



Kenya National Highways Authority

Quality Highways, Better Connections

**PUBLIC PRIVATE PARTNERSHIP (PPP) PROJECT
NAIROBI – NAKURU – MAU SUMMIT HIGHWAY**

DESIGN, FINANCE, CONSTRUCT, OPERATE, MAINTAIN AND TRANSFER

Tender Number: KeNHA/1397/2016

Addendum/Clarification No. 6

2nd February, 2017

Head PPP Section
Kenya National Highways Authority
P.O. BOX 49712
NAIROBI

The Director General
Kenya National Highways Authority
P. O. Box 49712
NAIROBI

Date: 2nd February, 2017

Tender No: KeNHA/1397/2016

Project: Public Private Partnership (PPP) for design, finance, construct, operate, maintain and transfer of Nairobi – Nakuru – Mau Summit highway

To: All Prospective Bidders

Addendum / Clarification No: 6

Pursuant to Sections 2 d. and 3 j. read with Section 1.1 (a) of the updated RFQ dated 22nd December, 2016 issued vide Addendum / Clarification No. 3 dated 23rd December, 2016 as amended by Addendum No. 4 dated 24th January, 2017 and Addendum No. 5 dated 27th January, 2017 (hereinafter referred to as the “**RFQ**”), all Prospective Bidders are hereby advised of:

- (i) The responses of KeNHA to the queries raised on the RFQ;
- (ii) Clarification to query at Sr. No. 6 of Addendum / Clarification No. 4 dated 24th January, 2017;
and
- (iii) Other changes / clarifications to the RFQ.

All other terms and conditions of the RFQ shall remain unchanged. All Prospective Bidders shall take note of the same.

Procurement Manager
For: Director General
Kenya National Highways Authority

1. RESPONSE TO QUERIES ON THE RFQ

Sr. No.	Section /Annex / Schedule /Appendix Number	Question or comment	Response
1.	Addendum 4 [Section 4.2.1 (B) (ii) of the RFQ]	We would like to see clarification on the latest addendum. We understand that when you say only 2 construction contractors, this means that in regards to construction experience and financial credentials the latter have to be met/provided by no more than two contractors, however I understand that the CJV can be formed of more than two contractors as some CJVs would be formed of two international contractors and one local contractor as an example.	<p>Please refer to the definition of the term Construction Contractor at Section 1.1 (p) of the RFQ. A Construction Contractor whose credentials or experience is relied upon by a single Prospective Bidder / Qualifying Shareholder should be an Entity as defined under Section 1.1 (z) of the RFQ. The number of such Construction Contractors, each being an Entity, shall not exceed two (2). For the purposes of the meeting the Construction Experience requirements under the RFQ, the experience / credentials of only those two Construction Contractors will be considered which are named by the Prospective Bidder in its Qualification Documents.</p> <p>Therefore, in the example given by you, if the CJV consists of more than two Construction Contractor being the stake / share holders in the CJV, for the purposes of meeting the Construction Experience the credentials / experience of only those two Construction Contractors will be considered who are named by the Prospective Bidder in its Qualification Documents provided that such Construction Contractor meets the requirements under the RFQ and shall also be responsible for construction work of the Project.</p> <p>It is also clarified that the Construction Contractors named and proposed in the Qualification Documents should have acted as the main or principal contractor for an Eligible Construction Project and therefore the experience or credential of a mere stake / share holder in a Construction Contractor shall not be regarded as the experience or credential of the Construction Contractor.</p>
2.	Extension of time	We understand that KeNHA do not want to delay the process further however we would really ask you to at least give an extra one/two weeks in order to get all documents	Please note that the RFQ Submission Date has been extended to 17 th February, 2017 vide Addendum /

Sr. No.	Section /Annex / Schedule /Appendix Number	Question or comment	Response
		notarized. This would be much appreciated otherwise it seems almost impossible to submit.	Clarification No. 5 dated 27 th January, 2017.

2. CLARIFICATION TO QUERY AT SR. NO. 6 OF ADDENDUM / CLARIFICATION NO. 4 DATED 24TH JANUARY, 2017

It has come to the notice of KeNHA that there is a typographical error in response to Query at Sr. No. 6 of the Addendum / Clarification No. 4 dated 24th January, 2017 in as much as the Section of the RFQ referenced therein is not correct whereas the same is correctly referenced and quoted in reply to Query at Sr. No. 31 of the said Addendum/ Clarification No. 4. For the benefit of the Prospective Bidders, the reply to Query at Sr. No. 6 of the said Addendum / Clarification No. 4 dated 24th January, 2017 is clarified as below. All Prospective Bidders and Qualifying Shareholders are requested to take note of the below clarification and the response.

Sr. No.	Section /Annex / Schedule /Appendix Number	Question or comment	Response
6.	Annex QD-2A	Regarding the business structure for single prospective bidder, can we list more than one construction contractors and furnish their construction experience accordingly. This project is a large-scale project which need more construction contractors to participate in to meet the time schedule. Please clarify.	<p>Please refer to amended, Section 4.2.1 (B) (ii) of the RFQ as follows:</p> <p>.... "Prospective Bidders may demonstrate Construction Experience proposed by any of the following Entities, strictly acting as main or principal contractor:</p> <ul style="list-style-type: none"> • The Prospective Bidder itself • A Qualifying Shareholder, if the Prospective Bidder is a Consortium • The Construction Contractor(s), <u>provided, that the number of Construction Contractors shall not exceed two (2).</u>"....

3. OTHER CHANGES / CLARIFICATIONS TO THE RFQ

Sr. No.	Section /Annex / Schedule /Appendix Number	Revised Provision / Clarification
1.	4.2.3 (i) (a)	<p>Section 4.2.3 (i) (a) is clarified as follows:</p> <p>“.....Where a Prospective Bidder or a Qualifying Shareholder has relied upon the experience / credentials of its Affiliate(s) to satisfy the PPP Experience or the Net Worth, the Prospective Bidder shall submit to KeNHA as a part of the Qualification Documents a signed and notarized copy of the financial letter of support in the form at Annex QD-8 from each such Affiliate confirming that the Affiliate shall extend all necessary support to the Prospective Bidder or the Qualifying Shareholder in meeting the equity commitment of such Prospective Bidder or the Qualifying Shareholder, as the case may be, in the Project Company; provided however that a letter of support shall not be required to be provided by a Subsidiary whose experience or credentials has only been used towards meeting the PPP Experience. A self-certified and notarized copy of the authorization in favour of the authorized representative of the Affiliate signing the financial letter of support shall be provided together with the financial letter of support.</p> <p><u>For avoidance of any doubt, it is clarified that a Subsidiary is an Affiliate within the meaning of Section 1.1 (b) of the RFQ and a signed and notarized financial letter of support shall also be required from a Subsidiary where the credentials of such a Subsidiary has been used by the Prospective Bidder or a Qualifying Shareholder for meeting the Net Worth requirements.”....</u></p>