



Kenya National Highways Authority

Quality Highways, Better Connections

Blue Shield Towers, Hospital Road, Upper Hill, P. O. Box 49712-00100, Nairobi.

Tel: 020-8013842 Email: dg@kenha.co.ke Website: www.kenha.co.ke

TO : ALL BIDDERS

DATE : 21st November, 2016

SUBJECT: ALL PERFORMANCE BASED ROAD MAINTENANCE TENDERS

ADDENDUM NO. 1

Reference is made to the above assignments.

Pursuant to the provisions of Clause 8 of the Instructions to Tenderers, the following amendments have been made to the Bidding Documents and accordingly to the aforementioned communication Notice.

1. SECTION V: GENERAL CONDITIONS OF CONTRACT (GCC)
C EXECUTION OF WORKS AND SERVICES

CLAUSE 16: REPRESENTATIVES

SUBCLAUSE 16.2 ROAD MANAGER

Sub-clause 16.2.1-Approval of Road Manager

Replace sub clause 16.2.1 with the attached write up

2. SECTION IX: PERFORMANCE SPECIFICATION

2.5 Specification of Service Level for Road Durability

2.5.1 Pavement, Shoulders & Right of Way

Add the attached table on Service level Criteria to the Table under sub clause 2.5.1 on Service Level criteria

2.14 Determination of Penalty for Encroachment

Add the attached sub-clause 2.14 for Determination of Penalty for Encroachment

Levina Wanyonyi

FOR: DIRECTOR GENERAL

1. SECTION V: GENERAL CONDITIONS OF CONTRACT (GCC)

C EXECUTION OF WORKS AND SERVICES

CLAUSE 16: REPRESENTATIVES

SUBCLAUSE 16.2 ROAD MANAGER

SUBCLAUSE 16.2.1-APPROVAL OF ROAD MANAGER

Replace sub clause 16.2.1 with the write up below

16.2.1 If the Road Manager is not named in the Contract, then the Contractor shall appoint the Road Manager before the Start Date and shall request the Employer in writing to approve the person so appointed. The Contractor shall also submit a specimen signature of his proposed Road Manager which **SHALL** be the only signature used for payment of certificates/Monthly statements from the Contractor. If the Employer makes no objection to the appointment within fourteen (14) days, the Road Manager shall be deemed to have been approved. If the Employer objects to the appointment within fourteen (14) days giving the reason therefore, then the Contractor shall appoint a replacement within fourteen (14) days of such objection, and the foregoing provisions of this GCC Sub-Clause 16.2.1 shall apply thereto.

2.5 Specification for Service Levels for Road Durability

2.5.1 Pavement, shoulders and Right-of-Way

The service level criteria for road pavement, shoulders including the road reserve of paved roads are defined as follows:

Item	Service Level	Measurement/ Detection	Time allowed for repairs or Tolerance permitted
Encroachment/ Illegal Access on the Right of Way (Structures, access, advertisement, car wash , vending of seedlings, works, trenching, etc)	illegal or unauthorized structures, access, advertisement, car wash, vending of flowers & tree seedlings, works, trenching, shall not be put up within the right of way after Commencement of the Contract	Visual Inspection	the structure, access, advertisement, works, car wash, vending of flowers & tree seedlings, trench etc to be removed or demolished within 24 hours of erection

2. SECTION IX : PERFORMANCE SPECIFICATION

2.14 Determination of Penalty for Encroachment

In addition to the deduction for non-compliance indicated in **Table 2.8: Amounts of Payment Reductions and the Formula for Their Adjustment over Time**, the following schedule of penalties shall also apply for allowing/ failing to report to the Employer encroachment onto the road Reserve after the Commencement of the Contract.

Table 2.14: SCHEDULE OF PENALTIES FOR ENCROACHMENT

S/NO	ITEM ON ROAD RESERVE	PENALTY FOR NON COMPLIANCE
1	Construction of Illegal structures (kiosks, shades etc)	Kshs 50,000.00 per structure
2	Construction of illegal access	Kshs 50,000.00 per access
3	erection of Illegal/ unauthorized advertisements (Bill boards, banners, posters etc)	Kshs 50,000.00 per advertisement
4	illegal works (trenching for fibre optic cables, water , sewer lines etc)	Kshs 50000.00 per event
5	car wash	Kshs 50,000.00 per car wash
6	vending of flowers & tree seedlings	Kshs 50,000.00 per establishment
7	any other encroachment	Kshs 50,000.00 per event

*The deductions in the above schedule shall be applied in the monthly statement for the month during which the encroachment is detected and every subsequent month thereafter until the Contractor demolishes or removes the illegal structure, access, advertisement, car wash, vending of seedlings establishment, works etc as the case shall be.