</td> <td>Minimum</td> </tr> <tr> <td>Conductor Material</td> <td>Aluminum</td> <td></td> </tr> <tr> <td>System voltage</td> <td>33 kV</td> <td></td> </tr> <tr> <td>Conductor size</td> <td>33</td> <td></td> </tr> <tr> <td>Insulation type</td> <td>XLPE</td> <td></td> </tr> <tr> <td>Metal sheath type</td> <td>Aluminum</td> <td></td> </tr> <tr> <td>Overhead type</td> <td>Underground</td> <td></td> </tr> <tr> <td>2.0 Insulation Coordination</td> <td></td> <td></td> </tr> <tr> <td>Highest system Voltage (in this section class)</td> <td>33 kV</td> <td></td> </tr> <tr> <td>Nominal Voltage between ventilators</td> <td>33 kV</td> <td></td> </tr> </table>	Number of cores	1	Minimum	Conductor Material	Aluminum		System voltage	33 kV		Conductor size	33		Insulation type	XLPE		Metal sheath type	Aluminum		Overhead type	Underground		2.0 Insulation Coordination			Highest system Voltage (in this section class)	33 kV		Nominal Voltage between ventilators	33 kV		Number of cores	1	Minimum	Conductor Material	Aluminum		System voltage	33 kV		Conductor size	33		Insulation type	XLPE		Metal sheath type	Aluminum		Overhead type	Underground		2.0 Insulation Coordination			Highest system Voltage (in this section class)	33 kV		Nominal Voltage between ventilators	33 kV		<p>Please note 33kV XLPE power cable system rated system voltage is Specified 66kV in Vol.1. Section-VI, TDS for 33kV Cable. Whereas Vol. V, 24.7 TDS for 33 kV Cable rated system voltage is 33kV. Hence please clarify whether requirement of rated system voltage for 33kV XLPE Power cable.</p>	<p>The System voltage for 33kV XLPE Power Cable is 33kV.</p>
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<p>23</p> <p>Volume I, PART 1, _20231227, Section VI, C2-Substation Schedule No.3, Price schedule, item No. 319</p>	<p>Section IV Price Schedules</p> <p>Calculations Schedule No.3</p> <table border="1" data-bbox="319 1075 606 1657"> <thead> <tr> <th>Item No.</th> <th>Description</th> <th>Unit</th> <th>(Qty)</th> <th>Quantity</th> <th>Local</th> </tr> </thead> <tbody> <tr> <td>219</td> <td>1-phase 20kV Japanese voltage transformer for Line and Tm by complete with steel support and accessories</td> <td>N</td> <td>1</td> <td></td> <td></td> </tr> <tr> <td>220</td> <td>1-phase 20kV Japanese energy transformer for</td> <td>N</td> <td>1</td> <td></td> <td></td> </tr> </tbody> </table>	Item No.	Description	Unit	(Qty)	Quantity	Local	219	1-phase 20kV Japanese voltage transformer for Line and Tm by complete with steel support and accessories	N	1			220	1-phase 20kV Japanese energy transformer for	N	1			<p>Please note that price schedule item No. 319 calls for supply of 18 Nos. 33kV Outdoor Type Surge Arrester for Main Transformer, Capacitor bank & Auxiliary Transformer feeders. Whereas 24 Nos. of 33kV Surge Arrester, Outdoor type Surge arresters required as per single line diagram. Hence please confirm if any quantity variation will be amended.</p>	<p>Refer to the updated price schedule in Tender Addendum and Clarification No.2.</p>
Item No.	Description	Unit	(Qty)	Quantity	Local																
219	1-phase 20kV Japanese voltage transformer for Line and Tm by complete with steel support and accessories	N	1																		
220	1-phase 20kV Japanese energy transformer for	N	1																		
<p>24</p> <p>Volume I Section II. Bid Data Sheet</p>	<p>ITB19.1 Page BDS-1</p> <p>Bid Security</p>	<p>1) We understand that this project is financed by JICA Loan having STEP condition. The currency of Japanese Yen and US Dollar should be accepted. Kindly accept this.</p> <p>Same as the above inquiry 1, Japanese major bank such as MUFG should be accepted. Kindly accept this.</p>	<p>1) Refer to Tender Addendum and Clarification no.6. Item 38</p> <p>2) The Bid Security shall be in form of a bank guarantee issued by either (i) a bank licensed and categorised as a 'large bank' by the Central Bank of Kenya or (ii) a foreign bank having a local correspondent bank (categorised as a 'large bank' by the Central Bank of Kenya) to make it enforceable.</p>																		
<p>25</p> <p>Volume I of VII- PART 1/Section II.</p>	<p>19. Bid Security</p>	<p>19.1 The Bidder shall furnish as part of its Technical Bid, a Bid Security in the amount and currency</p>	<p>Refer to item 24 above.</p>																		

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	Bid Data Sheet			"The amount and currency of the Bid Security shall be Kenya Shilling Seventy million (Ksh70, 000,000) issued by a bank licensed and categorised as a 'large bank' by the Central Bank of Kenya."	acceptable.	
26	Volume I of VII- PART 1	Section IV. Bidding Forms	BF302 Form of Bid Security		Please clarify whether the bank listed in the following link* is acceptable to issue the Bond in Kenya. *CBK posting: directory-of-licensed-commercial-banks-mortgage-finance-institutions-and-non-operating-holding-companies CBK (centralbank.go.ke).	Refer to Item 24 above. The categorization of local banks may be obtained from the latest Bank Supervision & Banking Sector Report available in the Central Bank of Kenya website: https://www.centralbank.go.ke/reports/bank-supervision-and-banking-sector-reports/
27	Volume VII of VII PART 3	Section VIII. Particular Conditions (PC)	PC-25 Sub-Clause 14.2 Advance Payment	(ii) a guarantee in amounts and currencies equal to the advance payment. This guarantee shall be in the form of an unconditional Bank Guarantee issued by a bank licensed by the Central Bank of Kenya assigned Tier 1 status and shall be in the form annexed to the Particular Conditions or in another form approved by the Employer.	Please confirm if the list below are the Banks categorized as a 'Tier 1' by Central Bank of Kenya 1. Kenya Commercial Bank 2. Equity Bank 3. Cooperative Bank 4. Standard Chartered Bank 5. Absa Bank 6. NCBA Bank 7. Stanbic Bank 8. Diamond Trust Bank 9. I &M Bank	Refer to Item 26 above.
					Please clarify whether the Advance Payment Security issued by Japanese bank located from outside of the Employer's country are acceptable. If the above (2) is not possible, if the Japanese bank located from our side	Not acceptable.
						Not acceptable.

				<p>of the Employer's country has a correspondent financial institution located in the Employer's country, will it be possible for this Japanese bank to issue the Advance Payment Security?</p>	
28	<p>Volume I - PART 1_20231227</p>	<p>Section II: Bid Data Sheet - BDS-6</p>	<p>C. Preparation of Bids</p>	<p>ITB 19.1 The amount and currency of the Bid Security shall be Kenya Shilling Seventy million (Ksh70, 000,000) issued by a bank licensed and categorized as a 'large bank' by the Central Bank of Kenya.</p>	<p>About the Banks categorized as a "large bank" by Central Bank of Kenya, we can find the "Absa Bank" is listed. But please confirm which is correct for the Bidder to use.</p> <p>-ABSA BANK LIMITED (Located in South Africa) -ABSA BANK KENYA PLC (Located in Kenya)</p>
29	<p>Volume I of VII- PART 1</p>	<p>Section IV. Bidding Forms</p>	<p>BF302 Form of Bid Security</p>	<p>Please clarify whether the bank listed in the Global Operating Bank with External rating above A* is acceptable to issue the Bond from outside of the Employer's country.</p>	<p>Refer to Item 24 above.</p>
30	<p>Volume I of VII- PART 1</p>	<p>Section IV. Bidding Forms</p>	<p>BF302 Form of Bid Security</p>	<p>*REGULATED INFORMATION Crédit Agricole CIB (ca-cib.com)</p> <p>Please clarify whether Bid Security issued by Japanese bank located from outside of the Employer's country are acceptable.</p>	<p>Refer to Item 26 above.</p>
31	<p>Volume VII of VII- PART 3 Annex to Part B: Specific Provisions -</p>		<p>Clause 5. Procurement Conditions.</p>	<p>As per this clause, only Japanese companies would be eligible to submit this project or in JV with a Japanese company. Could you confirm if our understanding is correct? Clarify if only Japanese companies could</p>	<p>The STEP guidelines provide 6 ways through which a PRIME BIDDER can be defined. Refer to Part 1, Section V "Eligible source countries of ODA Loan", Part 5(b) under "5.</p>

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	<p>Eligible Source Countries of Japanese ODA Loans</p>				<p>participate in this tender?</p>	<p>Procurement conditions" and its associated footnotes for further guidance on the specifics of each scenario.</p>
<p>32</p>	<p>Volume VII of VII- PART 3 Annex to Part B: Specific Provisions - Eligible Source Countries of Japanese ODA Loans</p>		<p>6. Country of origin of goods and services procured under STEP loans.</p>		<p>Please confirm if the only requirement for the origin of goods is that not less than 30% of the total amount of the project shall be Japanese origin.</p>	<p>Refer to Part 1, Section V "Eligible source countries of ODA Loan", "6. Country of origin of goods and services procured under STEP loans". Part 2a, 2b and 2c highlight conditions for calculating the 30% ratio from both partially and wholly owned Japanese companies.</p>
<p>33</p>	<p>Volume I of VII- PART 1</p>	<p>Section IV: Bidding Forms Section V. Eligible Source Countries of Japanese ODA Loans</p>	<p>BF 301 Form of Declaration under STEP ESC8 6. Country of origin of goods and services procured under STEP Loans</p>		<p>There are discrepancy in the bidding document. Please clarify which contents is correct. and please make sure whether "Services" can be counted or not. <Form of Declaration under STEP> page: no.BF301 We, the undersigned, declare that: Our Bid proposal satisfies JICA's STEP condition, i.e., proportion of the materials and services from Japan is not less than thirty percent (30%) of the total bid price.</p> <p><6. COUNTRY OF ORIGIN OF GOODS AND SERVICES PROCURED UNDER STEP LOANS> Page:ESC8</p>	<p>Refer to Part 1, Section V "Eligible source countries of ODA Loan", "6. Country of origin of goods. Either (i) goods from Japan and services provided by a Japanese company(ies), or (ii) goods from Japan only shall be applicable for this project.</p>

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							(ii) Project which consists mainly of the installation of goods or plants and in which Japanese technologies can be identified in such goods or plants ²¹ . ⇒Only goods from Japan can be included in the Ratio (i.e. (ii) is applied).	
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