



Kenya National Highways Authority

Quality Highways, Better Connections

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OFFICE OF THE DIRECTOR GENERAL

Ref: KeNHA/2567/2022 & KeNHA/2568/2022

Date: 26th April, 2022

To: ALL BIDDERS

CONSULTANCY SERVICES FOR FEASIBILITY STUDY, ENVIRONMENTAL & SOCIAL IMPACT STUDY, PRELIMINARY AND DETAILED ENGINEERING DESIGN OF KITUI TURN OFF (A9/A3) JUNCTION - UKASI - GARISSA - MODIKA JUNCTION (A3) ROAD PROJECT.

LOT 1: KITUI TURN OFF (A9/A3) JUNCTION - UKASI TOWN - KeNHA/2567/2022

LOT 2: UKASI TOWN (A3) - GARISSA - MODIKA JUNCTION (A3) ROAD - KeNHA/2568/2022

SUBJECT: CLARIFICATION NO. 1

Reference is made to the tender notice published on MYGOV newspaper on 29th March, 2022

Pursuant to Section 2 (B) Clause 13.1 of the *Instructions to Consultants (ITC)*, please find responses to clarifications for your attention.

All other details of the submission remains as per the tender document.

Levina Wanyonyi
For: DIRECTOR GENERAL

S/No	Reference in the RFP	Request for Clarification by the Consultant	Response
1.	Section 5 TOR-RFP (Page 110-121) This section refers to construction supervision of the works. 4. Project Management, Contractual Framework and Responsibilities	Kindly Clarify if construction supervision is part of the assignment.	Bidders are informed that consultancy services is for feasibility study, environment and social impact study, preliminary and detailed engineering design of the project roads. Construction supervision does not form part of the Contract scope. Bidders are also advised to take note that on clause 6.1 Staff Required that state that <i>“The works contract shall provide for the attendance to the Resident Engineer only in the categories of labourers, chainmen and office messengers/assistants. Remuneration for all other Support Staff such as Survey Assistants, Laboratory Technicians and a Secretary and any other expenses required for proper functioning of the site supervision or backstopping shall be factored in the rates for listed staff.”</i> Shall not apply in this Contract.
2.	Section 5 TOR RFP (Page 111) 6.0 Requirements The sections indicates that the works contract will provide for attendance to the resident engineer	Kindly confirm if construction supervision is part of the assignment.	Kindly refer to response in No.1 above
3.	Section 5 TOR RFP (Page 112) 6.1 Staff Required Key expert 1: Project Director Specific professional experience	Kindly advise if the relevant experience required is for construction projects or design projects	Bidders are advised to take note of the correction on the specific professional experience of the following experts as detailed below: Key expert 1: Project Director

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	<i>“recent service as a project engineer on at least two highway construction contracts of comparable magnitude”</i> Key expert 2: Highways Engineer Specific professional experience <i>“recent service as a resident engineer on at least one highway construction contracts of comparable magnitude”</i>		Must have extensive broad experience in highway design, construction works contract administration, evaluation of contractor’s claims for at least ten (10) years and more specifically have recent service as a Project Engineer on at least one highway construction contract of comparable magnitude. Knowledge of FIDIC contract procedures is mandatory. Previous experience on road projects in East Africa will be an advantage. Key expert 2: Highways Engineer At least ten (10) years of recent experience in geometric design and construction of roads using the latest highway design computer applications and modern topographic survey equipment. Must be able to prepare road geometric design drawings, and carry out estimation of quantities and write technical specifications. Knowledge of FIDIC conditions of contracts is mandatory. Experience on road projects in East Africa will be an advantage.
4.	Section 5 TOR RFP (Page 113) Key expert 4: Transport Economist Qualification and skills <i>“Must possess University Degree BSc (Civil Engineering) or equivalent and be registered with Engineers Registration Board of Kenya (Valid PractisingLicence) or</i>	Kindly advise if the relevant experience required is for highways designs or transport economic analysis/ evaluation Is there room for flexibility for these qualifications considering that transport economists are not always necessarily engineers?	EQUIVALENT academic qualifications relating to Transport Economics can be submitted by bidders. The Transport Economist is therefore required to be an engineer, economist or expert with similar qualification in Transport Engineering Economics. Proof of valid registration with the relevant professional body for the proposed staff should also be provided. Note that the Specific professional experience for the Transport Economist is as provided below:

S/No	Reference in the RFP	Request for Clarification by the Consultant	Response
	<i>equivalent such as Member of the Institution of Civil Engineers (U.K.) etc. ”</i> Specific professional experience <i>“At least 6years of recent experience in geometric design of roads using latest design computer applications and modern survey equipment. Must be able to prepare road geometric design drawings and carryout estimation of quantities and write technical specifications. ”</i>		Must possess at least six (6) years’ experience in carrying out economic and feasibility studies for road projects using HDM-4 or equivalent economic analysis software and associated computer applications.
5.	Section 5 TOR RFP (Page 115) Key expert 10: Materials Technologist Specific professional experience <i>“Must be experienced on soils and materials sampling and testing for large road construction contracts”</i> Key expert 11: Asst. Materials Engineer Specific professional experience <i>“Must have previous relevant experience of at least two (2) years gained on soils and materials sampling and testing for large road construction contracts” .</i> Key expert 12: Asst. Highways Engineer	Kindly advise if the relevant experience required is for construction contracts or design projects.	Bidders are advised to take note of the following with regards to the specific professional experience on the following experts: Key expert 10: Materials Technologist Specific requirement for Materials Technologist shall remain as indicated in the tender document Key expert 11: Asst. Materials Engineer Specific requirement for Assistant Materials Engineer shall remain as indicated in the tender document. Key expert 12: Asst. Highways Engineer At least five (5) years of recent experience in geometric design of roads using the latest highway design computer applications and modern topographic survey equipment. Must be able to prepare road geometric design drawings

S/No	Reference in the RFP	Request for Clarification by the Consultant	Response
	Specific professional experience <i>“Must have previous relevant experience of at least 2 years gained on a highway construction contracts with particular experience in Highway design, estimation of quantities, writing specifications and contract administration, and measurement of works”.</i>		and carry out estimation of quantities and prepare bid documents.
6.	Section 5 TOR RFP (Page 117) Key expert 1: Asst. Surveyor Qualification and skills <i>“Must possess University Degree of BSc (Survey & Photogrammetry) or equivalent and be registered with the Institute of Surveyors of Kenya or equivalent such as Chartered Surveyor of the Royal Institute of Chartered Surveyors (U.K.) etc”</i> Key expert 1: GIS technician Qualification and skills <i>“Must possess a Higher Diploma in GIS, Cartography, Survey, Geoinformatics, Geography from Kenya Polytechnic or equivalent and must be a member of the Institutional of Surveyors of Kenya (ISK)”</i>	Kindly confirm if registration as a graduate member or Technician Member of the Institute of Surveyors of Kenya will suffice.	Bidders are informed of the following: i. Graduate members of the Institute of Surveyors of Kenya (ISK) can suffice as Assistant Surveyors ii. Graduate members or technician members can be utilized as GIS technicians for the project

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7.	RFP/ Section 6: COC (Page 122) Section 6: Conditions of Contract and Contract Forms The RFP has included two forms of contract i.e., Lump sum contract and time-based contract.	Kindly confirm the form of contract that will apply for this assignment.	Bidders are informed that Lump-Sum form of contract shall be applied for purposes of administering the Contract.
8.	There may be need to engage the services of the following experts who are not included in the list of proposed staff, where applicable. - Road safety Audit Experts - Landscaping expert - Land Valuer - Senior Laboratory technologist All the above list experts shall possess relevant university degree and have minimum general experience of 8 years and 6 years of experience are of expertise	In view of the need to capture the proper precipitation run off in the vast dry ecosystem traversed by the project road already served by 18 no. drainage structures, we propose that a Hydrologist be included in the of Key staff with input similar to that of the structure/Drainage Engineer. Please set aside some tentative input man- months for the proposed possible pool staff	Clause 6 does not limit the Consultant to the mentioned experts. The bidders are expected to understand the project scope and to provide for adequate staff to undertake the consulting services for the project effectively. The bidders are expected to include the financial proposal for the said experts. The proposed staffs are assumed to be short term experts who will be called upon when required and provided with at least three (3) months contract.
9.	In the Terms of Reference (TOR) 1.3.1 (Project Location)	It is stated that the project ends at Modika (Junction with C81). In the given project map (Fig.1) the project ends at the junction with A10 at Modika. Please clarify.	The bidders are informed that the project ends at Modika (Junction with A10, which was formerly C81) as indicated in the TOR 1.3.1.

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10.	<i>In the Data Sheet 14 (d)</i>	It is stated that the Key Experts shall not appear in more than one proposal, there are two Lots for Consultancy Services for Feasibility Study, Environmental and Social Impact Study, Preliminary and Detailed Engineering Design of Kitui Turn-Off (A9/A3) Junction-Ukasi-Garissa-Modika Junction (A3) Road Project i.e. Lot-1 and Lot-2. Clarify if the statement in the above data sheet means Key Experts cannot be on both Lots. If that is the case, then we request that experts be allowed to appear in both Lots if they belong to one consultant and that a Consultant cannot be awarded the two lots.	The bidders are informed that Key Experts should NOT appear on the separate proposals for the two Lots. If appearing in more than one proposal, such Key Expert Shall NOT be subjected to technical evaluation, hence, attracts zero point for both bidders he/she appeared in. Bidders may bid for the Two (2) Lots, but SHALL only be awarded one Tender.
11.	<i>Reference is made to Section 1 (A): item 2d: Proof of registration with the Engineers Board of Kenya (EBK) as a Consulting Firm.</i>	Client to advise if an equivalent Proof of Registration as an Engineering Consulting Firm by Foreign Bidding Firms, can be provided as a substitution for registration with Engineers Board of Kenya	The bidders are advised to note that an EQUIVALENT Proof of registration as an Engineering Consulting Firm by Foreign Bidding Firms can be provided as a substitution for registration with Engineers Board of Kenya for the bidding process. The bidders are informed that, if successful, the Consulting Firm MUST register with Engineers Board of Kenya.

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12.	<i>TOR Clause 1.3.1: Project Location</i>	States that, 'The study shall include the design for all access roads to Government institutions including but not limited to schools, colleges, County headquarters, military and security facilities and other Government offices.' The client to provide the estimated length of the said access roads as this has direct impact on the cost of required field investigations.	The bidders are advised to take note of the estimated length of the access roads to be designed, which is approximately fifteen (15) Kilometres.
13.	<i>Project Title Indicated as, "Consultancy Services For Feasibility Study, Environmental And Social Impact Study, Preliminary And Detailed Engineering Design Of Kitui Turnoff (A9/A3) Junction – Ukasi – Garisa – Modinka Junction (A3) Road Project"</i> <i>TOR Clause 1.1 States inter alia, "..... Consultancy Firm to undertake Design review and Tender Documentation....."</i> <i>TOR Clause 3.2.1 States that, the study consists of: - Stage 1 –</i>	1. Please clarify if the scope includes feasibility study, since Feasibility study Report is not listed as a deliverable. 2. Please clarify if the project is a design review and tender documentation as per clause 1.1 of the TOR. 3. Please confirm if there exists previous detailed design for review by the consultants.	1. The bidders are informed that the scope, as detailed in the TOR Section 3, includes feasibility study. 2. The project is a feasibility study, environmental and social impact study, preliminary and detailed engineering design project. 3. The bidders are informed that there exists design for some sections of the project road, which will be made available to the winning bidder Consultants for review.

S/No	Reference in the RFP	Request for Clarification by the Consultant	Response
	<i>Preliminary Design Stage 2– Detailed Design TOR Clause 6.2: Reports FEASIBILITY STUDY Report is not one of the listed deliverables</i>		
14.	6.1 Staff Required <i>Note: There may be need to engage the services of the following experts, who are not included in the list of proposed staff, where applicable;</i> • Road Safety Audit Expert • Landscaping expert • Land Valuer • Senior Laboratory Technologist	The client to provide the estimated time input for the listed staff for purposes of pricing as we believe they will be required.	Kindly refer to response in No.8 above.
15.	<i>Data sheet clause 14.1 (b) States that, “Estimated input of Key Experts’ time-input: 18 Months”</i>	The client to confirm that 18 months is the project duration and not Key Expert’s time-input.	The bidders are informed that 18 months is the project’s contract period and key experts’ inputs should be spread accordingly for each expert during the period.
16.	<i>As per Clause No: 6.2 of the Data Sheet</i>	We understand that JV is not allowed for both projects. However, we request to allow JV with local firms for local support.	The bidders are informed that JV is allowed as stated in the Data Sheet: Clause No: 6.2. No limit has been set for members in a Joint Venture.

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17.	<i>As per Clause No: 6.7 of the Data Sheet</i>	We understand that the business is not to be specifically registered within Kenya. Thus, the mandatory requirement of submission of CR12 form, Tax Compliance Certificate, Valid Practicing license, and proof of registration with the Engineers Board of Kenya is not applicable. Please clarify.	The bidders are advised to take note that the firm must be registered with the Engineers Board of Kenya or EQUIVALENT foreign body as a Consulting firm. The bidders are also advised to take note that for foreign firms, the Tax Compliance Certificate may be issued by a foreign body EQUIVALENT to the Kenya Revenue Authority, and Registration of Company documents, be provided by EQUIVALENT foreign bodies.
18.	<i>"You will also be required to make provision for roadside amenities and rest areas with sanitation facilities at various locations along the road corridor".</i>	Please advise if the Consultant is to design the roadside rest areas or whether the Consultant is to allocate appropriate space along the road for rest areas, to be developed separately in the future.	The bidders are advised that they are to develop concept designs of rest areas, allocate appropriate space along the road for rest areas, and undertake costing for the construction of the rest rooms.
19.	<i>Section 4.2.7 - Aerial Survey and Mapping.</i>	Please confirm that an aerial map or satellite imagery is to be obtained at the Preliminary Design Stage, capturing a corridor width of 3km, based on which the Preliminary Design is to be conducted.	Bidders are informed that aerial map or satellite imagery is to be obtained at the Preliminary Design Stage as per the TOR.
20.	<i>Section 4.2.7 - Aerial Survey and Mapping. "The survey to highlight location of critical utilities such as power lines, major water pipes, pipeline, railway line etc. that may affect the road design".</i>	Please confirm that the critical utilities will be depicted on the aerial mapping as no ground survey will be done for a 3km wide corridor.	Bidders are also informed that ALL critical utilities will be depicted, EXCEPT military and security operation utilities.

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21.	<i>Section 4.2.10 - Deliverables for GIS databases.</i>	The RFP asks for utility layers, road asset layers, affected parcels, etc. These features cannot be detected via an aerial map but rather the detailed topographical/ utility survey. Please confirm that such is to be conducted at the Detailed Design stage once a preferred alignment is selected, to be done for a smaller corridor than 3km.	Bidders are informed that utility layers, road asset layers, affected parcels will be picked at the Detailed Design stage but concept road survey will be undertaken during Preliminary Design Stage.
22.	<i>Schedule I: Proposed Time Schedule for Design.</i>	The RFP does not stipulate a time schedule for the project. Please provide timeframe of the study in addition to the submissions timeline as per Table of Schedule I.	Bidders are informed that the project contract period is 18 months and thus they should come up with a Programme of Works that lies within this period.
23.	<i>Section 5 Terms of Reference 4.0 Project Management, Contractual Framework and Responsibilities.</i> <i>"The Consultant selected for the supervision of the works, hereinafter called the Consultant, will be the Engineer's Representative for the works contract".</i>	Please advise if this RFP is for the selection of a design consultant only, or if the selected design consultant will also be the nominated supervision consultant, and therefore, the proposal should reflect both design and construction supervision in terms of technical and financial proposals.	Kindly refer to response in No.1 above

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24.	<i>Section 5 Terms of Reference 4.0 Project Management, Contractual Framework and Responsibilities. "Responsibilities that the Engineer will retain with respect to the works contract"</i>	Please advise if the "Engineer" refers to the construction supervision engineer, and if this RFP will also address the selection of the supervision engineer who is supposed to have been the design engineer	Kindly refer to response in No. 1 above.
25.	<i>As per item 4.2.25 (a) on page 83,</i>	It is understood that there are existing ESIA, RAP and ESMP prepared for the proposed project. It is the consultant's assumption that these are not submitted to NEMA and there is no valid environmental permits. Thus, the consultant's environmental scope includes review of these existing documents as well as updating them and submitting them to NEMA for review and approval. Kindly confirm.	Bidders are informed that the existing designs and reports for the proposed project will be provided to the winning bidders for his for review, updating and submission to NEMA for approval.
26.		It is understood that conducting environmental and social baseline surveys required for the ESIA and RAP including field visits, meetings, consultations, stakeholder engagements, etc... shall be part of the environmental scope of the	Bidders are informed that all necessary costs towards the development of the ESIA and RAP reports should be included in their financial bid.

S/No	Reference in the RFP	Request for Clarification by the Consultant	Response
		Consultant and the associated costs shall be reflected within the proposed budget of the Consultant. Kindly confirm.	
27.		It is understood that the environmental scope of the Consultant includes the preparation of environmental site analysis as part of the Preliminary Design Stage. Kindly confirm.	Bidders are informed that scope of environmental will include preparation of environmental site analysis
28.	<i>Clause 1.3.1: project location Section 5: Terms of Reference</i>	In the Project title, it is mentioned that the Lot 1 of the Project starts from Kitui Turnoff (A9/A3) Junction, whereas Clause 1.3.1: project location and Section 5: Terms of Reference, it is mentioned that the project road starts at the Junction (A3/B7) near Kanyonyo. Please advise the actual starting point of the project road.	Bidders are advised to note that Road A9 was formerly known as B7. The project road starts at Kitui Turnoff (A9/A3) Junction.
29.	<i>In RFP section 5: Terms of Reference; clause 4.2.20,</i>	It is mentioned that the Consultant shall develop at least two and not more than three preliminary design standards for the project. We understand that this is related to at least 2 and not more than 3 alignment options during the	Bidders are informed that 2-3 alignment options are required in the preliminary design stage.

S/No	Reference in the RFP	Request for Clarification by the Consultant	Response
		preliminary design. Please confirm or advise otherwise.	
30.		The RFP does not mention anything regarding street lighting and electrical/ telecom infrastructure scope for the project. Please confirm if Street lighting design and electrical/ telecom infrastructure is part of the Consultant's scope of work or advise otherwise.	Bidders are advised to take note that in town areas there will be need for the design of street lighting.
31.	<i>As per Clause 4.2 of Section 5: Terms of Reference</i>	The Consultant is required to do analysis for the structural soundness of the existing structures. This requires that the as-built of these structures be made available to the Consultant. Please advise whether the as-built drawings of the existing structures will be made available to the Consultant.	Bidders are advised to take note that the winning bidders will liaise with the relevant Authority to get available information required for undertaking the project design.

S/No	Reference in the RFP	Request for Clarification by the Consultant	Response
32.	<i>As per Clause 4.2.9.2 of Section 5: Terms of Reference</i>	It is required to calculate the durability index of the existing structures. Yet, the RFP does not provide any clear design life of the structures not even the new structures. Please advise if any specific design life of the structures is required. This will also affect the durability measures to be adopted by the Consultant.	Bidders are advised to take note that the design life for major structures is 100 years or to adopt the standard specifications.
33.	<i>TOR Section 6.1, Key Experts qualifications listings.</i>	Kindly clarify as all the requirements for the structural engineer are for design background, while a considerable part of the project involves structural inspection and assessment of existing bridges. Kindly clarify if the structural engineer position is to include both criteria, or whether an additional criteria with inspection and assessment experience is to be added.	Bidders are informed that the requirement of structural engineer shall remain as stated in the <i>TOR Section 6.1</i>
34.		Please advice on the expected number of tender packages.	Bidders are informed that the packaging of the project will be determined during design stage.

S/No	Reference in the RFP	Request for Clarification by the Consultant	Response
		Kindly advise if the historic traffic count data along the project area are available and can be shared.	Bidders are informed that available historic traffic count data along the project area will be provided at project implementation stage.
		Kindly advise if signalized intersections will be permitted along the upgraded road.	Bidders are informed that this will be determined by the traffic studies, which are part of the scope of works.
		For future traffic growth calculation, please confirm the availability of population, GDP, social-economic data & other secondary data of Kenya.	The winning bidder is expected to liaise with the relevant Authorities to obtain the respective data for utilization in undertaking the study.

