



MOMBASA PORT AREA ROAD DEVELOPMENT PROJECT

**CONSTRUCTION OF MWACHE JUNCTION – TSUNZA – MTEZA SECTION
(PACKAGE 2) – TENDER NO KeNHA/1519/2017**

TENDER CLARIFICATIONS

| No | Question | Response |
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| 1. | Bidders requested to know why the design concept for Mwache and Mteza Bridges were not similar to that adopted for the Viaduct. | The Headroom and the Span requirements of the Viaduct are less restrictive. The more economical sections of pre-stressed concrete slab Girders were therefore selected. |
| 2. | Bidders requested to know if the Materials and EIA Reports were available and how they can be accessed. | The Employer has provided the Materials & EIA report in its Website. |
| 3. | Bidders requested to know if the Materials report included Laboratory Test results and Geo-technical investigations. | The Employer has provided a Factual Materials report on its website which includes laboratory test results. Bidders are however reminded that in accordance with the Special Specifications, it is their responsibility to identify sources of materials. |
| 4. | Bidders requested to know if they were to only consider the sources listed in the Materials report or they could explore additional sources. | The Employer responded that the materials sources indicated in the Materials report were for information purposes only. It's the responsibility of the Bidders to identify sources of materials. |
| 5. | Bidders requested to know if the CESS charges in Mombasa were uniform and whether they are likely to change with time. | Bidders are advised to familiarize themselves with the County regulations and any fees that may be charged. |
| 6. | Bidders sought to know if there were any spoil areas available for the project. | It's the Bidder's responsibility to identify spoil areas. |
| 7. | The Bidders noted that the Mangrove Restoration Plan (MRP) dated 2013 may be outdated. They sought to know if the listed locations for restoration were final and still valid. | The MRP report shows areas to be affected by the project and proposed restoration areas. However, Kenya Forestry Service (KFS) will confirm restoration areas as required during project implementation. |
| 8. | Bidders sought to know the status of Land Acquisition. | The Employer will avail the land for construction at the time of project |

| No | Question | Response |
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| | | implementation. |
| 9. | Bidders sought to clarify the mode of submitting questions or clarifications | As indicated in the Instructions To Bidders (ITB) clause 7.1, Bidders were allowed to present their questions or clarifications verbally during the Pre-Bid meeting, by hardcopy through the address provided or electronically by email. |
| 10. | Bidders sought to know the deadline for submitting questions or clarifications | The Deadline is as indicated in the Instructions to Bidders (ITB) clause 7.1. |
| 11. | Bidders sought to know if there was land available for setting up their Camp Site | It is the responsibility of the Bidder to identify land to setup their camps site, Engineer's Housing, laboratory and offices. |
| 12. | Bidders sought to confirm if the road used to access Tsunza Peninsula area during the site visit was the same earmarked for improvement and maintenance during the Contract period. | The Employer confirmed that the Bidders are required to undertake improvement & maintenance of the Road during the Contract Period under Bill 10, for Drainage works under Bill 8 and other related Bill items. |
| 13. | Bidders sought to know if the Tide level was constant across the two Creeks | The Employer confirmed that the Tide level varied daily and informed the Bidders that such data is available at Kenya Maritime Authority (KMA) offices in Mombasa. |
| 14. | Bidder sought to know where the 50,000 cu.m excavation in swamps as indicated in BOQ Item no 5.09 will be utilized. | The Employer confirmed that the materials would be used for construction of embankment in selected swampy sections around Mwache Creek and Tsunza Peninsula. |
| 15. | Bidders noted that the Bid Document indicated that Japanese Companies would be exempted from Tax. How would this affect the evaluation of the Bids? | Further to ITB Clause 36, Bidders are advised that evaluation of the Financial Proposals and award of the Contract will be done exclusive of indirect Taxes. |
| 16. | Bidders sought to know if European Bidders could submit their Bids in Euro currency. | Bidders are referred to ITB 15.1 which allows for three (3) currency Kenya Shillings, Japanese Yen and Dollars. |
| 17. | Bidders sought to know the submission method for both Technical and Financial Proposals | Bidders are referred to provision of ITB 21 Sealing and Marking of Bids. |
| 18. | Bidder sought to know if they can be issued the BOQ in Ms Excel format. | Bidders are advised to download the BoQ in Ms Excel format from Kenya National Highways Authority (KeNHA) website or Alternatively pick the same from KeNHA, Procurement Office, Ground floor during the Normal Working Hours (Monday – Friday) |

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| 19. | Bidders sought to know who will provide security during the implementation of the Project | Bidders are referred to the Provision in the Standard Specification -Section I General which requires the Contractor to provide security for the Site, Camp and the Engineer's Laboratory, Office and Housing. In addition in the Bill of Quantities Item 1.37 the Employer has provided a Provisional Sum for enhanced security to be utilized with approval of the Engineer. |
| 20. | Bidders sought to know if there is any Preferences for Japanese Bidders. | There are No preferences for any Bidders. |
| 21. | KeNHA to provide the Balance sheet (BS) for least 3 fiscal years | Bidders are advised that the Employer has made adequate financial arrangements for the implementation of these works. |
| 22. | KeNHA to provide Profit & Loss statement (PL) for least 3 fiscal years | Bidders are advised that the Employer has made adequate financial arrangements for the implementation of these works. |
| 23. | KeNHA to provide Cash flow statement (CF) for latest 3 fiscal years | Bidders are advised that the Employer has made adequate financial arrangements for the implementation of these works. |
| 24. | Bidding Documents, Volume 2, section VI-C, 2. C-2 Cross Sections Drawings - all drawings are missing | Bidders are referred to Addendum No.1 which includes Revised Books of Drawing. |
| 25. | Bridge Design Drawings, 1 of 2 please refer to the attached drawing list. | Bidders are referred to Addendum No.1 which includes Revised Books of Drawing. |
| 26. | Bridge Design Drawings, 2 of 2 – pier Layout and Dimensions, P41 to P42 (Set No B6-3 04) and Precast Parapet Panel Detail (Set No B7-0 01). | Bidders are referred to Addendum No.1 which includes Revised Books of Drawing. |
| 27. | There are various Drawings which, when printed, are very faint and difficult to read. | Bidders are referred to Addendum No.1 which includes Revised Books of Drawing. |
| 28. | Please provide in Soft Copy/AutoCAD files for all tender drawings | Drawings for the works are available to Bidders in PDF format |
| 29. | We kindly ask you to provide the design document which will be required for the work item under Bill 10. | The proposed access Road will follow the existing Alignment. The cross-section detail is provided in Addendum No 1 |

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| 30. | Is there a borrow pit map that Bidders can utilize for rehabilitation of the 35km access road? | The Employer has provided a Factual Materials report on its website which includes laboratory test results. Bidders are however reminded that in accordance with the Special Specifications, it is their responsibility to identify sources of materials. |
| 31. | Are Bidders allowed to suggest an alternative road cross section and maintenance method for the 35 km road? For example, instead of 200 mm gravel wearing, 200 – 300 mm subbase and 50 – 100 mm gravel wearing? | Bidders are advised to restrict themselves to the requirements of the Bidding documents. |
| 32. | Kindly explain how the implementation of these works relates to the operation of Moi International Airport Mombasa | The Project Road is in close proximity to Moi International Airport, Mombasa and Bidders are reminded to take that into consideration in the preparation of their Bids. |
| 33. | With reference to Typical Drawings of steel pipe pile (ex. DWG No. B2-2 02), Please clarify that materials inside the concrete unfilled section at the bottom of Steel Pipe Piles shall be cleared up or not? | Excavated materials to be cleared up to the required depth of concrete in the pile. |
| 34. | For Tsunza Viaduct Design Drawings (No. B3-2 03 to B3-2 24), Bored Pile Length Table indicates H1, H2, H3 & HT length of which not all are shown in the cross section drawings, please clarify. | Refer to Addendum No 1 which includes Revised Books of Drawing. |
| 35. | Will the withholding tax be deducted from payment in this project? | Bidders are invited to familiarize themselves with the provisions of the Kenya's Income Tax Act in order to understand the tax regimes and rates that apply. |
| 36. | Import duties and value-added tax are exempted for Japanese Company. Please advise on the procedure of this tax exemption. | Bidders are advised to familiarize themselves with the procedures for tax exemptions, however applications shall be done through the Employer. |
| 37. | For Non-Japanese Companies, the customs duties and VAT are required. Is it possible to be exempted? | Bidders are referred to the provisions of Sub-Clause 14.7 of the ITB |
| 38. | Will the successful Bidder required to prepare a master List for Task exemption | Further to the provisions of Sub-Clause 14.7 of the ITB, such firms would require to prepare a Master list for tax exemptions. |
| 39. | For the project execution, do Bidders need to have construction license in Kenya? | Bidders are required to familiarize with National Construction Authority (NCA) requirement with regard to Foreign Firms. |
| 40. | To execute the project, do Bidders need to set up the project office or branch? Is this project office or Branch treated as | Bidders are invited to familiarize themselves with the Kenya's Companies Act in order to fully understand the regulation of foreign |

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| | PE (Permanent establishment)? In case of PE, how we can receive the exemption? | companies operating in Kenya. Bidders are also invited to familiarize themselves with the provisions of the Kenya's Income Tax Act in order to understand the tax regimes and rates that apply. |
| 41. | Which banks are acceptable to issue the Bid bond? | Bidders are advised that they can obtain Bid Security from any local Bank or an International Bank with a correspondent local Bank. |
| 42. | With regards to ITB 34.1 which exchange rate will be applied, Mean, Selling or Buying? | Bidders are advised that the Mean exchange rate will be applied. |
| 43. | What is the exchange rate to be applied on this form of Average Annual Construction Turnover? | Bidders are referred to EQC-5 Note No.2 Qualification (i) Exchange Rate for Qualification Criteria. Bidders are further advised that the Mean Exchange Rate will be applied. |
| 44. | Please provide the whole sentences for the Notes due to partially missing in description of BOQ sheet. | Refer to Addendum No.1 as indicated below; Note: the following items for housing, offices and laboratory for the Engineer shall include all costs involved in providing and maintaining such buildings, including the Contractor's overheads and profits. |
| 45. | Hosing Accommodation for the Engineer's Senior Staffs (BOQ Item No. 101 (a)) 2 No. of type II and 2 No. Type III houses is deviated as indicated only 'Type II – 2 No' in BOQ. Please clarify. | Refer to Addendum No. 1 as indicated below; For Engineer's Senior Staff Housing, provide 2No. Type III housing. Replace Page SPL-11. |
| 46. | Housing Accommodation for the Engineer's Junior staffs (BOQ item No. 1.01 (b)) (2 No) units Type 111 and (0 N0) units Type IV houses is deviated as indicated 'Type III – 2 No and Type IV – 23 No' in BOQ. Please clarify? | Refer to Addendum No. 1 as indicated below; For Engineer's Junior Staff Housing. Provide 2No. Type III housing and 23 No. Type IV. Replace Page SPL-12 |
| 47. | Provision of vehicles 2 No (Two) new 4WD Station Wagon Vehicles (2.4 Litre) is deviated as indicated 'three (3) new 7 seater station wagon vehicle with a minimum Engine capacity of 300cc' in BOQ item No. 1.07. 6 No. (Six) new fully loaded 4WD double cabin Pick Up Vehicles (2.8 Litre) is deviated as indicated 'Seven (7) new 4WD double cabin pickups with a minimum Engine capacity of 2500cc' in | Refer to Addendum No. 1; Replace Page SPL-20 |

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| | <p>BOQ item No. 109.</p> <p>6 No (Six) new \$WD Single Cabin Pick up vehicles is deviated as indicated ‘Six (6) no. 4WD Single Cabin pick-up with a minimum engine capacity of 2500cc’ in BOQ item No. 1.11. Please clarify?</p> | |
| 48. | <p>General Conditions (GC) – A copy of these General Conditions is not attached to this Bidding Documents/Contract. Please confirm if “Conditions of Contract for Construction for Building and Engineering Works Designed by the Employer Multilateral Development Bank Harmonized Edition June 2010 General Conditions” shall be followed.</p> | <p>Refer to Volume 3 Section VII General Conditions Page GC-1 for the weblink.</p> |
| 49. | <p>For a foreign company to obtain a construction license in Kenya, there is a condition that the contractor should place an order to Kenya local company for 30% of contractual amount. However, there is no applicable condition for this project. Is this correct understanding?</p> | <p>Bidders are advised to familiarize themselves with the requirements of the Public Procurement and Asset Disposal (PPAD) Act 2015.</p> |
| 50. | <p>Under Special Conditions of Contract Sub-Clause 4.8, Bidders are required to comply with safety measures as provided for in the Kenya laws. Please indicate the applicable Kenyan laws.</p> | <p>Bidders are required to familiarize themselves with the safety requirements as provided for in the Laws of Kenya and in particular Occupational Safety and Health Act.</p> |
| 51. | <p>Time for access to, and possession of all parts of, the Site-not later than the Commencement Date. Please let us know the expected Commencement date.</p> | <p>Bidders are referred to Clause 8.1 of the General Conditions of Contract.</p> |
| 52. | <p>Sub-contractors condition indicates up to maximum of 40% of the final contract price. Is this 40% applying to each subcontractor?</p> | <p>Total sub-contract is limited to a maximum of 40% of the final contract price as provided for in Sub-Clause 4.4 of the Contract Data.</p> |
| 53. | <p>What is the payment procedure for Advance Payment? Is a Letter of Credit (LC) acceptable to the Employer?</p> | <p>Bidders are referred to the provisions of Sub-Clause 14.2.</p> |
| 54. | <p>What is the payment flow? Please kindly inform the payment flow of Foreign portion and Local portion respectively.</p> | <p>Bidders are referred to the provisions of Sub-Clause 14.3.</p> |
| 55. | <p>Is it mandatory to have local procurement ration? If not, does it depend on Bidder’s decision?</p> | <p>Bidders are advised to familiarize themselves with the requirements of the Public Procurement and Asset Disposal (PPAD) Act 2015.</p> |

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| 56. | The Total summary amount of Special Provision Sum is 3,845,000,000.00 Ksh included the Provisional Sum cost allocated for the Resident Engineer and Staff mobile phone airtime charges is 3,600,000,000.00 Kshs (Same number shown in Bill of Quantities, Page 3 of 59, Bill No.1: General, Item 1.23). These cost is significantly higher than other, please clarify. | Refer to Addendum No. 1 Replace Page 3 of 59 of the Bill of Quantities and Summary of Specified Provisional Sums Page BF-14. |
| 57. | Refer to the details drawing No. RS-7, please provide the layout plan drawing as indicated in BOQ No. 5.18- concrete Gravity Retaining wall and BOQ No. 5.19- Stone Masonry retaining wall | Refer to Drawing No. R-1A Main alignment Plan from Km 4+020 to 4+060 at the location of B1 Local Access Box Culvert. The proposed retaining wall is applicable to both sides of the embankment. |
| 58. | Please confirm the item 'reinforced soil retaining wall slope vertical with concrete Panel' in SLOPE PROTECTION WORK item in main line, however BOQ No, 21B.03 shown 288 m ² same as Drawing No. R-20 also, please clarify, | Refer to Addendum No.1 Replace Drawing No. G-12 |
| 59. | Please could you kindly provided cross section drawing for entire alignment of package 2 (ex. Main Line, UTB-21- Ramp ABCD&E etc.) | Refer to Addendum No.1 Replace Page Section VI-C. Cross section drawings are not part of the Book of Drawings. |
| 60. | Please provide the details for the specialist contractor of mangrove restoration plan as mentioned in pre-bid meeting on 14 th June 2017. | The Mangrove restoration plan is a Provisional sum item under Bill No.28 and Bill No.4. Item 4.01B relating to mangrove cutting. The specialist Sub-contractor should be one who is acceptable to Kenya Forest Service (KFS). Bidders are required to familiarize themselves with the Mangrove Restoration Plan. |
| 61. | Please provide the definition/criteria to judge suitability of the stone quality for Subbase, Base and Surfacing. | Bidders are referred to the relevant sections of the Standard and Special Specifications. A Factual Materials report has also been provided for information purposes only. |
| 62. | Refer to drawing No. B6-12 08, the number for bearing Type B2 (MT 40-02A) shown in the BEARINGS LAYOUT is 24 No's, but in BEARING TABLE shown 36 No's, please clarify. | Refer to Addendum No.1 Replace Drawing No. B6-12 08 |
| 63. | The bearing type B1 and B2 shown MT 40-01A and MT 40-02A for PIER P43 to BUT. B at west Bound in Drawing No. | Refer to Addendum No.1 Replace Drawing No. B6-12 09 |

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| | B6-12 09, however, the bearing type B1 and B2 shown different MT 30-02B for PIER P43 to BUT. B at East Bound in Drawing No. B6-12 14, please clarify. | |
| 64. | Please clarify what the Unit Price Analysis after the BoQ is about? | Bidders are required to provide detailed Unit price analysis for each of the listed Bill Items using basic cost elements (labour, materials, equipment, tools, overheads, onsite costs, profits etc) and show separately the cost of all taxation (direct or indirect). |
| 65. | Please confirm that not attending the original Pre-Bid Meeting and site visit will not affect a Bidder's tender submission | Bidders are referred to ITB 7.6 (...Non-attendance of the Pre-Bid meeting will not be a cause for disqualification of a Bidder) |
| 66. | In Tender Document Volume 1 Section III Item 1.1.3 lists the Minimum key equipment required for the project. Are Bidders allowed to propose a different set of equipment depending on the proposed methodology? | The List of Equipment provided in Section III of the Tender documents is the minimum required from the Bidders. Bidders are however allowed to provide additional equipment depending on their proposed work methodology. |
| 67. | Please confirm which documents require certification and who is approved to do so? | <p>Bidders are advised that the following documents must be Certified by a Notary Public or equivalent;</p> <ul style="list-style-type: none"> • Power of Attorney • Key Materials (BF-29/30) • Composite Piles (EQC 11 No. vii) • Academic credentials of Key Personnel (EQC-2 No. 1.1.2) <p>Bidders are further required to provide certified copies of Completion certificates for contracts referred to in the General/Specific Construction Experience (EQC-8-11, 2.4 Experience)</p> |
| 68. | Could the Employer consider an extension to the submission date? | <p>Refer to Addendum No.1.</p> <p>Pursuant to Sub-Clause 22.1 the Deadline for Bid submission is :</p> <p>Date: 6th September 2017 Time: 11:00am EAT</p> <p>Pursuant to Sub-Clause 25.1 Opening of the Bids shall be held on :</p> <p>Date: 6th September 2017 Time: 11:00am EAT</p> |