

**Tender: Support to wastewater management at Lake Victoria South Project**  
**Prequalification phase**  
**Queries and answers, and amendments to the tender dossier**

This document summarise queries posed by bidders and additional information to bidders.

Status: 15 August, 2023

1. Additional information 1:

*Bidders are informed that the declaration of undertaking, requested by KFW Development Bank has changed recently and that previous versions are no longer accepted. The correct version is included in the tender dossier.*

2. Query 1:

One bidder had the following question:

Dear Sirs,

We refer to the requested staff list as per FORM 6 for the above application. FORM 6 requests the presentation of the list in portrait format and furthermore restricts the description of each expert to 10 lines maximum. We consider this restriction as very strong as most project names are longer than the available width of the column acc. to FORM 6. Hence, it is impossible to name the full project title, the client and financing institution, the period of assignment and the position of the respective expert within only 10 short lines in a portrait format.

In order to provide sufficient information, we kindly ask to allow for the presentation of the staff list in the landscape format as originally foreseen in the RfP and to limit the number of project references to 5 per staff with 3 lines per reference. We are convinced that thus the evaluation of the experts' relevant experience would be facilitated under full consideration of a staff list which has a reasonable length.

*Answer: The submission of Form 6 in landscape format is acceptable to the employer. Bidders are free to use the provided 10 lines. There is no further specification about the number of references and lines.*

3. Query 2:

One bidder had the following question:

We have a clarification request regarding the prequalification, and specifically the fact that this is a re-tender. Is it possible to specify the reasons for re-tender? Should we decide to submit an application for re-tender, we would like to ensure we match the requirements as much as possible, whilst overcoming any difficulties that may have been found by yourselves in the initial tender phase.

*Answer: Regarding the previous tender we may only disclose that one reason for closure was that clarifications could not be sent to all bidders during the bidding period. In this tender it is therefore stated in the prequalification document to register interest to*

*submit a proposal in order to receive all clarifications. Please note that requirements (references, required personnel, evaluation grid) have changed to the previous tender.*

4. Query 3:

SP 2.2.1: The Applicant shall prepare max. 10 project references of projects, which ended not earlier than 1.1.2013.

Question: Are ongoing projects eligible as project references?

*Answer: Ongoing projects are eligible as project references. However, it shall be noted that not the references are evaluated, but the experience of the consultant, which is shown in the references. A project that has started recently therefore cannot be judged showing substantial experience. It is therefore recommended to provide references of projects, where the consulting services are in an advanced stage.*

5. Query 4:

SP 4.2.2:

- Design and supervision of rehabilitation and expansion of sewer networks and construction of new sewer connections (6 scores)
- Design and supervision of rehabilitation and expansion of the sewerage treatment plants (6 scores)
  - [...]
- Rehabilitation and expansion of the secondary and tertiary water supply networks (6 scores)

Question: We request to kindly include new construction alongside rehabilitation and expansion of sewer networks, sewerage treatment plants and water supply networks.

*Answer: It is acceptable that a part of the references relate to new constructions instead of rehabilitation. However, due to complexities involving rehabilitation works, experiences relating to rehabilitations shall be favourably considered in comparison with the new constructions.*

6. Query 5:

SP 1.6.1: Bidders are requested to present 4 staff in each requested field showing international and national professional expertise (2 international and 2 national experts).

Question: Would it be possible to change the requirement into “regional” experts and not only “national” experts?

*Answer: This is not acceptable, because staff shall be familiar with Kenyan laws and construction regulation. The consultant may suggest foreign staff under this category, when the staff has more than 5 years’ experience working in the Kenyan construction sector.*

7. Query 6:

Form 6

Question: It is indicated that the description of each expert is limited to 10 lines in A4-format (portrait). However, to use portrait format would be very unfavourable for the table to be filled in and the template is also in horizontal format. Therefore, we kindly ask whether also

horizontal format can be used for Form 6 and if it would be possible to increase the given limit for the description of each expert.

*Answer: Please see query 1.*

8. Query 7:

i) Since the deadline for submission is 1st September (as indicated in the Prequalification Document) or 31st August 31st (as indicated in the LVSWWDA website), the preparation of the Applications will have to be carried out during August, which is usually a vacation period, with consequent communication difficulties between the JV companies themselves and with potential subcontractors to prepare and organize the documents.

ii) The Consultants do not have the option of submitting their applications electronically.

iii) Applications must be delivered to the cities of Kisumu (Kenya) and Flensburg (Germany), which are off the main transportation routes and therefore will require additional delivery times.<sup>2</sup>

iv) It will be necessary to identify and describe a relatively large number (40) of technical staff (4 staff in each of the 10 requested fields), of which 20 with international expertise and 20 with national expertise.

Question: Considering these constraints, is it possible to extend the deadline for the submission of Applications by about 2 (two) weeks?

*Answer: An extension is only possible, when limited interest by the consulting industry is shown. In this tender it is not the case and an extension is undesired and therefore not given. Please note that the place for timely submission of documents is Kisumu. In case copies of the documents arrive late at the tender agent no sanction regarding the possible exclusion will apply. In case documents arrive late in Kisumu, but in due time at the tender agent, the bidder will be excluded from evaluation.*

9. Query 8:

With regard to above-mentioned project, we would like to ask for the following clarification:

In the special conditions under section 4.2.2 the qualification criteria is laid down. The qualification criteria under 1.4 states that “experience with working conditions of the lead consultant in Kenya. This sub-criterion is evaluated on the basis of the project references submitted in accordance with GP 2.2.1((d) (VI)”

The purpose of forming a joint-venture is to combine the experience of the joint-venture companies, therefore we kindly ask you to extend the required experience with the working conditions to all joint-venture partners and to limit the area not to Kenya only, but to consider the experience in all of Eastern Africa.

*Answer: In this specific, complex project, experience of the lead consultant in Kenya, which will be responsible for project management is of high importance and therefore desired. A modification of the evaluation criteria is therefore not granted. It is still possible for bidders to participate in the tender, because missing experience is not a criterion of exclusion.*

10. Additional information 2:

*Bidders are informed that the annex to the declaration of undertaking “Declaration of tax conformity” is not included prequalification document. The annex “Declaration of tax conformity” is therefore included below. This form only need to be filled if one of consortium members is registered in the following countries:*

- *American Samoa*
- *Anguilla*
- *Bahamas*
- *British Virgin Islands*
- *Costa Rica*
- *Fiji*
- *Guam*
- *Marshall Islands*
- *Palau*
- *Panama*
- *Russia*
- *Samoa*
- *Trinidad and Tobago*
- *Turks and Caicos Islands*
- *American Virgin Islands*
- *Vanuatu*

In case none of the bidding companies is registered in one of the above countries the form doesn't need to be submitted.

**Appendix 1**

**Declaration of tax conformity – binding confirmation for legal persons**

**Name of company**

I hereby confirm with my signature that:

1. I am authorised to make this declaration on behalf of the above company;
2. the company properly pays all taxes in accordance with the tax laws of the country in which the company is domiciled;
3. the company is not currently nor has been in the past involved in any legal proceedings concerning the taxation of the company;
4. the company will duly pay taxes that may arise from the provision of contracted services;
5. all information and statements provided in advance are complete, accurate in terms of content and currently correct.

.....  
(Place)

.....  
(Date)

.....  
(Name of the consultant)

.....  
(Signature(s))

**Appendix 1**

**Declaration of tax conformity – binding confirmation for natural persons**

I hereby confirm with my signature that:

1. I make this declaration in my name/on my own account;
2. I duly pay taxes that I am obliged to pay under the tax law of my country of residence;
3. I am not currently involved in tax law court proceedings, nor have I been in the past;
4. I will duly pay taxes that may arise from the provision of contracted services;
5. I have filled in all the information and statements of this confirmation in full, accurately in terms of content and that they are up to date at this time.

..... (Place)	..... (Date)	..... (Name of the person)
	(Signature)	.....

**11. Query 9:**

Section II. Special Provisions (SP) 1.6.1 requested services, page 14:

The tender documentation currently lacks explicit guidance on whether it is acceptable for a single expert to be covering more than one position.

Question: To fulfil the criteria on 2.1 qualitative assessment of the applicant’s available expertise (staffing for expert positions) we would assume that one expert can cover more than one position. Is this assumption correct?

*Answer: Yes, this assumption is correct, when the expert has expertise in more than one field.*

End of *amendments*, queries and answers.