



**Kenya National Highways Authority**

**Quality Highways, Better Connections**

**MOMBASA SPECIAL ECONOMIC ZONE  
DEVELOPMENT PROJECT**

**BIDDING DOCUMENTS**

**FOR**

**ROAD SUB-PROJECT**

**ICB No.: KeNHA/2663/2023**

**PART 1 – Bidding Procedures**

**Section I. Instructions to Bidders**

**Section II. Bid Data Sheet**

**Section III. Evaluation and Qualification Criteria**

**Section IV. Bidding Forms**

**Section V. Eligible Source Countries of Japanese ODA Loans**

**January 2023**

**GENERAL MANAGER SPECIAL  
PROJECTS KENYA NATIONAL  
HIGHWAYS AUTHORITY P.O. BOX  
49712-00100  
NAIROBI**

**DIRECTOR GENERAL  
KENYA NATIONAL HIGHWAYS AUTHORITY  
POBOX 49712-00100  
NAIROBI**

## **Form of Invitation for Bids**

Date : 31/01/2023  
IFB No. : KeNHA/2663/2023  
Employer : Kenya National Highways Authority (KeNHA)  
Country : The Republic of Kenya  
JICA Loan No. : KE-P35  
Project Name : Mombasa Special Economic Zone Development Project  
Contract Name : Procurement of Access Road to Mombasa Special Economic Zone Development Project

1. The Government of the Republic of Kenya has received a loan from the Japan International Cooperation Agency (JICA) towards the cost of Mombasa Special Economic Zone Development Project and intends to apply part of the proceeds towards payments under the contract for Road Sub-project.
2. Kenya National Highways Authority (KeNHA) now invites sealed Bids from eligible Bidders for the construction and completion of new Access Road of approximately 4.6km of dual carriageway connecting Mombasa Southern Bypass to the Port in Dongo Kundu in Mombasa County, which starts at a junction with the New Mombasa Southern Bypass from an existing interchange Bridge and runs in North Easterly direction to end at a proposed Port terminal gate, including high embankment, deep excavation, drainage ditches, box/pipe culverts, asphalt concrete pavement, road lighting and water distribution pipeline (“the Works”).
3. Bidding will be conducted through procedures in accordance with the applicable Guidelines for Procurement under Japanese ODA Loans, and is open to all Bidders from eligible source countries, as defined in the Bidding Document.
4. Interested Bidders may obtain further information from and inspect the Bidding Document during office hours (Mondays- Fridays from 08:00 to 17:00 hours local time) excluding public holidays , at:

Deputy Director (Supply Chain Management)  
Kenya National Highways Authority  
Barabara Plaza, Off A8/B10 Junction, on Airport North Road  
2nd Floor - Block C  
P.O. Box 49712 – 00100  
NAIROBI, KENYA  
Email: [procurement@kenha.co.ke](mailto:procurement@kenha.co.ke)  
[directordevelopment@kenha.co.ke](mailto:directordevelopment@kenha.co.ke)  
Tel. : (+254) 020 4954 4214

5. The Bidding Document will be downloaded from the KeNHA’s web site, free of charge as indicated below:  
KeNHA’s WEB SITE: <https://kenha.co.ke>
6. Bids must be delivered to the address above on or before 11:00AM at local time on 31/05/2022 and must be accompanied by a bid security of US Dollar 900,000.00.
7. Bids will be opened in the presence of Bidders’ representatives who choose to attend at the offices as specified in the Bidding Document.

Kenya National Highways Authority

Barabara Plaza, Off A8/B10 Junction, on Airport North Road

2nd Floor - Block C

P.O. Box 49712 – 00100

NAIROBI, KENYA

Email: [procurement@kenha.co.ke](mailto:procurement@kenha.co.ke)

[directordevelopment@kenha.co.ke](mailto:directordevelopment@kenha.co.ke)

Tel. : (+254) 020 4954 4214

## **Table of Contents**

### **PART 1 – Bidding Procedures (Two-Envelope Bidding)**

|                     |                                                              |            |
|---------------------|--------------------------------------------------------------|------------|
| <b>Section I.</b>   | <b>Instructions to Bidders .....</b>                         | <b>ITB</b> |
| <b>Section II.</b>  | <b>Bid Data Sheet .....</b>                                  | <b>BDS</b> |
| <b>Section III.</b> | <b>Evaluation and Qualification Criteria .....</b>           | <b>EQC</b> |
| <b>Section IV.</b>  | <b>Bidding Forms .....</b>                                   | <b>BF</b>  |
| <b>Section V.</b>   | <b>Eligible Source Countries of Japanese ODA Loans .....</b> | <b>ESC</b> |

### **PART 2 – Works Requirements**

|                    |                                 |           |
|--------------------|---------------------------------|-----------|
| <b>Section VI.</b> | <b>Works Requirements .....</b> | <b>WR</b> |
|--------------------|---------------------------------|-----------|

### **PART 3 – Conditions of Contract and Contract Forms**

|                      |                                         |           |
|----------------------|-----------------------------------------|-----------|
| <b>Section VII.</b>  | <b>General Conditions (GC) .....</b>    | <b>GC</b> |
| <b>Section VIII.</b> | <b>Particular Conditions (PC) .....</b> | <b>PC</b> |
| <b>Section IX.</b>   | <b>Contract Forms .....</b>             | <b>CF</b> |

## **PART 1 –Bidding Procedures**

## Section I. Instructions to Bidders

### Table of Contents

|                                                                            |           |
|----------------------------------------------------------------------------|-----------|
| <b>A. GENERAL .....</b>                                                    | <b>3</b>  |
| 1. SCOPE OF BID.....                                                       | 3         |
| 2. SOURCE OF FUNDS .....                                                   | 3         |
| 3. CORRUPT AND FRAUDULENT PRACTICE.....                                    | 3         |
| 4. ELIGIBLE BIDDERS .....                                                  | 5         |
| 5. ELIGIBLE GOODS AND SERVICES.....                                        | 6         |
| <b>B. CONTENTS OF BIDDING DOCUMENT .....</b>                               | <b>6</b>  |
| 6. SECTIONS OF BIDDING DOCUMENT .....                                      | 6         |
| 7. CLARIFICATION OF BIDDING DOCUMENT, SITE VISIT, PRE-BID MEETING .....    | 7         |
| 8. AMENDMENT OF BIDDING DOCUMENT .....                                     | 8         |
| <b>C. PREPARATION OF BIDS .....</b>                                        | <b>8</b>  |
| 9. COST OF BIDDING .....                                                   | 8         |
| 10. LANGUAGE OF BID .....                                                  | 8         |
| 11. DOCUMENTS COMPRISING THE BIDS .....                                    | 8         |
| 12. LETTERS OF BID AND SCHEDULES.....                                      | 9         |
| 13. ALTERNATIVES TO THE BID REQUIREMENTS AND ALTERNATIVE BIDS .....        | 9         |
| 14. BID PRICES AND DISCOUNTS .....                                         | 9         |
| 15. CURRENCIES OF BID AND PAYMENT .....                                    | 10        |
| 16. TECHNICAL PROPOSAL AND SUBCONTRACTORS .....                            | 10        |
| 17. DOCUMENTS ESTABLISHING THE QUALIFICATION OF THE BIDDER .....           | 11        |
| 18. PERIOD OF VALIDITY OF BIDS .....                                       | 12        |
| 19. BID SECURITY .....                                                     | 12        |
| 20. FORMAT AND SIGNING OF BID .....                                        | 13        |
| <b>D. SUBMISSION AND OPENING OF BIDS.....</b>                              | <b>14</b> |
| 21. SEALING AND MARKING OF BIDS .....                                      | 14        |
| 22. DEADLINE FOR SUBMISSION OF BIDS .....                                  | 15        |
| 23. LATE BIDS.....                                                         | 15        |
| 24. WITHDRAWAL, SUBSTITUTION, AND MODIFICATION OF BIDS .....               | 15        |
| 25. BID OPENING .....                                                      | 15        |
| <b>E. EVALUATION AND COMPARISON OF BIDS .....</b>                          | <b>18</b> |
| 26. CONFIDENTIALITY .....                                                  | 18        |
| 27. CLARIFICATION OF BIDS .....                                            | 18        |
| 28. DEVIATIONS, RESERVATIONS, AND OMISSIONS.....                           | 18        |
| 29. PRELIMINARY EXAMINATION OF TECHNICAL BIDS .....                        | 18        |
| 30. QUALIFICATION OF THE BIDDER .....                                      | 19        |
| 31. DETERMINATION OF RESPONSIVENESS OF TECHNICAL BID.....                  | 19        |
| 32. NONMATERIAL NONCONFORMITIES .....                                      | 20        |
| 33. CORRECTION OF ARITHMETICAL ERRORS .....                                | 20        |
| 34. CONVERSION TO SINGLE CURRENCY.....                                     | 21        |
| 35. EVALUATION OF PRICE BIDS .....                                         | 21        |
| 36. COMPARISON OF BIDS .....                                               | 21        |
| 37. EMPLOYER'S RIGHT TO ACCEPT ANY BID, AND TO REJECT ANY OR ALL BIDS..... | 22        |
| <b>F. AWARD OF CONTRACT .....</b>                                          | <b>22</b> |
| 38. AWARD CRITERIA .....                                                   | 22        |
| 39. NOTIFICATION OF AWARD .....                                            | 22        |
| 40. SIGNING OF CONTRACT.....                                               | 22        |
| 41. PERFORMANCE SECURITY .....                                             | 23        |
| 42. NOTIFICATION TO UNSUCCESSFUL BIDDERS AND DEBRIEFING .....              | 23        |

## A. General

### 1. Scope of Bid

1.1 In connection with the Invitation for Bids **specified in Section II, Bid Data Sheet (BDS)**, the Employer as **specified in the BDS** located in the Country, as **specified in the BDS**, issues this Bidding Document (hereinafter referred to as “Bidding Document”) for the procurement of Works as specified in Section VI, Works Requirements.

The name of the Project and the name of the Contract are **specified in the BDS**.

Bids may also be invited for multiple lots of the Project, as **specified in the BDS**. Bids may be submitted either for individual lots or for multiple lots in any combination.

1.2 Throughout this Bidding Document:

- (a) the term “in writing” means communicated in written form and delivered against receipt;
- (b) except where the context requires otherwise, words indicating the singular also include the plural and words indicating the plural also include the singular;
- (c) “day” means calendar day;
- (d) “firm” means a private entity, a state-owned enterprise or institution; and
- (e) “Joint Venture” or “JV” means any combination of two or more firms in the form of a joint venture, consortium, association or other unincorporated grouping under an existing agreement or with the intention to enter into such an agreement supported by a formal letter of intent.

### 2. Source of Funds

2.1 The Borrower **specified in the BDS** has received or has applied for a Japanese ODA Loan from the Japan International Cooperation Agency (hereinafter referred to as “JICA”), with the number, in the amount and on the signed date of the Loan Agreement **specified in the BDS**, towards the cost of the Project. The Borrower intends to apply a portion of the proceeds of the Loan to payments under the contract(s) for which this Bidding Document is issued.

2.2 Disbursement of a Japanese ODA Loan by JICA will be subject, in all respects, to the terms and conditions of the Loan Agreement, including the disbursement procedures and the applicable Guidelines for Procurement under Japanese ODA Loans **specified in the BDS**. No party other than the Borrower shall derive any rights from the Loan Agreement or have any claim to the loan proceeds.

2.3 The above Loan Agreement will cover only a part of the project cost. As for the remaining portion, the Borrower, the Project Executing Agency and the Employer will take appropriate measures for finance through other sources **specified in the BDS**.

### 3. Corrupt and Fraudulent Practices

3.1 It is JICA’s policy to require that the Bidders and the Contractors, as well as the Borrowers, the Project Executing Agencies and the Employers, under contracts funded with Japanese ODA Loans and other Japanese ODA, to observe the highest standard of ethics

during the procurement and execution of such contracts. In pursuance of this policy, JICA:

- (a) will reject a proposal for award if it determines that the Bidder recommended for award has engaged in corrupt or fraudulent practices in competing for the contract in question.
- (b) will recognize a Contractor as ineligible, for a period determined by JICA, to be awarded a contract funded with Japanese ODA Loans if it at any time determines that the Bidder or the Contractor has engaged in any corrupt or fraudulent practice in competing for, or in executing, another contract funded with Japanese ODA Loans or other Japanese ODA. The list of ineligible firms and individuals is available at the electronic address **specified in the BDS**.
- (c) will recognize a Contractor as ineligible to be awarded a contract funded with Japanese ODA Loans if the Contractor or subcontractor, who has a direct contract with the Contractor, is debarred under the cross debarment decisions by the Multilateral Development Banks. Such period of ineligibility shall not exceed three (3) years from (and including) the date on which the cross debarment is imposed.

“Cross debarment decisions by the Multilateral Development Banks” is a corporate sanction in accordance with the agreement among the African Development Bank Group, Asian Development Bank, European Bank for Reconstruction and Development, Inter-American Development Bank Group and the World Bank Group signed on 9 April 2010 (as amended from time to time). JICA will recognize the World Bank Group’s debarment of which period exceeds one year, imposed after 19 July 2010, the date on which the World Bank Group started cross debarment, as “cross debarment decisions by the Multilateral Development Banks.” The list of debarred firms and individuals is available at the electronic address **specified in the BDS**.

JICA will recognize a Bidder or Contractor as ineligible to be awarded a contract funded with Japanese ODA Loans if the Bidder or Contractor is debarred by the World Bank Group for the period starting from the date of the Invitation for Bid, if prequalification has not been conducted, or the date of the Advertisement for Prequalification, if prequalification has been conducted, up to the signing of the contract, unless (i) such debarment period does not exceed one year, or (ii) three (3) years have passed since such debarment decision.

If it is revealed that the Contractor was ineligible to be awarded a contract according to above, JICA will, in principle, impose sanctions against the Contractor.

If it is revealed that a subcontractor, who has a direct contract with the Contractor, was debarred by the World Bank Group on the subcontract date, JICA will, in principle, require the Borrower to have the Contractor cancel the subcontract immediately, unless (i) such debarment period does not exceed one year, or (ii) three (3) years have passed since such debarment decision. If the Contractor refuses, JICA will require the Borrower to declare invalidity or cancellation of

the contract and demand the refund of the relevant proceeds of the loan or any other remedies on the grounds of contractual violation.

- 3.2 If the Employer determines, based on reasonable evidence, that any Bidder has engaged in any corrupt or fraudulent practice, the Employer may disqualify such Bidder after notifying the grounds of such disqualification.
- 3.3 Furthermore, the Bidders shall be aware of the provision stated in Sub-Clause 15.6 of the Conditions of Contract.

#### **4. Eligible Bidders**

- 4.1 The Bidder may be a single firm or a JV. In the case of a JV:
  - (a) all members shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms
  - (b) The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the bidding process and, in the event the JV is awarded the Contract, during contract execution.
  - (c) A Bid submitted by a JV shall include a copy of the JV Agreement entered into by all members. Alternatively, a formal letter of intent to enter into a JV in the event of a successful Bid shall be signed by all members and submitted with the Bid, together with a copy of the proposed Agreement. The JV Agreement or the proposed JV Agreement, as the case may be, shall indicate at least the part(s) of the Works to be executed by each member.
- 4.2 The Bidder shall not have a conflict of interest. The Bidder shall be disqualified under any of the circumstances set forth below, where it is determined to have a conflict of interest throughout the bidding/selection process and/or the execution of the Contract unless the conflict has been resolved in a manner acceptable to JICA.
  - (a) A firm shall be disqualified from providing goods or non-consulting services resulting from or directly related to consulting services for the preparation or implementation of a project that it provided or were provided by any affiliate that directly or indirectly controls, is controlled by, or is under common control with that firm. This provision does not apply to the various firms (consultants, contractors, or suppliers) only due to the reason that those firms together are performing the Contractor's obligations under a turnkey or design and build contract.
  - (b) A firm that has a close business relationship with a professional personnel of the Borrower (or the Project Executing Agency, or the Employer), who are directly or indirectly involved in any part of: (i) the preparation of the Prequalification Document (if any prepared) and/or the Bidding Document for the Contract, (ii) the prequalification evaluation (if any conducted) and/or the Bid evaluation, or (iii) the supervision of such contract, shall be disqualified.
  - (c) Based on the "One Bid Per Bidder" principle, which is to ensure fair competition, a firm and any affiliate that directly or indirectly controls, is controlled by, or is under common

control with that firm shall not be allowed to submit more than one Bid, either individually as a single firm or as a member of a JV. A firm (including its affiliate), if acting in the capacity of a subcontractor in one Bid, may participate in other Bids, only in that capacity.

(d) A firm having any other form of conflict of interest other than (a) through (c) above shall also be disqualified.

4.3 The Bidder shall meet the requirements as to eligibility of the Bidders as specified in Section V, Eligible Source Countries of Japanese ODA Loans.

4.4 The Bidder that has been determined to be ineligible by JICA in accordance with ITB 3.1 shall not be eligible to be awarded a Contract.

4.5 This bidding is open only to the prequalified Bidders unless **specified in the BDS.**

4.6 The Bidder shall provide such evidence of its continued eligibility satisfactory to the Employer, as the Employer shall reasonably request.

## 5. Eligible Goods and Services

5.1 The goods and services comprising the Works to be supplied under the Contract and financed by JICA shall meet the requirements specified in Section V, Eligible Source Countries of Japanese ODA Loans.

## B. Contents of Bidding Document

## 6. Sections of Bidding Document

6.1 The Bidding Document consists of Parts 1, 2, and 3, which include all the Sections specified below, and which should be read in conjunction with any addenda issued in accordance with ITB 8.

### PART 1 Bidding Procedures

- Section I. Instructions to Bidders (**ITB**)
- Section II. Bid Data Sheet (**BDS**)
- Section III. Evaluation and Qualification Criteria (**EQC**)
- Section IV. Bidding Forms
- Section V. Eligible Source Countries of Japanese ODA Loans

### PART 2 Works Requirements

- Section VI. Works Requirements

### PART 3 Conditions of Contract and Contract Forms

- Section VII. General Conditions (**GC**)
- Section VIII. Particular Conditions (**PC**)
- Section IX. Contract Forms

6.2 The Invitation for Bids issued by the Employer is not part of the Bidding Document.

6.3 Unless obtained directly from the Employer, the Employer is not responsible for the completeness of the Bidding Document, responses to requests for clarification, the minutes of the pre-bid meeting (if any), or addenda to the Bidding Document in accordance with ITB 8. In case of any contradiction, documents

obtained directly from the Employer shall prevail.

- 6.4 The Bidder is expected to examine all instructions, forms, terms, and specifications in the Bidding Document and to furnish with its Bid all information and documentation as is required by the Bidding Document. The information or documentation shall be complete, accurate, current, and verifiable.

**7. Clarification of Bidding Document, Site Visit, Pre-Bid Meeting**

- 7.1 The Bidder requiring any clarification of the Bidding Document shall contact the Employer in writing at the Employer's address **specified in the BDS** or raise its enquiries during the pre-bid meeting if provided for in accordance with ITB 7.4. The Employer will respond in writing to any request for clarification, provided that such request is received no later than fourteen (14) days prior to the deadline for submission of Bids. The Employer shall forward copies of its response to all Bidders who have acquired the Bidding Document in accordance with ITB 6.3, including a description of the inquiry but without identifying its source. If so **specified in the BDS**, the Employer shall also promptly publish its response on the Employer's web page **identified in the BDS**. Should the clarification result in changes to the essential elements of the Bidding Document, the Employer shall amend the Bidding Document following the procedure under ITB 8 and ITB 22.2.
- 7.2 The Bidder is advised to visit and examine the Site and its surroundings and obtain for itself on its own responsibility all information that may be necessary for preparing the Bid and entering into a Contract for construction of the Works. The costs of visiting the Site shall be at the Bidder's own expense.
- 7.3 The Bidder and any of its personnel or agents will be granted permission by the Employer to enter upon its premises and lands for the purpose of such visit, but only upon the express condition that the Bidder, its personnel, and agents will release and indemnify the Employer and its personnel and agents from and against all liability in respect thereof, and will be responsible for death or personal injury, loss of or damage to property, and any other loss, damage, costs, and expenses incurred as a result of the inspection.
- 7.4 If so **specified in the BDS**, the Bidder's designated representative is invited to attend a pre-bid meeting. The purpose of the meeting will be to clarify issues and to answer questions on any matter that may be raised at that stage.
- 7.5 The Bidder is requested to submit any questions in writing, to reach the Employer not later than seven (7) days before the meeting.
- 7.6 Minutes of the pre-bid meeting, if applicable, including the text of the questions asked by the Bidders, without identifying the source, and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all Bidders who have acquired the Bidding Document in accordance with ITB 6.3. Any modification to the Bidding Document that may become necessary as a result of the pre-bid meeting shall be made by the Employer exclusively through the issue of an addendum pursuant to ITB 8 and not through the minutes of the pre-bid meeting. Nonattendance at the pre-bid meeting will not be a cause for disqualification of a Bidder.

**8. Amendment of Bidding Document**

- 8.1 At any time prior to the deadline for submission of Bids, the Employer may amend the Bidding Document by issuing addenda.
- 8.2 Any addendum issued shall be part of the Bidding Document and shall be communicated in writing to all who have obtained the Bidding Document from the Employer in accordance with ITB 6.3. If so **specified in the BDS**, the Employer shall also promptly publish the addendum on the Employer's web page in accordance with ITB 7.1.
- 8.3 To give the Bidders reasonable time in which to take an addendum into account in preparing their Bids, the Employer may extend the deadline for the submission of Bids, pursuant to ITB 22.2.

**C. Preparation of Bids**

**9. Cost of Bidding**

- 9.1 The Bidder shall bear all costs associated with the preparation and submission of its Bid, and the Employer shall not be responsible or liable for those costs, regardless of the conduct or outcome of the bidding process.

**10. Language of Bid**

- 10.1 The Bid, as well as all correspondence and documents relating to the Bid exchanged by the Bidder and the Employer, shall be written in the language **specified in the BDS**. Supporting documents and printed literature that are part of the Bid may be in another language provided they are accompanied by an accurate translation of the relevant passages in the language of Bid, in which case, for purposes of interpretation of the Bid, such translation shall govern.

**11. Documents Comprising the Bid**

- 11.1 The Bid shall comprise two envelopes submitted simultaneously, one called the Technical Bid containing the documents listed in ITB 11.2 and the other the Price Bid containing the documents listed in ITB 11.3, both envelopes enclosed together in an outer single envelope.
- 11.2 The Technical Bid shall comprise the following:
- (i) Letter of Technical Bid, in accordance with ITB 12.1;
  - (ii) Bid Security, in accordance with ITB 19;
  - (iii) Power of Attorney, authorizing the signatory of the Bid to commit the Bidder, in accordance with ITB 20.2 and ITB 20.3;
  - (iv) copy of the JV Agreement, or Letter of Intent to enter into a JV including a draft agreement in the case of a Bid submitted by a JV in accordance with ITB 4.1;
  - (v) documentary evidence in accordance with ITB 17 establishing the Bidder's eligibility and qualifications to perform the Contract if its Bid is accepted;
  - (vi) Technical Proposal in accordance with ITB 16;
  - (vii) Acknowledgement of Compliance with the Guidelines for Procurement under Japanese ODA Loans (Form ACK), which shall be signed and dated by the Bidder's authorized representative; and
  - (viii) any other document **required in the BDS**.

- 11.3 The Price Bid shall comprise the following:
- (a) Letter of Price Bid, in accordance with ITB 12;
  - (b) Completed Schedules in accordance with ITB 12.1 and ITB 14, including priced Bill of Quantities, and completed Schedule of Adjustment Data (if any required in accordance with ITB 14.5) but excluding any Schedule(s) required in ITB 11.2.
  - (c) any other document **required in the BDS**.
- 12. Letter of Bid and Schedules**      12.1 The Bidder shall complete the Letters of Technical Bid and Price Bid and the Schedules, including the Bill of Quantities, and the Schedule of Adjustment Data (only if required in ITB 14.5), using the relevant forms furnished in Section IV, Bidding Forms. The forms must be completed without any alterations to the text, and no substitutes shall be accepted. All blank spaces shall be filled in with the information requested.
- 13. Alternatives to the Bid Requirements and Alternative Bids**      13.1 **If so specified in the BDS**, alternative times for completion will be permitted, and the method of evaluating different times for completion shall be as specified in Section III, Evaluation and Qualification Criteria.
- 13.2 **If so specified in the BDS**, alternative Bids will be permitted, and the Bidders, wishing to offer technical alternatives to the Bid requirements, may in addition to the substantially responsive Bid (hereinafter referred to as “Base Bid”), submit an alternative Bid. The alternative Bid shall be complete with all information necessary for a complete evaluation of the alternative by the Employer including drawings, design calculations, technical specifications, breakdown of prices, proposed construction methodology and other relevant details.
- Only the alternative Bids, if any, submitted by the Bidder whose Base Bid is determined to be the lowest evaluated Bid under ITB 36.1 shall be considered by the Employer.
- 14. Bid Prices and Discounts**      14.1 The prices and discounts (including any price reduction) quoted by the Bidder in the Letter of Price Bid and in the Bill of Quantities shall conform to the requirements specified below.
- 14.2 The Bidder shall fill in rates and prices for all items of the Works described in the Bill of Quantities. Items against which no rate or price is entered by the Bidder shall be deemed covered by the rates and/or prices for other items in the Bill of Quantities and will not be paid for separately by the Employer.
- For the purpose of evaluation, any item against which no rate or price is entered by the Bidder shall be assumed to be not included in the Bid. However provided that the Bid is determined to be substantially responsive notwithstanding this omission, the average price of the item quoted by the substantially responsive Bidders will be added to the Bid Price and the total cost of the Bid so determined will be used for price comparison.
- 14.3 The price to be quoted in the Letter of Price Bid, in accordance with ITB 12.1, shall be the total price of the Bid, excluding any discounts offered. Absence of the total bid price in the Letter of Price Bid may

result in the rejection of the Bid.

- 14.4 The Bidder shall quote any discounts and the methodology for their application in the Letter of Price Bid, in accordance with ITB 12.1.
- 14.5 **Unless otherwise specified in the BDS** and the Conditions of Contract, the rates and prices quoted by the Bidder are subject to adjustment during the performance of the Contract in accordance with the provisions of the Conditions of Contract. In such a case, the Bidder shall furnish the indices and/or weightings for the price adjustment formulae in the Schedule of Adjustment Data and the Employer may require the Bidder to justify its proposed indices and weightings.
- 14.6 **If so specified in BDS 1.1**, Bids are being invited for multiple lots. The Bidders wishing to offer any discounts (including price reduction) for the award of more than one lot shall specify in their Letter of Price Bid, discounts applicable to such award. Discounts shall be submitted in accordance with ITB 14.4, provided the Bids for all lots are opened at the same time.
- 14.7 **Unless otherwise provided in the BDS**, all duties, taxes, and levies payable by the Contractor under the Contract, or for any other cause, as of the date twenty-eight (28) days prior to the deadline for submission of Bids, shall be included in the rates and prices and the total Bid Price submitted by the Bidder.
- 14.8 The exact amounts of the Provisional Sums shall be indicated in the completed Bill of Quantities in the following manner:
- (a) The exact amounts and currencies of the Specified Provisional Sums and contingency allowance, if any, shall be **as specified in the BDS**.
  - (b) The amount of the Provisional Sum, if any, for the Daywork shall be derived by the Bidder (by entering rates and/or prices in the Schedule of Daywork Rates in the Bill of Quantities) and indicated in the Summary of the completed Bill of Quantities.
- The Bidder shall be aware of the provisions stated in Sub- Clauses 1.1.4.10, 13.5 and 13.6 of the Conditions of Contract.

#### 15. Currencies of Bid and Payment

- 15.1 The currency (ies) of the Bid shall be **as specified in the BDS**. Payment of the Contract Price shall be made in the currency or currencies in which the Bid Price is expressed in the Bid of the successful Bidder.
- 15.2 The Bidders may be required by the Employer to justify, to the Employer's satisfaction, their local and foreign currency requirements, and to substantiate that the amounts included in the unit rates and prices and shown in the Schedule of Adjustment Data are reasonable.

#### 16. Technical Proposal and Subcontractors

- 16.1 The Bidder shall furnish as part of the Technical Bid, a Technical Proposal including a statement of work methods, equipment, personnel, schedule, safety plan and any other information as stipulated in Section IV, Bidding Forms, in sufficient detail to demonstrate substantial responsiveness of the Bidder's proposal to meet the Work Requirements and the completion time.

- 16.2 **Unless otherwise stated in the BDS**, the Employer does not intend to execute any specific elements of the Works by subcontractors selected in advance by the Employer (nominated Subcontractors).

The Bidder may propose to subcontract any of the key activities for which experience of proposed subcontractors has been evaluated at the Prequalification stage, or otherwise indicated in Section III, Evaluation Qualification Criteria 2.4.2 (b) (specialized subcontractor). In such a case,

- (a) the Bidder may list one or more subcontractor(s) against any of the key activities aforementioned and summation of the subcontractors' qualifications against each of criteria for key activities is accepted;
- (b) the Bidder shall clearly identify the proposed subcontractor(s) in Forms ELI-3 and EXP-2(b) in Section IV, Bidding Forms and submit the Schedule of Subcontractors, as part of its Technical Proposal, listing out all subcontractors so proposed; and
- (c) substitution of the proposed subcontractor(s) shall not be allowed after the Bid submission deadline date prescribed by the Employer in accordance with ITB 22.1.

If the prequalification process was conducted prior to the bidding process, the Bidder shall name and list out in the Schedule of Subcontractors, the same subcontractor(s) whose experience in the key activities was evaluated in the prequalification, except only for such changes as are explicitly approved by the Employer in accordance with ITB 17.2.

## 17. Documents Establishing the Qualifications of the Bidder

- 17.1 In accordance with Section III, Evaluation and Qualification Criteria,
- (a) if the prequalification process was conducted prior to the bidding process, the Bidder shall provide in the corresponding information sheets included in Section IV, Bidding Forms, updated information on any assessed aspect to establish that the Bidder continues to meet the criteria used at the time of prequalification, and
  - (b) if the prequalification process was not conducted prior to the bidding process, the Bidder shall provide the information requested in the corresponding information sheets included in Section IV, Bidding Forms.

The aforementioned Evaluation and Qualification Criteria contains, among other things, the requirements as to eligibility specified in ITB 4.

- 17.2 Any change in the structure or formation of the Bidder after being prequalified and invited to bid (including, in the case of a JV, any change in the structure or formation of any member thereto) shall be subject to the written approval of the Employer prior to the deadline for submission of Bids. Such approval shall be denied if:
- (a) such change has not taken place by the free choice of the firms involved;
  - (b) as a consequence of the change, the Bidder no longer substantially meets the qualification criteria set forth in the

Prequalification Document; or

- (c) in the opinion of the Employer, the change may result in a substantial reduction in competition.

Any such change should be submitted to the Employer not later than twenty-eight (28) days before the Bid submission deadline.

**18. Period of Validity of Bids**

- 18.1 Bids shall remain valid for the period **specified in the BDS** after the Bid submission deadline date prescribed by the Employer in accordance with ITB 22.1. A Bid valid for a shorter period shall be rejected by the Employer as non-responsive.
- 18.2 In exceptional circumstances, prior to the expiration of the Bid validity period, the Employer may request the Bidders to extend the period of validity of their Bids. The request and the responses shall be made in writing. The Bid Security shall also be extended for twenty-eight (28) days beyond the deadline of the extended validity period. A Bidder may refuse the request without forfeiting its Bid Security. A Bidder granting the request shall not be required or permitted to modify its Bid, except as provided in ITB 18.3.
- 18.3 If the award is delayed by a period exceeding fifty-six (56) days beyond the expiry of the initial Bid validity period, the Contract price shall be determined as follows:
- (a) In the case of fixed price contracts, the Contract price shall be the Bid Price adjusted by the factor **specified in the BDS**.
  - (b) In the case of adjustable price contracts, no adjustment shall be made.
- In any case, Bid evaluation shall be based on the Bid Price without taking into consideration the effect of the adjustment indicated in the above paragraph.

**19. Bid Security**

- 19.1 The Bidder shall furnish as part of its Technical Bid, a Bid Security in the amount and currency **specified in the BDS**.
- 19.2 The Bid Security shall be at the Bidder's option, a demand guarantee in any of the following forms at the Bidder's option:
- (a) an unconditional guarantee issued by a bank or non-bank financial institution (such as an insurance, bonding or surety company);
  - (b) an irrevocable standby letter of credit;
  - (c) a cashier's or certified check; or
  - (d) another security **specified in the BDS**,
- from a reputable source. If the unconditional guarantee is issued by a non-bank financial institution located outside the Employer's Country, the issuing financial institution shall have a correspondent financial institution located in the Employer's Country to make it enforceable. In the case of a bank guarantee, the Bid Security shall be submitted either using the Bid Security Form included in Section IV, Bidding Forms, or in another substantially similar format approved by the Employer prior to Bid submission. In either case, the form must include the complete name of the Bidder. The Bid Security shall be valid for twenty-eight (28) days beyond the original validity period of the Bid, or beyond any period of

extension if requested under ITB 18.2.

- 19.3 Any Bid not accompanied by a substantially responsive Bid Security shall be rejected by the Employer as non-responsive.
- 19.4 The Bid Security of all Bidders who have been rejected on the grounds of their Technical Bids being substantially non-responsive to the requirements of the Bidding Document, shall be returned as promptly as possible upon the Employer's notification of such rejection pursuant to ITB 25.8.

The Bid Security of all unsuccessful Bidders (other than those referred in the above paragraph) shall be returned as promptly as possible upon the successful Bidder's signing the Contract and furnishing the Performance Security pursuant to ITB 41.
- 19.5 The Bid Security of the successful Bidder shall be returned as promptly as possible once the successful Bidder has signed the Contract and furnished the required Performance Security.
- 19.6 The Bid Security may be forfeited:
  - (a) if a Bidder withdraws its Bid during the period of Bid validity specified by the Bidder on the Letters of Technical Bid and Price Bid, or any extension thereto provided by the Bidder; or
  - (b) if the successful Bidder fails to:
    - (i) sign the Contract in accordance with ITB 40; or
    - (ii) furnish a Performance Security in accordance with ITB 41.
- 19.7 The Bid Security of a JV shall be in the name of the JV that submits the Bid. If the JV has not been legally constituted into a legally enforceable JV at the time of bidding, the Bid Security shall be in the names of all future members as named in the letter of intent referred to in ITB 4.1.

## 20. Format and Signing of Bid

- 20.1 The Bidder shall prepare one original of the Technical Bid and one original of the Price Bid comprising the documents as described in ITB 11 and clearly mark them "TECHNICAL BID - ORIGINAL" and "PRICE BID - ORIGINAL", as appropriate. Alternative Bids, if permitted in accordance with ITB 13.2, shall be clearly marked "ALTERNATIVE BID - ORIGINAL".

In addition, the Bidder shall submit copies of the Technical and Price Bids, in the number **specified in the BDS** and clearly mark each of them "TECHNICAL BID - COPY", "PRICE BID - COPY" and "ALTERNATIVE BID - COPY", as appropriate.

In the event of any discrepancy between the original and the copies, the original shall prevail.
- 20.2 The original of the Bid shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Bidder. This authorization shall be in the form of a Power of Attorney included in the Technical Bid. All pages of the Bid where entries or amendments have been made shall be signed or initialed by the person signing the Bid.
- 20.3 A bid submitted by a JV shall be signed by an authorized

representative of the JV accompanied by a Power of Attorney from each member of the JV giving that authorized representative the power to sign on their behalf and legally bind them all. Such power shall also be given by a person duly authorized to do so on behalf of each member evidenced by a Power of Attorney.

- 20.4 Any interlineation, erasures, or overwriting shall be valid only if they are signed or initialed by the person signing the Bid.
- 20.5 The Bidders shall clearly mark “CONFIDENTIAL” any information which they regard as confidential to their business. Such information may include proprietary information, trade secrets, or commercial or financially sensitive information.

#### D. Submission and Opening of Bids

#### 21. Sealing and Marking of Bids

- 21.1 The Bidder shall enclose:
  - (a) in a sealed envelope, duly marked as “TECHNICAL BID - ORIGINAL”, all documents comprising the Technical Bid, as described in ITB 11.2;
  - (b) in a sealed envelope, duly marked as “PRICE BID - ORIGINAL”, all documents comprising the Price Bid, as described in ITB 11.3;
  - (c) in sealed envelopes, duly marked as “TECHNICAL BID - COPY”, all required copies of the Technical Bid, sequentially numbered;
  - (d) in sealed envelopes, duly marked as “PRICE BID - COPY”, all required copies of the Price Bid, sequentially numbered; and
  - (e) if alternative Bids are permitted in accordance with ITB 13.2, and if relevant:
    - (i) in an envelope marked “ALTERNATIVE BID - ORIGINAL”, the alternative Bid; and
    - (ii) in the envelope marked “ALTERNATIVE BID - COPY”, all required copies of the alternative Bid, sequentially numbered.

These envelopes (inner envelopes) containing the original and the copies shall then be enclosed in one single envelope (outer envelope).

- 21.2 The inner and outer envelopes shall be:
  - (a) clearly marked with the name and address of the Bidder;
  - (b) addressed to the Employer in accordance with ITB 22.1; and
  - (c) clearly marked with the specific identification of this bidding process **specified in BDS 1.1**.
- 21.3 The outer envelopes and the inner envelopes containing the Technical Bid shall be clearly marked with a warning “NOT TO BE OPENED BEFORE THE TIME AND DATE FOR THE OPENING OF TECHNICAL BID”, in accordance with ITB 25.1.
- 21.4 The inner envelopes containing the Price Bid shall be clearly marked with a warning “NOT TO BE OPENED UNTIL ADVISED

|                                                               |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                               |      | BY THE EMPLOYER”, in accordance with ITB 25.7.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                               | 21.5 | The inner envelopes containing the alternative Bids, if any, shall be clearly marked with a warning “NOT TO BE OPENED UNTIL ADVISED BY THE EMPLOYER”, in accordance with ITB 13.2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                                               | 21.6 | If all envelopes are not sealed and marked as required, the Employer will assume no responsibility for the misplacement or premature opening of the Bid.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>22. Deadline for Submission of Bids</b>                    | 22.1 | Bids must be received by the Employer at the address and no later than the date and time <b>specified in the BDS</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                               | 22.2 | The Employer may, at its discretion, extend the deadline for the submission of Bids by amending the Bidding Document in accordance with ITB 8, in which case all rights and obligations of the Employer and the Bidders subject to the previous deadline shall thereafter be subject to the deadline as extended.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>23. Late Bids</b>                                          | 23.1 | The Employer shall not consider any Bid that arrives after the deadline for submission of Bids, in accordance with ITB 22. Any Bid received by the Employer after the deadline for submission of Bids shall be declared late, rejected, and returned unopened to the Bidder.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>24. Withdrawal, Substitution, and Modification of Bids</b> | 24.1 | A Bidder may withdraw, substitute, or modify its Bid – Technical or Price – after it has been submitted and prior to the deadline for submission of Bids, by sending a written notice, duly signed by an authorized representative, and shall include a copy of the Power of Attorney in accordance with ITB 20.2 and ITB 20.3. The corresponding substitution or modification of the Bid must accompany the respective written notice. All notices must be: <ul style="list-style-type: none"> <li>(a) prepared and submitted in accordance with ITB 20 and ITB 21 (except that withdrawals notices do not require copies), and in addition, the respective outer envelopes shall be clearly marked “WITHDRAWAL”, “SUBSTITUTION”, “MODIFICATION”, and</li> <li>(b) received by the Employer prior to the deadline prescribed for submission of Bids, in accordance with ITB 22.</li> </ul> |
|                                                               | 24.2 | Bids requested to be withdrawn in accordance with ITB 24.1 shall be returned unopened to the Bidders.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                                               | 24.3 | No Bid may be withdrawn, substituted, or modified in the interval between the deadline for submission of Bids and the expiration of the period of Bid validity specified by the Bidder on the Letters of Technical Bid and Price Bid or any extension thereof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>25. Bid Opening</b>                                        | 25.1 | Except in the cases specified in ITB 23 and ITB 24, the Employer shall publicly open and read out in accordance with ITB 25.5 all Technical Bids received by the deadline, at the date, time and place <b>specified in the BDS</b> , in the presence of the Bidders’ designated representatives and anyone who choose to attend. The Price Bids will remain unopened and will be held in custody of the Employer until the time of their opening to be specified in accordance with ITB 25.7. Alternative Bids, if any, shall remain unopened in accordance with ITB 13.2.                                                                                                                                                                                                                                                                                                                  |

If the Technical Bid and the Price Bid are submitted together in one envelope, the Employer may reject the entire Bid.

- 25.2 First, envelopes marked “WITHDRAWAL” shall be opened and read out and the envelope with the corresponding Bid shall not be opened, but returned to the Bidder. No Bid withdrawal shall be permitted unless the corresponding withdrawal notice contains a valid authorization to request the withdrawal and is read out at the opening of Technical Bids.
- 25.3 Next, outer envelopes marked “SUBSTITUTION” shall be opened. The inner envelopes containing Substitution Technical Bid and/or Substitution Price Bid shall be exchanged with the corresponding envelopes being substituted, which are to be returned to the Bidder unopened. Only the Substitution Technical Bid, if any, shall be opened and read out. Substitution Price Bid will remain unopened in accordance with ITB 25.1. No Bid substitution shall be permitted unless the corresponding substitution notice contains a valid authorization to request the substitution and is read out at the opening of Technical Bids.
- 25.4 Next, outer envelopes marked “MODIFICATION” shall be opened. No Technical Bid and/or Price Bid modification shall be permitted unless the corresponding modification notice contains a valid authorization to request the modification and is read out at the opening of Technical Bids. Only the Technical Bids, both Original as well as Modification, are to be opened and read out at the opening of Technical Bids. Price Bids, both Original as well as Modification, shall remain unopened in accordance with ITB 25.1.
- 25.5 Next, all other envelopes holding the Technical Bids shall be opened one at a time, reading out:
- (a) the name of the Bidder;
  - (b) whether there is a withdrawal, substitution, or modification;
  - (c) whether there is an alternative Bid without opening its envelope;
  - (d) the presence or absence of a Bid Security; and
  - (e) any other details as the Employer may consider appropriate.
- Only Technical Bids read out at Bid opening shall be considered for evaluation. The Employer shall neither discuss the merits of any Bid nor reject any Bid (except for late Bids, in accordance with ITB 23.1).
- 25.6 The Employer shall prepare a record of the opening of Technical Bids that shall include, as a minimum:
- (a) the name of the Bidder;
  - (b) whether there is a withdrawal, substitution, or modification;
  - (c) whether there is an alternative Bid; and
  - (d) the presence or absence of a Bid Security.
- The Bidders’ representatives who are present shall be requested to sign the record. The omission of a Bidder’s signature on the record shall not invalidate the contents and effect of the record. A copy of the record shall be distributed to all Bidders who submitted Bids in

time, and to JICA.

- 25.7 At the end of the evaluation of the Technical Bids, the Employer will invite the Bidders who have submitted substantially responsive Technical Bids and who have been determined as being qualified for award to attend the opening of the Price Bids. The date, time, and location of the opening of Price Bids will be advised in writing by the Employer. The opening date should allow the Bidders sufficient time to make arrangements for attending the opening of Price Bids.
- 25.8 The Employer will notify, in writing, the Bidders who have been rejected on the grounds of their Technical Bids being substantially non-responsive to the requirements of the Bidding Document and/or who have been determined as being disqualified for award, and return their Price Bids unopened together with the Bid Security.
- 25.9 The Employer shall conduct the opening of Price Bids of all Bidders who submitted substantially responsive Technical Bids and who were determined as being qualified for award, in the presence of the Bidders' representatives who choose to attend at the address, date and time specified by the Employer. The Bidder's representatives who are present shall be requested to sign a register evidencing their attendance.
- 25.10 All envelopes containing Price Bids and alternative Bids, if any, shall be opened one at a time, reading out:
- (a) the name of the Bidder;
  - (b) whether there is a withdrawal, substitution or modification;
  - (c) the total Bid Price, including any discounts and alternative Bids; and in the case of bidding for multiple lots, the total price for each lot together with the sum of the total prices for all lots including any discounts; and
  - (d) any other details as the Employer may consider appropriate.
- Only Price Bids and Price Bid discounts read out and recorded at the opening of Price Bids shall be considered for evaluation. The Employer shall neither discuss the merit of any Price Bid nor reject any Price Bid at the Price Bids opening.
- 25.11 The Employer shall prepare a record of the opening of Price Bids that shall include, as a minimum:
- (a) the name of the Bidder; and
  - (b) the total Bid Price; including any discounts and alternative Bids; and in the case of bidding for multiple lots, the total price for each lot together with the total price for all lots including any discounts.
- The Bidders' representatives who are present shall be requested to sign the record. The omission of a Bidder's signature on the record shall not invalidate the contents and effect of the record. A copy of the record shall be distributed to all Bidders who submitted Bids in time, and to JICA.

## E. Evaluation and Comparison of Bids

- |                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>26. Confidentiality</b>                           | <p>26.1 Information relating to the evaluation of Bids and recommendation of Contract award shall not be disclosed to the Bidders or any other persons not officially concerned with the bidding process until information on Contract award is communicated to all Bidders in accordance with ITB 39.</p> <p style="padding-left: 40px;">The use by any Bidder of confidential information related to this bidding process may result in the rejection of its Bid.</p> <p>26.2 Any attempt by a Bidder to influence the Employer in the evaluation of the Bids or Contract award decisions may result in the rejection of its Bid.</p> <p>26.3 Notwithstanding ITB 26.2, from the time of Bid opening to the time of Contract award, if any Bidder wishes to contact the Employer on any matter related to the bidding process, it shall do so in writing.</p>                                                                                                                |
| <b>27. Clarification of Bids</b>                     | <p>27.1 To assist in the examination, evaluation, and comparison of the Technical and Price Bids, and qualification of the Bidders, the Employer may, at its discretion, ask any Bidder for a clarification of its Bid, giving a reasonable time for a response. Any clarification submitted by a Bidder that is not in response to a request by the Employer shall not be considered. The Employer's request for clarification and the response shall be in writing. No change in the substance of the Technical Bid or prices in the Price Bid, including any voluntary increase or decrease in the prices, shall be sought, offered, or permitted, except to confirm the correction of arithmetical errors discovered by the Employer in the evaluation of the Price Bids, in accordance with ITB 33.</p> <p>27.2 If a Bidder does not provide clarifications of its Bid by the date and time set in the Employer's request for clarification, its Bid may be rejected.</p> |
| <b>28. Deviations, Reservations, and Omissions</b>   | <p>28.1 During the evaluation of Bids, the following definitions apply:</p> <ul style="list-style-type: none"> <li>(a) "Deviation" is a departure from the requirements specified in the Bidding Document;</li> <li>(b) "Reservation" is the setting of limiting conditions or withholding from complete acceptance of the requirements specified in the Bidding Document; and</li> <li>(c) "Omission" is the failure to submit part or all of the information or documentation required in the Bidding Document.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>29. Preliminary Examination of Technical Bids</b> | <p>29.1 The Employer shall examine the Bid to confirm that all documents and information requested in ITB 11.2 have been provided, and to determine the completeness of each document submitted.</p> <p>29.2 The Employer shall confirm that the following documents and information have been provided in the Technical Bid. If any of these documents or information is missing, the Bid shall be rejected.</p> <ul style="list-style-type: none"> <li>(a) Letter of Technical Bid;</li> <li>(b) Power of Attorney to commit the Bidder;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                          |

- (c) Bid Security; and
- (d) Technical Proposal in accordance with ITB 16.

**30. Qualification of the Bidders**

- 30.1 The Bidders shall substantially meet or exceed the specified qualification requirements. The Employer shall determine to its satisfaction whether the Bidders meet the qualifying criteria specified in Section III, Evaluation and Qualification Criteria, during the evaluation of Technical Bids. However, if the prequalification process was carried out prior to the bidding process, the Employer may carry out the assessment of the qualification criteria specified in Section III, Evaluation and Qualification Criteria, only for the Bidder who submitted the lowest evaluated and substantially responsive Bid.
- 30.2 The determination shall be based upon an examination of the documentary evidence of the Bidder's qualifications submitted by the Bidder, pursuant to ITB 17. For the purposes of this determination, only the qualification of the legal entity(ies) comprising the Bidder shall be considered. In particular, the qualifications of affiliated entities (such as the parent company(ies), group companies, subsidiaries or other affiliates) shall not be considered unless they are parties to the Bidder under a JV in accordance with ITB 4.1 or as specialized subcontractors to be employed in accordance with ITB 16.2 for the key activities listed in Section III Evaluation and Qualification Criteria 2.4.2(b).
- 30.3 The Employer reserves the right to waiver minor (nonmaterial) deviations in the qualification criteria if they do not materially affect the technical capability and financial resources of the Bidder to perform the contract.
- 30.4 An affirmative determination shall be a prerequisite for award of the Contract to the Bidder. A negative determination shall result in disqualification of the Bid.  
  
If the assessment of the Bidder's qualification was conducted only for the lowest evaluated Bidder, in accordance with ITB 30.1, and the result of such assessment is negative, the Employer shall proceed to the next lowest evaluated Bid to make a similar determination.
- 30.5 The subcontractors proposed by the Bidder in its Bid shall meet the eligibility requirements of ITB 4.  
  
Furthermore, if the specialized subcontractor proposed in accordance with ITB 16.2 does not meet the corresponding criteria for the key activities specified in Section III Evaluation and Qualification Criteria 2.4.2(b), the Bidder who proposed such a specialized subcontractor shall be disqualified.

**31. Determination of Responsiveness of Technical Bids**

- 31.1 The Employer's determination of a Technical Bid's responsiveness is to be based on the contents of the Technical Bid itself, as defined in ITB 11.2.
- 31.2 For the purposes of this determination, a substantially responsive Technical Bid is one that meets the requirements of the Bidding Document without material deviation, reservation, or omission. A material deviation, reservation, or omission is one that,

- (a) if accepted, would
      - (i) affect in any substantial way the scope, quality, or performance of the Works specified in the Contract; or
      - (ii) limit in any substantial way, inconsistent with the Bidding Document, the Employer's rights or the Bidder's obligations under the proposed Contract; or
    - (b) if rectified, would unfairly affect the competitive position of the other Bidders presenting substantially responsive Bids
- 31.3 The Employer shall examine the Technical Bid submitted in accordance with ITB 16 and Section III, Evaluation and Qualification Criteria, in particular, to confirm that all requirements of Section VI, Works Requirements have been met without any material deviation, reservation or omission.
- 31.4 If a Technical Bid is not substantially responsive to the requirements of the Bidding Document, it shall be rejected by the Employer and shall not subsequently be made responsive by correction of the material deviation, reservation, or omission.
- 32. Nonmaterial Nonconformities**
  - 32.1 Provided that a Technical Bid is substantially responsive, the Employer may waive any nonconformities (deviation, reservation or omission) in the Technical Bid.
  - 32.2 Provided that a Technical Bid is substantially responsive, the Employer may request that the Bidder submit the necessary information or documentation, within a reasonable period of time, to rectify nonmaterial nonconformities in the Technical Bid related to documentation requirements. Requesting information or documentation on such nonconformities shall not be related to any aspect of the Price Bid. Failure of the Bidder to comply with the request may result in the rejection of its Bid.
  - 32.3 Provided that a Technical Bid is substantially responsive, the Employer shall rectify quantifiable nonmaterial nonconformities related to the Bid Price. To this effect, the Bid Price shall be adjusted, for comparison purposes only, to reflect the price of a missing or non-conforming item or component. Adjustment to the rates and prices of the Bill of Quantities shall be made in accordance with ITB 14.2.
- 33. Correction of Arithmetical Errors**
  - 33.1 Provided that the bid is substantially responsive, the Employer shall correct arithmetical errors on the following basis:
    - (a) where there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected, unless in the opinion of the Employer there is an obvious misplacement of the decimal point in the unit price, in which case the total price as quoted shall govern and the unit price shall be corrected;
    - (b) where there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail and the total shall be corrected; and
    - (c) where there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in

words is related to an arithmetical error, in which case the amount in figures shall prevail subject to (a) and (b) above.

33.2 The Bidders shall be requested to accept correction of arithmetical errors. Failure to accept the correction in accordance with ITB 33.1, shall result in the rejection of the Bid.

**34. Conversion to Single Currency**

34.1 For evaluation and comparison purposes, the currency(ies) of the Bid shall be converted into a single currency **as specified in the BDS**. The Employer will convert the amounts in various currencies in which the Bid Price, corrected pursuant to ITB 33, is denominated to the single currency identified above at the selling rates established for similar transactions by the authority **specified in the BDS** and on the date **stipulated in the BDS**.

**35. Evaluation of Price Bids**

35.1 To evaluate a Price Bid, the Employer shall consider the following:

- (a) the Bid Price, excluding the Specified Provisional Sums and contingency allowance, if any in the Grand Summary of the Bill of Quantities, but including the Provisional Sum for Daywork when priced competitively;
- (b) price adjustment for correction of arithmetic errors in accordance with ITB 33.1;
- (c) price adjustment due to discounts offered in accordance with ITB 14.4;
- (d) the additional evaluation factors specified in Section III, Evaluation and Qualification Criteria;
- (e) price adjustment due to quantifiable nonmaterial nonconformities in accordance with ITB 32.3; and
- (f) converting the amount resulting from applying (a) to (e) above, if relevant, to a single currency in accordance with ITB 34.

35.2 If price adjustment is allowed in accordance with ITB 14.5, the estimated effect of the price adjustment provisions of the Conditions of Contract, applied over the period of execution of the Contract, shall not be taken into account in Bid evaluation.

35.3 In the case of bidding for multiple lots, the lowest evaluated price of the lot(s) shall be determined as specified in Section III, Evaluation and Qualification Criteria.

**36. Comparison of Bids**

36.1 The Employer shall compare the evaluated prices of all substantially responsive Bids established in accordance with ITB 35.1 to determine the lowest evaluated Bid.

36.2 If the Bid, which results in the lowest Evaluated Bid Price, is seriously unbalanced or front loaded in the opinion of the Employer, the Employer may require the Bidder to produce detailed price analyses for any or all items of the Bill of Quantities, to demonstrate the internal consistency of those prices with the construction methods and schedule proposed. After evaluation of the price analyses, taking into consideration the schedule of estimated Contract payments, the Employer may require that the amount of the Performance Security be increased at the expense of the Bidder to a level sufficient to protect the Employer against financial loss in the event of default of the successful Bidder under

the Contract.

- 36.3 In the event of identification of a potentially abnormally low Bid, the Employer shall seek written clarifications from the Bidder, including detailed price analyses of its Bid Price in relation to the subject matter of the contract, scope, proposed methodology, schedule, allocation of risks and responsibilities and any other requirements of the Bidding Document.

After evaluation of the price analyses, in the event that the Employer determines that the Bidder has failed to demonstrate its capability to perform the Contract for the offered Bid Price, the Employer shall reject the Bid.

For the purposes of this ITB 36.3, an abnormally low Bid is one where the Bid price, in combination with other elements of the Bid, appears so low that it raises material concerns as to the capability of the Bidder to perform the Contract for the offered Bid Price.

**37. Employer's Right to Accept Any Bid, and to Reject Any or All Bids**

- 37.1 The Employer reserves the right to accept or reject any Bid, and to annul the bidding process and reject all Bids at any time prior to Contract award, without thereby incurring any liability to the Bidders. In case of annulment, all Bids submitted and specifically, Bid securities, shall be promptly returned to the Bidders.

**F. Award of Contract**

**38. Award Criteria**

- 38.1 Subject to ITB 37.1, the Employer shall award the Contract to the Bidder whose offer has been determined to be the lowest evaluated Bid and is substantially responsive to the Bidding Document, provided further that the Bidder is determined to be qualified to perform the Contract satisfactorily.

**39. Notification of Award**

- 39.1 Prior to the expiration of the period of Bid validity, the Employer shall notify the successful Bidder, in writing, that its Bid has been accepted. The notification letter (hereinafter and in the Conditions of Contract and Contract Forms called the "Letter of Acceptance") shall specify the sum that the Employer will pay the Contractor in consideration of the execution and completion of the Works (hereinafter and in the Conditions of Contract and Contract Forms called "the Accepted Contract Amount").

- 39.2 After a contract has been determined to be eligible for financing under Japanese ODA Loans, the following information may be made public by JICA:

- (a) name of each Bidder who submitted a Bid;
- (b) Bid Prices as read out at Bid Opening;
- (c) name and address of the successful Bidder; and
- (d) signing date and amount of the contract.

- 39.3 Until a formal contract is prepared and executed, the Letter of Acceptance shall constitute a binding Contract.

**40. Signing of Contract**

- 40.1 Promptly upon notification, the Employer shall send the successful Bidder the Contract Agreement.

- 40.2 Within twenty-eight (28) days of receipt of the Contract Agreement, the successful Bidder shall sign, date, and return it to the Employer.
- 41. Performance Security**
- 41.1 Within twenty-eight (28) days of the receipt of the Letter of Acceptance from the Employer, the successful Bidder shall furnish the Performance Security in accordance with the Conditions of Contract, subject to ITB 36.2 using for that purpose the Performance Security Form included in Section IX, Contract Forms, or another form acceptable to the Employer. If the Performance Security furnished by the successful Bidder is in the form of a bond, it shall be issued by a bonding or insurance company that has been determined by the successful Bidder to be acceptable to the Employer. A foreign institution providing a bond shall have a correspondent financial institution located in the Employer's Country.
- 41.2 Failure of the successful Bidder to submit the above-mentioned Performance Security or sign the Contract shall constitute sufficient grounds for the annulment of the award and forfeiture of the Bid Security. In that event the Employer may award the Contract to the next lowest evaluated Bidder whose Bid is substantially responsive and is determined by the Employer to be qualified to perform the Contract satisfactorily.
- 42. Notification to Unsuccessful Bidders and Debriefing**
- 42.1 As promptly as possible upon the successful Bidder signing the Contract and furnishing the Performance Security pursuant to ITB 41, the Employer shall notify all unsuccessful Bidders of the results of the bidding.
- 42.2 After receipt of the Employer's notification pursuant to ITB 42.1 above, the unsuccessful Bidders (including those rejected on the grounds of their Technical Bids not being substantially responsive) may request in writing to the Employer a debriefing seeking an explanation of the grounds on which their Bids were not selected. The Employer shall promptly respond in writing to any unsuccessful Bidder who requests a debriefing in accordance with this Clause.

## Section II. Bid Data Sheet

| A. General                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------------------|----------|----------------|-------|---------|----------|-------|------------|----------------------|----------------------------|-----------------------------------------------------------------------------|
| ITB 1.1                    | <p>The number of the Invitation for Bids is: <b>KeNHA/2663/2022</b></p> <p>The Employer is: <b>Kenya National Highways Authority</b></p> <p>The Project is: <b>Mombasa Special Economic Zone Development Project</b></p> <p>The name of the Contract is: <b>Procurement of Access Road to Mombasa Special Economic Zone Development Project</b></p> <p>The multiple lots of the Project for which the Bids are being invited are: <b>Not applicable</b></p>                                                                                                                                                                                                                                                                                                                                                          |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| ITB 2.1                    | <p>The Borrower is: <b>The Government of the Republic of Kenya</b></p> <p>The number of the Loan Agreement is: <b>KE-P35</b></p> <p>The amount of a Japanese ODA Loan is: <b>Yen 37,090,000,000</b></p> <p>The signed date of the Loan Agreement is: <b>27<sup>th</sup> February, 2020</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| ITB 2.2                    | The applicable Guidelines for Procurement under Japanese ODA Loans are those published in April 2012 (version 1.0).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| ITB 2.3                    | The other sources of finance are: <b>None</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| ITB 3.1(b)                 | The list of ineligible firms and individuals is available at the JICA's website: <a href="http://www.jica.go.jp/english/our_work/compliance">www.jica.go.jp/english/our_work/compliance</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| ITB 3.1(c)                 | The list of debarred firms and individuals is available at the World Bank's website: <a href="http://www.worldbank.org/debarr">www.worldbank.org/debarr</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| ITB 4.5                    | This bidding <b>is not</b> subject to prequalification.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| B. Bidding Document        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| ITB 7.1                    | <p>For <b>clarification purposes</b> only, the Employer's address is:</p> <p><b>The Director General, KeNHA</b></p> <table> <tr> <td>Attention:</td><td>Director (Development)</td></tr> <tr> <td>Address:</td><td>P.O. Box 49712</td></tr> <tr> <td>City:</td><td>Nairobi</td></tr> <tr> <td>Country:</td><td>Kenya</td></tr> <tr> <td>Telephone:</td><td>(+254) 020 4954 4214</td></tr> <tr> <td>Electronic mail addresses:</td><td>procurement@kenha.co.ke<br/>samuel.ogege@kenha.co.ke<br/>m.wangui@kenha.co.ke</td></tr> </table> <p><i>Please submit the clarifications to the above all three emails.</i></p> <p>Responses to any request for clarification, if any, will be published on the Employer's web page indicated below.</p> <p>Web Page: <a href="https://kenha.co.ke">https://kenha.co.ke</a></p> | Attention: | Director (Development) | Address: | P.O. Box 49712 | City: | Nairobi | Country: | Kenya | Telephone: | (+254) 020 4954 4214 | Electronic mail addresses: | procurement@kenha.co.ke<br>samuel.ogege@kenha.co.ke<br>m.wangui@kenha.co.ke |
| Attention:                 | Director (Development)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| Address:                   | P.O. Box 49712                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| City:                      | Nairobi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| Country:                   | Kenya                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| Telephone:                 | (+254) 020 4954 4214                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| Electronic mail addresses: | procurement@kenha.co.ke<br>samuel.ogege@kenha.co.ke<br>m.wangui@kenha.co.ke                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |
| ITB 7.4                    | <p>A Pre-bid meeting will take place at the following date, time and place:</p> <p>Date: 21<sup>st</sup> February, 2023</p> <p>Time: 9:00am at local time</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |                        |          |                |       |         |          |       |            |                      |                            |                                                                             |

|                        | Place: KeNHA Regional Office, Mombasa<br>A site visit at the time of the pre-bid meeting conducted by the Employer <b>will be</b> organized.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |                 |                    |   |                                                                                                                                                                                                                  |               |   |                                                                                                                                                                                                                        |               |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------|--------------------|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| ITB 8.2                | Addenda, if any, <b>will be</b> published on the Employer’s web page.<br>(https://kenha.co.ke)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    |                 |                    |   |                                                                                                                                                                                                                  |               |   |                                                                                                                                                                                                                        |               |
| C. Preparation of Bids |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                    |                 |                    |   |                                                                                                                                                                                                                  |               |   |                                                                                                                                                                                                                        |               |
| ITB 10.1               | The language of the Bid is: <b>English</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                    |                 |                    |   |                                                                                                                                                                                                                  |               |   |                                                                                                                                                                                                                        |               |
| ITB 11.2 (h)           | The Bidder shall submit with its Technical Bid the following additional documents: <ul style="list-style-type: none"><li>• <b>Form of Declaration as to the Origin of Goods, Services and Eligibility [In case of the prime contractor being single entity.] or</b></li><li>• <b>Form of Declaration as to the Origin of Goods, Services and Eligibility [In case of the prime contractor being a joint venture.]</b></li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                    |                 |                    |   |                                                                                                                                                                                                                  |               |   |                                                                                                                                                                                                                        |               |
| ITB 11.3 (c)           | The Bidder shall submit the following additional documents in its Price Bid: <ul style="list-style-type: none"><li>• <b>Form of Cost Summary of Goods Procured from Eligible Local Manufacturer or from Japan to comply with STEP Requirements</b></li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |                 |                    |   |                                                                                                                                                                                                                  |               |   |                                                                                                                                                                                                                        |               |
| ITB 13.1               | Alternative Times for Completion <b>will not be</b> permitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    |                 |                    |   |                                                                                                                                                                                                                  |               |   |                                                                                                                                                                                                                        |               |
| ITB 13.2               | Alternative Bids <b>will not be</b> permitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    |                 |                    |   |                                                                                                                                                                                                                  |               |   |                                                                                                                                                                                                                        |               |
| ITB 14.5               | The prices quoted by the Bidder shall: <b>be adjustable</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                    |                 |                    |   |                                                                                                                                                                                                                  |               |   |                                                                                                                                                                                                                        |               |
| ITB 14.7               | <p>In accordance with Sub-Clause 14.1 of the General Conditions of Contract, Contractor’s Equipment, including essential spare parts therefor, imported by the Japanese Contractor for the sole purpose of executing the Contract shall be exempted from the payment of import duties and taxes upon importation.</p> <p>In addition to the above:</p> <p>(a) duties, taxes and levies listed in the table below shall be exempted. Such exempted duties, taxes and levies are fallen into two categories, namely:</p> <p>(i) “No Pay” category: The Japanese Contractor shall be entitled to exemption from duties, taxes and levies falling into this category, without having to make any payment arising from or out of or in connection with such liabilities.</p> <p>(ii) “Pay &amp; Reimburse” category: The Japanese Contractor shall be entitled to exemption from duties, taxes and levies, falling into this category, provided that the Contractor first makes all payments arising from or out of or in connection with such liabilities and then applies for their reimbursement from the relevant authority, following the procedure prescribed by such authority.</p> <table><tr><th>No.</th><th>Duty/ Tax/ Levy</th><th>Exemption Category</th></tr><tr><td>1</td><td>Corporate income tax on Japanese companies operating as suppliers, contractors and/or consultants with respect to the income accruing from the supply of products and/or services to be provided under the Loan.</td><td><b>No Pay</b></td></tr><tr><td>2</td><td>Custom duties on Japanese companies operating as suppliers, contractors and/or consultants with respect to the import and re-export of their own materials and equipment needed for the implementation of the Project.</td><td><b>No Pay</b></td></tr></table> | No.                | Duty/ Tax/ Levy | Exemption Category | 1 | Corporate income tax on Japanese companies operating as suppliers, contractors and/or consultants with respect to the income accruing from the supply of products and/or services to be provided under the Loan. | <b>No Pay</b> | 2 | Custom duties on Japanese companies operating as suppliers, contractors and/or consultants with respect to the import and re-export of their own materials and equipment needed for the implementation of the Project. | <b>No Pay</b> |
| No.                    | Duty/ Tax/ Levy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Exemption Category |                 |                    |   |                                                                                                                                                                                                                  |               |   |                                                                                                                                                                                                                        |               |
| 1                      | Corporate income tax on Japanese companies operating as suppliers, contractors and/or consultants with respect to the income accruing from the supply of products and/or services to be provided under the Loan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>No Pay</b>      |                 |                    |   |                                                                                                                                                                                                                  |               |   |                                                                                                                                                                                                                        |               |
| 2                      | Custom duties on Japanese companies operating as suppliers, contractors and/or consultants with respect to the import and re-export of their own materials and equipment needed for the implementation of the Project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>No Pay</b>      |                 |                    |   |                                                                                                                                                                                                                  |               |   |                                                                                                                                                                                                                        |               |

|                                    | <table><tr><td>3</td><td>Personal income tax on Japanese employees engaged in the implementation of the Project for their personal income derived from Japanese companies operating as suppliers, contractors and/or consultants for the implementation of the Project.</td><td>No Pay</td></tr><tr><td>4</td><td>Value Added Taxes with respect to the products and/or services necessary for the implementation of the Project.</td><td>No Pay</td></tr></table> <p>With regard to procedure for exemption on import, custom duties, taxes and custom security bonds, value added tax on any goods and services including imported services, the Japanese Contractor shall provide the Employer with the Master lists of all items e.g. materials, equipment, spare parts, services, stores etc. These lists would then be used by the Employer to make formal requests on all applicable exemptions to the Kenya Revenue Authority (KRA) or other relevant government authority.</p> <p>Information on the Contractor’s tax liabilities in the Employer’s country can be found from Kenya Revenue Authority (KRA) and the official website is <a href="https://www.kra.go.ke/">https://www.kra.go.ke/</a>.</p> <p>Tax exemption granted under this contract shall be based on the Exchange of Notes proceeding the Loan Agreement KE-P35 dated 27<sup>th</sup> February, 2020 between the Government of Kenya and Government of Japan.</p> <p>In addition, exemption from Income Tax for Japanese Companies and Japanese Employees is as outlined in Legal Notice No. 15 of 2021 dated 26th February 2021.</p>                                                                          | 3              | Personal income tax on Japanese employees engaged in the implementation of the Project for their personal income derived from Japanese companies operating as suppliers, contractors and/or consultants for the implementation of the Project. | No Pay | 4 | Value Added Taxes with respect to the products and/or services necessary for the implementation of the Project. | No Pay        |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|---|-----------------------------------------------------------------------------------------------------------------|---------------|---|----------------------------------------------|---------------|-----------|---|-----------------------------|--------------|---------|---|---------------------------------|---------------|-----------|---|-------------------------------------------|--------------|---------|---|---------------------------------------|---------------|-----------|---|--------------------------------------------|---------------|-----------|---|-------------------------------------|--|------------|---|------------------------|---------------|-----------|---|-----------------------------|---------------|---------|----|----------------------------|---------------|---------|------------------------------------|--|----------------|------------|
| 3                                  | Personal income tax on Japanese employees engaged in the implementation of the Project for their personal income derived from Japanese companies operating as suppliers, contractors and/or consultants for the implementation of the Project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | No Pay         |                                                                                                                                                                                                                                                |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| 4                                  | Value Added Taxes with respect to the products and/or services necessary for the implementation of the Project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | No Pay         |                                                                                                                                                                                                                                                |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| ITB 14.8                           | <p>The Amounts and Currencies of the Specified Provisional Sums shall be as follows:</p> <table><tr><th rowspan="2">Item No.</th><th rowspan="2">Description</th><th colspan="2">Amount</th></tr><tr><th>Local (KES)</th><th>Foreign (JPY)</th></tr><tr><td>1</td><td>1.01 Housing for the Engineer's Junior Staff</td><td>10,465,000.00</td><td>1,048,145</td></tr><tr><td>2</td><td>1.15 Relocation of services</td><td>5,232,500.00</td><td>524,072</td></tr><tr><td>3</td><td>1.17 Attendance to the Engineer</td><td>35,581,000.00</td><td>3,563,691</td></tr><tr><td>4</td><td>1.19 Airtime for Engineer’s mobile phones</td><td>3,139,500.00</td><td>314,443</td></tr><tr><td>5</td><td>1.21 Training of the Engineer's staff</td><td>23,023,000.00</td><td>2,305,918</td></tr><tr><td>6</td><td>1.23 Knowledge transfer through internship</td><td>20,930,000.00</td><td>2,096,289</td></tr><tr><td>7</td><td>1.25 Dispute Board Cost and Expense</td><td></td><td>45,438,421</td></tr><tr><td>8</td><td>1.27 Covid-19 Response</td><td>12,034,750.00</td><td>1,205,367</td></tr><tr><td>9</td><td>24 (c).03 HIV AIDS training</td><td>3,139,500 .00</td><td>314,443</td></tr><tr><td>10</td><td>25.03 Road Safety Training</td><td>3,139,500 .00</td><td>314,443</td></tr><tr><td colspan="2">Total - Specified Provisional Sums</td><td>116,684,750.00</td><td>57,125,232</td></tr></table> <p>Contingency allowance shall be as follows:<br/>Ten percent (10%) of the Bid Price for Physical Contingency and ten percent (10%) of the Bid Price for Price Contingency in the currency or currencies in which the Bid Price is expressed in the Bid submitted by the Bidder.</p> | Item No.       | Description                                                                                                                                                                                                                                    | Amount |   | Local (KES)                                                                                                     | Foreign (JPY) | 1 | 1.01 Housing for the Engineer's Junior Staff | 10,465,000.00 | 1,048,145 | 2 | 1.15 Relocation of services | 5,232,500.00 | 524,072 | 3 | 1.17 Attendance to the Engineer | 35,581,000.00 | 3,563,691 | 4 | 1.19 Airtime for Engineer’s mobile phones | 3,139,500.00 | 314,443 | 5 | 1.21 Training of the Engineer's staff | 23,023,000.00 | 2,305,918 | 6 | 1.23 Knowledge transfer through internship | 20,930,000.00 | 2,096,289 | 7 | 1.25 Dispute Board Cost and Expense |  | 45,438,421 | 8 | 1.27 Covid-19 Response | 12,034,750.00 | 1,205,367 | 9 | 24 (c).03 HIV AIDS training | 3,139,500 .00 | 314,443 | 10 | 25.03 Road Safety Training | 3,139,500 .00 | 314,443 | Total - Specified Provisional Sums |  | 116,684,750.00 | 57,125,232 |
| Item No.                           | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |                                                                                                                                                                                                                                                | Amount |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Local (KES)    | Foreign (JPY)                                                                                                                                                                                                                                  |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| 1                                  | 1.01 Housing for the Engineer's Junior Staff                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 10,465,000.00  | 1,048,145                                                                                                                                                                                                                                      |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| 2                                  | 1.15 Relocation of services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 5,232,500.00   | 524,072                                                                                                                                                                                                                                        |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| 3                                  | 1.17 Attendance to the Engineer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 35,581,000.00  | 3,563,691                                                                                                                                                                                                                                      |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| 4                                  | 1.19 Airtime for Engineer’s mobile phones                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3,139,500.00   | 314,443                                                                                                                                                                                                                                        |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| 5                                  | 1.21 Training of the Engineer's staff                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 23,023,000.00  | 2,305,918                                                                                                                                                                                                                                      |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| 6                                  | 1.23 Knowledge transfer through internship                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 20,930,000.00  | 2,096,289                                                                                                                                                                                                                                      |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| 7                                  | 1.25 Dispute Board Cost and Expense                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                | 45,438,421                                                                                                                                                                                                                                     |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| 8                                  | 1.27 Covid-19 Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 12,034,750.00  | 1,205,367                                                                                                                                                                                                                                      |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| 9                                  | 24 (c).03 HIV AIDS training                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3,139,500 .00  | 314,443                                                                                                                                                                                                                                        |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| 10                                 | 25.03 Road Safety Training                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 3,139,500 .00  | 314,443                                                                                                                                                                                                                                        |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| Total - Specified Provisional Sums |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 116,684,750.00 | 57,125,232                                                                                                                                                                                                                                     |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |
| ITB 15.1                           | <p>The currency(ies) of the Bid shall be as described below:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                                                                                                                                                                                                                                                |        |   |                                                                                                                 |               |   |                                              |               |           |   |                             |              |         |   |                                 |               |           |   |                                           |              |         |   |                                       |               |           |   |                                            |               |           |   |                                     |  |            |   |                        |               |           |   |                             |               |         |    |                            |               |         |                                    |  |                |            |

|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                              | <p>(a) the inputs to the Works that the Bidder expects to supply from within the Employer's country shall be quoted in <b>Kenyan Shilling (KES)</b>, referred to as "the local currency", with <b>two</b> decimal place(s); and</p> <p>(b) the inputs to the Works that the Bidder expects to supply from outside the Employer's country (referred to as "the foreign currency"), shall be quoted in:</p> <p>(i) <b>Japanese Yen (JPY)</b>, with <b>no</b> decimal places.</p>                                                                     |
| <b>ITB 16.2</b>                              | At this time the Employer does not intend to execute certain specific parts of the Works by subcontractors (i.e.: nominated Subcontractors) selected in advance.                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>ITB 18.1</b>                              | The Bid validity period shall be <b>120</b> days.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>ITB 18.3 (a)</b>                          | This BDS 18.3(a) is not applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>ITB 19.1</b>                              | The amount and currency of the Bid Security shall be <b>USD900,000</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>ITB 19.2 (d)</b>                          | Other types of acceptable securities: <b>None</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>ITB 20.1</b>                              | In addition to the original of the Bid, the number of copies is: <b>four (4) with one scanned copy of the original on compact disk in PDF format</b>                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>D. Submission and Opening of Bids</b>     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>ITB 22.1</b>                              | <p>For <b><u>Bid submission purposes</u></b> only, the Employer's address is:</p> <p>Attention: <b>Deputy Director(Supply Chain Management)</b><br/> Street Address: <b>Barabara Plaza, Off A8/B10 Junction, on Airport North Road</b><br/> Floor/Room Number: <b>2<sup>nd</sup> Floor Boardroom - Block C,</b><br/> City: <b>P.O. Box 49712, Nairobi</b><br/> Zip Code: <b>00100</b><br/> Country: <b>Kenya</b></p> <p><b>The deadline for Bid submission is:</b><br/> Date: <b>[31/05/2023]</b><br/> Time: <b>[11:00 a.m. at local time]</b></p> |
| <b>ITB 25.1</b>                              | <p>The Technical Bid opening shall take place at:<br/> <b>2nd Floor Boardroom, Block C,</b><br/> <b>Barabara Plaza, Off A8/B10 Junction, on Airport North Road</b></p> <p>Date: <b>[31/05/2023]</b><br/> Time: <b>[11:00 a.m. at local time]</b></p>                                                                                                                                                                                                                                                                                               |
| <b>E. Evaluation, and Comparison of Bids</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>ITB 34.1</b>                              | <p>The currency that shall be used for Bid evaluation and comparison purposes to convert all Bid Prices expressed in various currencies into a single currency is: <b>Kenya Shilling (KES)</b></p> <p>The source of exchange rate shall be: <b>Central Bank of Kenya</b></p> <p>The date for the exchange rate (selling rate) shall be <b>28 days prior to the latest date for submission of the Bid.</b></p>                                                                                                                                      |

### Section III. Evaluation and Qualification Criteria (Without Prequalification)

#### 1. Evaluation

##### 1.1 Evaluation of Technical Bid

The evaluation of the Technical Bids consists of the following:

- (a) assessment of the qualification of the Bidder to perform the Contract satisfactorily in accordance with ITB 30. The qualification criteria for the purpose of this assessment have been described in detail under item 2 (*Qualification*) below.
- (b) determination of the substantial responsiveness of the Technical Bid in accordance with ITB 31. The evaluation criteria for the purpose of this determination have been described herein under.

Determination of the substantial responsiveness of the Technical Bid includes, among other things, an assessment of the adequacy of the Bidder's Technical Proposal, during which the Bidder's technical capacity to complete the Works will be assessed in terms of the following. Based on such assessment, the Employer will determine whether the Technical Proposal is substantially responsive to the requirements stipulated in Section VI, Work's Requirements.

- (i) mobilisation of key construction equipment and personnel for the execution of the Works
- (ii) adequately supervising and controlling the execution of the Works by the appropriate allocation of staff
- (iii) planning and scheduling of all work activities in such a manner that the Works will be completed on time and meet with all Contract requirements
- (iv) execution of the Works fully in accordance with all Contract requirements including but not limited to work methods, material sourcing, etc.
- (v) carrying out all operations for the execution of the Works safely and in an environmental friendly manner

##### 1.1.1 Evaluation Method

Applying the method of evaluation of the Bidder's Technical Proposal with a scale of 100 points. A Bid that receives technical evaluation points equal or more than 75% in total and each evaluation item 1 to 8 has point equal or more than 50% shall technically be qualified, and a Bid that has any evaluation items less than 50% of the requirements shall fail.

| No.   | Evaluation Items       | Maximum Point |
|-------|------------------------|---------------|
| 1     | Personnel              | 25.0          |
| 2     | Construction Equipment | 10.0          |
| 3     | Site Organization      | 10.0          |
| 4     | Method Statement       | 15.0          |
| 5     | Mobilization Schedule  | 10.0          |
| 6     | Construction Schedule  | 10.0          |
| 7     | Health and Safety Plan | 10.0          |
| 8     | Environmental Plan     | 10.0          |
| Total |                        | 100.0         |

**1.1.2 Personnel: Max. Point 25.0**

The Bidder must demonstrate that it has the personnel for the key positions that meet the following requirements:

| No.   | Position                             | Total Work Experience (years) | Experience in Similar Works (years) | Percentage to Max Point |
|-------|--------------------------------------|-------------------------------|-------------------------------------|-------------------------|
| 1     | Project Manager                      | 20                            | 8                                   | 25%                     |
| 2     | Deputy Project Manager               | 15                            | 6                                   | 15%                     |
| 3     | Quality Assurance Engineer           | 15                            | 6                                   | 10%                     |
| 4     | Structural Engineer                  | 10                            | 4                                   | 5%                      |
| 5     | Geodetic Engineer                    | 10                            | 4                                   | 5%                      |
| 6     | Materials Engineer                   | 10                            | 4                                   | 5%                      |
| 7     | Highways/Earthworks Engineer         | 10                            | 4                                   | 5%                      |
| 8     | Pavement Engineer                    | 10                            | 4                                   | 10%                     |
| 9     | Occupational Health & Safety Officer | 15                            | 6                                   | 7%                      |
| 10    | Social Safeguards Officer            | 12                            | 6                                   | 7%                      |
| 11    | Environment Safeguards Officer       | 12                            | 6                                   | 6%                      |
| Total |                                      |                               |                                     | 100%                    |

Alternative candidates for key positions shall not be evaluated.

The Bidder shall provide details of the proposed personnel for the Contract together with their experience records in Form PER-1 and Form PER-2 in Section IV, Bidding Forms.

**1.1.3 Construction Equipment: Max. Point 10.0**

The Bidder must demonstrate that it has the key construction equipment listed hereafter:

| No.                                          | Equipment Type and Characteristics                | Min. Number required | Percentage to Max Point |
|----------------------------------------------|---------------------------------------------------|----------------------|-------------------------|
| 1                                            | Bulldozer (32ton class)                           | 9                    | 10%                     |
| 2                                            | Excavator with bucket (0.8 - 1.4 m <sup>3</sup> ) | 9                    | 10%                     |
| 3                                            | Dump truck (10 – 20ton class) for earth work      | 17                   | 10%                     |
| 4                                            | Tire roller (8-20 ton)                            | 10                   | 10%                     |
| 5                                            | Motor grader (140 – 185 HP)                       | 10                   | 10%                     |
| 6                                            | Asphalt concrete Paver (2.4-6 m wide)             | 4                    | 15%                     |
| 7                                            | Mud Spraying System for Slope Protection          | 2                    | 10%                     |
| 8                                            | Procurement Option of Ready Mixed Concrete        | -                    | -                       |
| 8.1                                          | Concrete mixer car (6.0 m <sup>3</sup> )          | 2                    | 10%                     |
| 8.2                                          | Concrete batching plant                           | 1                    | 10%                     |
| 9                                            | Procurement Option of Asphalt Mixture             | -                    | -                       |
| 9.1                                          | Dump truck for transportation of asphalt mixture  | 2                    | 15%                     |
| 9.2                                          | Asphalt batching plant                            | 1                    | 15%                     |
| Total (Σ 1. to 7. + 8.1 or 8.2 + 9.1 or 9.2) |                                                   |                      | 100%                    |

The Bidder shall provide further details of all the above items of construction equipment using Form EQU in Section IV, Bidding Forms.

**1.1.4 Site Organization: Max. Point 10.0**

The Bidder must demonstrate that it has the Site Organization for the Works that meet the following requirements:

| Sub-Items to be assessed | Requirements                                                                        | Percentage to Max Point |
|--------------------------|-------------------------------------------------------------------------------------|-------------------------|
| Site Organization        | The Bidder's proposed site organization indicating the staff members and positions. | 60%                     |
| Head Office Support      | The Bidder's head office supports for the Works shall be indicated.                 | 40%                     |
| Total                    |                                                                                     | 100%                    |

#### 1.1.5 Method Statement: Max. Point 15.0

The Bidder must demonstrate Construction Method Statement in narrative form describing the methods by which the Bidder intends to execute, complete, and maintain the Works at least to meet the requirements specified in Specifications in particular technical characteristics and circumstances of the works. The sub-items in Method Statement are as follows:

| Sub-Items to be assessed          | Requirements                                                                                | Percentage to Max Point |
|-----------------------------------|---------------------------------------------------------------------------------------------|-------------------------|
| General Execution Plan            | General plan of site management                                                             | 10%                     |
|                                   | General plan of protection of the Site and its surrounding areas from damage                | 5%                      |
|                                   | General plan of site preparation including provision of utilities and facilities            | 5%                      |
|                                   | General plan of temporary road and yard                                                     | 10%                     |
| Method Statements for Major Works | Temporary Access to the Site                                                                | 5%                      |
|                                   | Proposed access route to the disposal of surplus materials and a list of disposal materials | 5%                      |
|                                   | Diversion and its drainage                                                                  | 5%                      |
|                                   | Earth work                                                                                  | 10%                     |
|                                   | Pavement work                                                                               | 15%                     |
|                                   | Drainage work (concrete work)                                                               | 15%                     |
|                                   | Lighting and Electrical works                                                               | 15%                     |
| Total                             |                                                                                             | 100%                    |

#### 1.1.6 Mobilization Schedule: Max. Point 10.0

The Bidder must demonstrate that it has the Mobilization Schedule for the Works that meet the following requirements:

| Sub-items to be assessed           | Requirements                                                                                                         | Percentage to Max Point |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------|-------------------------|
| Contractor's Office etc.           | Establish the offices, houses, workshops, temporary facilities and storage areas                                     | 20%                     |
| Mobilization Schedule of Personnel | Personnel mobilization schedule including key personnel and skilled labours                                          | 15%                     |
| Mobilization Schedule of Equipment | How the Bidder plans to mobilize the equipment as early as possible for handling the huge work volume for earth work | 20%                     |

|                                   |                                                                                                                                                                          |      |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
|                                   | Possibility for purchasing, hiring, or leasing of equipment in the required time frame                                                                                   | 15%  |
| Mobilization Schedule of Material | Plan for exploitation of borrow pits/quarry including necessary procedures with landowners and authorities concerned                                                     | 15%  |
|                                   | Plan for procurement of rock, stone, coarse and fine aggregates, cement, steel materials, sand and soil, and other major construction materials to be used for the Works | 15%  |
| Total                             |                                                                                                                                                                          | 100% |

### 1.1.7 Construction Schedule: Max. Point 10.0

The Bidder must demonstrate that it has the Construction Schedule for the Works that meet the following requirements,

| Sub-items to be assessed        | Requirements                                                                                             | Percentage to Max Point |
|---------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------|
| Construction Schedule           | Conformity with construction method, mobilization schedule, numbers and capacity of equipment and plants | 25%                     |
|                                 | Appropriate to local climate conditions                                                                  | 25%                     |
|                                 | Number of Critical Paths and Period of Total Float                                                       | 25%                     |
| Anticipated Cash Flow (S-Curve) | Monthly progress (percentage) and cash flow shall be mentioned.                                          | 25%                     |
| Total                           |                                                                                                          | 100%                    |

The Bidder shall develop a Critical Path Method (CPM) schedule using either Microsoft Project or Primavera.

### 1.1.8 Health and Safety Plan: Max. Point 10.0

The Bidder must demonstrate that the Health and Safety Plan for the Works based on Sub-Clause 6.7, Health and Safety, of the General Conditions of Contract and the requirements specified in Section 117 Health, Safety and Accident of the Specifications. The sub-items in Health and Safety Plan are as follows:

| Requirements                                                                                                                 | Percentage to Max Point |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Specific Safety Policies and Declaration which the Contractor undertakes to Observe and Maintain Health, Safety and Security | 15%                     |
| Organization Structure for Handling all Safety, Health and Security Matters                                                  | 10%                     |
| Safety, Health and Security personnel to be Organized                                                                        | 10%                     |
| Composition of Contractor's Construction Safety, Health and Security Committee                                               | 10%                     |
| Emergency Occupational Health personnel and Facilities                                                                       | 10%                     |
| Protective Equipment to be Provided                                                                                          | 10%                     |
| Worker's Facilities to be Provided                                                                                           | 10%                     |

|                                                                             |      |
|-----------------------------------------------------------------------------|------|
| All safety, traffic control equipment, devices and materials to be Provided | 15%  |
| Emergency Measures to be Undertaken                                         | 10%  |
| Total                                                                       | 100% |

### 1.1.9 Environmental Plan: Max. Point 10.0

The Bidder must demonstrate that Environment Plan for the Works based on Sub-Clause 4.18, Protection of the Environment, of the General Conditions of Contract and the requirements specified in Section 24 Part A Environmental Consideration of the Specifications. The sub-items in Environment Plan are as follows:

| Requirements                                                                                                                                                      | Percentage to Max Point |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Specific Natural and Environmental Policies and Declaration which the Contractor undertakes to Observe and Maintain Natural and Social Environmental Conservation | 20%                     |
| Proposal of Environmental and Social Management and Monitoring Methods                                                                                            | 50%                     |
| Organizational Structure for Implementation of Environmental and Social Management and Monitoring                                                                 | 30%                     |
| Total                                                                                                                                                             | 100%                    |

### 1.1.10 Other Evaluation Criteria

N/A

## 1.2 Evaluation of Price Bid

In addition to the criteria listed in ITB 35.1(a) – (c), (e) and (f), the following criteria shall apply:

### 1.2.1 Other Evaluation Criteria (ITB 35.1 (d))

N/A

### 1.2.2 Award Criteria for Multiple Lots (ITB 35.3)

N/A

## 1.3 Alternative Times for Completion (ITB 13.1)

N/A- Refer to ITB 13.1

2. **Qualification**

**(I) Qualification of the Bidder but not of that of Bidder's Affiliate**

It is the legal entity or entities comprising the Bidder (which is/are party to the Bidder under a JV or as subcontractors to be employed for the key activities listed in this Section), and not the Bidder's parent company(ies), group companies, subsidiaries, or other affiliates, that must satisfy the qualification criteria.

**(II) Exchange Rate for Qualification Criteria**

Wherever a Form in Section IV, Bidding Forms, requires the Bidder to state a monetary amount, the Bidder should indicate the USD equivalent using the rate of exchange determined as follows:

- (a) For turnover or financial data required for each year - Exchange rate prevailing on the last day of the respective calendar or fiscal year, as applicable.
- (b) Value of single contract - Exchange rate prevailing on the date of the contract.

Exchange rates shall be taken from the publicly available source **identified in BDS 34.1** or, in case such rates are not available in the source identified above, any other publicly available source acceptable to the Employer. Any error in determining the exchange rates may be corrected by the Employer.

**(III) Qualification Criteria for Award of Multiple Lots**

N/A

## 2.1 Eligibility

| Eligibility and Qualification Criteria                                                                                                                                                     |                      |                                                                      |                       | Compliance Requirements                 |                               |            | Documentation                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------|-----------------------|-----------------------------------------|-------------------------------|------------|----------------------------------------------------|
| No.                                                                                                                                                                                        | Factor               | Requirement                                                          | Single Firm           | Joint Venture<br>(existing or intended) |                               |            | Submission Requirements                            |
|                                                                                                                                                                                            |                      |                                                                      |                       | All Members Combined                    | Each Member                   | One Member |                                                    |
| 2.1.1                                                                                                                                                                                      | Nationality          | Nationality in accordance with ITB 4.3                               | Must meet requirement | N/A                                     | Must meet requirement         | N/A        | Forms ELI –1 and 2 <sup>(i)</sup> with attachments |
| 2.1.2                                                                                                                                                                                      | Conflict of Interest | No conflicts of interest in ITB 4.2                                  | Must meet requirement | N/A                                     | Must meet requirement<br>(ii) | N/A        | Letter of Technical Bid                            |
| 2.1.3                                                                                                                                                                                      | JICA Ineligibility   | Not having been declared ineligible by JICA, as described in ITB 4.4 | Must meet requirement | N/A                                     | Must meet requirement<br>(ii) | N/A        | Letter of Technical Bid Form ACK                   |
| <u>Notes for the Bidders</u><br>(i) ELI -2 is required only if the Bidder is a JV.<br>(ii) This requirement also applies to subcontractors if proposed by the Bidder under 2.4.2(b) below. |                      |                                                                      |                       |                                         |                               |            |                                                    |

## 2.2 Historical Contract Non-Performance and Litigation

| Eligibility and Qualification Criteria |                                     |                                                                                                                                                                                                                |                                       | Compliance Requirements                 |                                       |               | Documentation              |
|----------------------------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-----------------------------------------|---------------------------------------|---------------|----------------------------|
| No.                                    | Factor                              | Requirement                                                                                                                                                                                                    | Single Firm                           | Joint Venture<br>(existing or intended) |                                       |               | Submission<br>Requirements |
|                                        |                                     |                                                                                                                                                                                                                |                                       | All<br>Members<br>Combined              | Each Member                           | One<br>Member |                            |
| 2.2.1                                  | History of Non-Performing Contracts | Non-performance of a contract <sup>(i)</sup> did not occur as a result of contractor’s default since 1 <sup>st</sup> January <b>2018</b> .                                                                     | Must meet requirement <sup>(ii)</sup> | N/A                                     | Must meet requirement <sup>(ii)</sup> | N/A           | Form CON                   |
| 2.2.2                                  | Pending Litigation                  | Bidder's financial position and prospective long-term profitability still sound according to criteria established in 2.3.1 below and assuming that all pending litigation will be resolved against the Bidder. | Must meet requirement <sup>(ii)</sup> | N/A                                     | Must meet requirement <sup>(ii)</sup> | N/A           | Form CON                   |
| 2.2.3                                  | Litigation History                  | No consistent history of court orders <sup>(iii)</sup> against the Bidder since 1 <sup>st</sup> January <b>2018</b> .                                                                                          | Must meet requirement <sup>(ii)</sup> | N/A                                     | Must meet requirement <sup>(ii)</sup> | N/A           | Form CON                   |

### Notes for the Bidders

(i) Non-performance, as decided by the Employer, shall include all contracts:

- (a) where non-performance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and
- (b) that were so challenged but fully settled against the contractor.

Non-performance shall not include contracts where Employer's decision was overruled by the dispute resolution mechanism. Moreover, non-performance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Bidder have been exhausted.

(ii) This requirement also applies to contracts executed by the Bidder as a JV member.

(iii) The Bidder shall provide accurate information on the related Bidding Form about any litigation resulting from contracts completed or ongoing under its execution over the last five (5) years. A consistent history of court orders against the Bidder or any member of a joint venture may result in failure of the Bid.

## 2.3 Financial Situation and Capabilities

| Eligibility and Qualification Criteria |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Compliance Requirements |                                      |                                         |                                         | Documentation                |
|----------------------------------------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|--------------------------------------|-----------------------------------------|-----------------------------------------|------------------------------|
| No.                                    | Factor                  | Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Single Firm             | Joint Venture (existing or intended) |                                         |                                         | Submission Requirements      |
|                                        |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                         | All Members Combined                 | Each Member                             | One Member                              |                              |
| 2.3.1                                  | Financial Performance   | <p>The financial statements for the last five (5) years shall be submitted and must demonstrate the current soundness of the Bidder's financial position and indicate its prospective long-term profitability.</p> <p>As the minimum requirement, the Bidder's net worth calculated as the difference between total assets and total liabilities should be positive.</p>                                                                                                                     | Must meet requirement   | N/A                                  | Must meet requirement                   | N/A                                     | Form FIN –1 with attachments |
| 2.3.2                                  | Average Annual Turnover | Minimum average annual turnover of <b>USD30 million</b> , calculated as total certified payments received for contracts in progress and/or completed, within the last five (5) years, divided by five (5) years.                                                                                                                                                                                                                                                                             | Must meet requirement   | Must meet requirement                | Must meet <b>25%</b> of the requirement | Must meet <b>40%</b> of the requirement | Form FIN –2                  |
| 2.3.3                                  | Financial Capabilities  | The Bidder shall demonstrate, to the satisfaction of the Employer that it currently (as of the Bid submission deadline), has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as <b>USD8.0 million</b> for the subject contract(s) net of the Bidder's all other commitments, both current and future. | Must meet requirement   | Must meet requirement                | N/A                                     | N/A                                     | Form FIN –3 and FIN –4       |

## 2.4 Experience

| Eligibility and Qualification Criteria |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                              | Compliance Requirements                                                                                                     |                       |            | Documentation                                                               |
|----------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------|------------|-----------------------------------------------------------------------------|
| No.                                    | Factor              | Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Single Firm                                                                                                  | Joint Venture (existing or intended)                                                                                        |                       |            | Submission Requirements                                                     |
|                                        |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                              | All Members Combined                                                                                                        | Each Member           | One Member |                                                                             |
| 2.4.1                                  | General Experience  | Continuous experience under construction contracts in the role of prime contractor <sup>(i)</sup> (single firm or JV member) or subcontractor between 1 <sup>st</sup> January <b>2018</b> and the Bid submission deadline.                                                                                                                                                                                                                                                                                                                                                    | Must meet requirement                                                                                        | N/A                                                                                                                         | Must meet requirement | N/A        | Form EXP –1                                                                 |
| 2.4.2                                  | Specific Experience | (a) A minimum number of <b>two (2)</b> similar contract(s), each of minimum value of <b>USD25 million</b> <sup>(ii)</sup> that have been satisfactorily completed <sup>(iii)</sup> as a prime contractor <sup>(i)</sup> (single entity or JV member) <sup>(iv)</sup> between 1st January <b>2013</b> and Bid submission deadline.<br><br>The similarity of the contracts shall be based on the physical size, complexity, methods/technology or other characteristics as described in Section VI Works Requirements.                                                          | Must meet requirement                                                                                        | Must meet requirement <sup>(v)</sup>                                                                                        | N/A                   | N/A        | Form EXP –2(a) with attachment                                              |
|                                        |                     | (b) For the above or other contracts completed and under implementation as prime contractor <sup>(i)</sup> (single entity or JV member) or subcontractor <sup>(vi)</sup> between 1 <sup>st</sup> January <b>2013</b> and Bid submission deadline, a minimum experience in the following key activities successfully completed <sup>(iii)</sup><br><br>1. Earthworks: over <b>500,000m<sup>3</sup></b> (including cut and fill)<br>2. Asphalt Concrete Pavement: over <b>100,000m<sup>2</sup></b><br>3. Slope Protection by mud spraying soil: over <b>50,000m<sup>2</sup></b> | Must meet requirement<br><br>(Activities listed in 2.4.2 (b) can be met through a specialized subcontractor) | Must meet requirement <sup>(v)</sup><br><br>(Activities listed in 2.4.2 (b) can be met through a specialized subcontractor) | N/A                   | N/A        | Form ELI –3<br>Form EXP –2(b) with attachment<br>Schedule of Subcontractors |

Notes for the Bidders

(i) For the purposes of this criterion, a ‘management contractor’ is also considered as a prime contractor. A firm which takes on the role of contract management is referred

| Eligibility and Qualification Criteria |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             | Compliance Requirements              |             |            | Documentation           |
|----------------------------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------|-------------|------------|-------------------------|
| No.                                    | Factor | Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Single Firm | Joint Venture (existing or intended) |             |            | Submission Requirements |
|                                        |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             | All Members Combined                 | Each Member | One Member |                         |
|                                        |        | herein as ‘management contractor’. A management contractor does not normally perform directly the construction work(s) associated with the contract. Rather, it manages the work of other (sub) contractors while bearing full responsibility and risk for price, quality, and timely performance of the work contract.                                                                                                                                                                                                                              |             |                                      |             |            |                         |
| (ii)                                   |        | Summation of number of small value contracts (less than the value specified under requirement) to meet the overall requirement will not be accepted.                                                                                                                                                                                                                                                                                                                                                                                                 |             |                                      |             |            |                         |
| (iii)                                  |        | Completion shall be evidenced by submission of copy of end-user certificates such as Taking-over Certificates and Completion Certificates as required to be submitted as attachment to Form EXP-2(a) or Form EXP-2(b) of Section IV, Bidding Forms.                                                                                                                                                                                                                                                                                                  |             |                                      |             |            |                         |
| (iv)                                   |        | For contracts under which the Bidder participated as a JV member, only the Bidder’s share, by value, shall be considered to meet this requirement.                                                                                                                                                                                                                                                                                                                                                                                                   |             |                                      |             |            |                         |
| (v)                                    |        | In case of a JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members, each of value equal or more than the minimum value required, shall be aggregated. |             |                                      |             |            |                         |
| (vi)                                   |        | For contracts under which the Bidder participated as a JV member or subcontractor, only the Bidder’s share, by value and role, shall be considered to meet this requirement.                                                                                                                                                                                                                                                                                                                                                                         |             |                                      |             |            |                         |

## Section IV. Bidding Forms

## Table of Forms

|                                                                                                                                                |           |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>LETTER OF TECHNICAL BID.....</b>                                                                                                            | <b>40</b> |
| <b>LETTER OF PRICE BID.....</b>                                                                                                                | <b>41</b> |
| <b>SCHEDULE OF ADJUSTMENT DATA .....</b>                                                                                                       | <b>43</b> |
| <b>BILL OF QUANTITIES.....</b>                                                                                                                 | <b>45</b> |
| BILL NO. 2: EARTHWORKS.....                                                                                                                    | 46        |
| SCHEDULE OF DAYWORK RATES: 1. LABOUR .....                                                                                                     | 49        |
| SCHEDULE OF DAYWORK RATES: 2. MATERIALS .....                                                                                                  | 50        |
| SCHEDULE OF DAYWORK RATES: 3. CONTRACTOR'S EQUIPMENT .....                                                                                     | 51        |
| DAYWORK SUMMARY .....                                                                                                                          | 54        |
| SCHEDULE OF SPECIFIED PROVISIONAL SUMS .....                                                                                                   | 55        |
| GRAND SUMMARY .....                                                                                                                            | 56        |
| <b>TECHNICAL PROPOSAL .....</b>                                                                                                                | <b>57</b> |
| SITE ORGANIZATION.....                                                                                                                         | 58        |
| METHOD STATEMENT .....                                                                                                                         | 59        |
| MOBILIZATION SCHEDULE.....                                                                                                                     | 60        |
| CONSTRUCTION SCHEDULE.....                                                                                                                     | 61        |
| HEALTH AND SAFETY PLAN.....                                                                                                                    | 62        |
| ENVIRONMENTAL PLAN.....                                                                                                                        | 63        |
| SCHEDULE OF SUBCONTRACTORS .....                                                                                                               | 64        |
| FORM PER -1: PROPOSED PERSONNEL .....                                                                                                          | 65        |
| FORM PER -2: RESUME OF PROPOSED PERSONNEL.....                                                                                                 | 66        |
| FORM EQU: CONSTRUCTION EQUIPMENT .....                                                                                                         | 68        |
| <b>BIDDER'S QUALIFICATION .....</b>                                                                                                            | <b>69</b> |
| FORM ELI -1: BIDDER INFORMATION FORM .....                                                                                                     | 70        |
| FORM ELI -2: JV MEMBER INFORMATION FORM.....                                                                                                   | 71        |
| FORM ELI -3: SUBCONTRACTOR INFORMATION FORM .....                                                                                              | 72        |
| FORM CON: HISTORICAL CONTRACT NON-PERFORMANCE AND LITIGATION .....                                                                             | 72        |
| FORM FIN -1: FINANCIAL SITUATION .....                                                                                                         | 76        |
| FORM FIN -2: AVERAGE ANNUAL CONSTRUCTION TURNOVER.....                                                                                         | 78        |
| FORM FIN -3: FINANCIAL RESOURCES.....                                                                                                          | 79        |
| FORM FIN -4: CURRENT CONTRACT COMMITMENTS .....                                                                                                | 80        |
| FORM EXP -1: GENERAL EXPERIENCE.....                                                                                                           | 81        |
| FORM EXP -2(A): SPECIFIC EXPERIENCE .....                                                                                                      | 82        |
| FORM EXP -2(B): EXPERIENCE IN KEY ACTIVITIES .....                                                                                             | 84        |
| <b>FORM ACK ACKNOWLEDGEMENT OF COMPLIANCE WITH GUIDELINES FOR PROCUREMENT UNDER JAPANESE ODA LOANS .....</b>                                   | <b>87</b> |
| <b>FORM OF BID SECURITY .....</b>                                                                                                              | <b>89</b> |
| <b>FORM OF DECLARATION AS TO THE ORIGINE OF GOODS, SERVICES AND ELIGIBILITY .....</b>                                                          | <b>90</b> |
| <b>FORM OF DECLARATION AS TO THE ORIGINE OF GOODS, SERVICES AND ELIGIBILITY .....</b>                                                          | <b>91</b> |
| <b>FORM OF COST SUMMARY OF GOODS AND SERVICES PROCURED FROM JAPAN AND/OR ELIGIBLE LOCAL MANUFACTURER TO COMPLY WITH STEP REQUIREMENTS.....</b> | <b>92</b> |

## Letter of Technical Bid

Date : [insert date of Bid submission]  
IFB No. : [insert Invitation for Bid number]  
Project : [insert name of Project]  
Contract : [insert name of Contract]

To: [insert full name of Employer]

We, the undersigned, declare that:

- (a) We have examined and have no reservations to the Bidding Document, including addenda issued in accordance with Instructions to Bidders (ITB) 8. [insert the number and issuing date of each addendum];
- (b) We, including subcontractors meet the eligibility requirements in accordance with ITB 4 and ITB 5;
- (c) We, including subcontractors have no conflict of interest in accordance with ITB 4;
- (d) We offer to execute in conformity with the Bidding Document the following Works: [insert a brief description of the Works];
- (e) Our Bid shall be valid for a period of [specify the number of calendar days] days from the date fixed for the Bid submission deadline in accordance with the Bidding Document, and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
- (f) We are not participating, as a Bidder or as a subcontractor, in more than one Bid in this bidding process in accordance with ITB 4.2(c); and
- (g) We hereby certify that we have taken steps to ensure that no person acting for us or on our behalf will engage in any type of fraud or corruption.

Name of the Bidder<sup>1</sup> [insert name of the Bidder]

Name of the person duly authorized to sign the Bid on behalf of the Bidder<sup>2</sup> [insert complete name of person duly authorized to sign the Bid]

Title of the person signing the Bid [insert complete title of the person signing the Bid]

Signature of the person named above [insert signature of person whose name and capacity are shown above]

Date signed [insert date of signing] day of [insert month], [insert year]

### Notes for the Bidders

1. In the case of a Bid submitted by a Joint Venture, specify the name of the Joint Venture as Bidder.
2. Person signing the Bid shall have the Power of Attorney given by the Bidder to be included in the Technical Bid.

## Letter of Price Bid

Date : *[insert date of Bid submission]*  
IFB No. : *[insert Invitation for Bid number]*  
Project : *[insert name of Project]*  
Contract : *[insert name of Contract]*

To: *[insert full name of Employer]*

We, the undersigned, declare that:

- (a) We have examined and have no reservations to the Bidding Document, including addenda issued in accordance with Instructions to Bidders (ITB) 8. *[insert the number and issuing date of each addendum]*;
- (b) We offer to execute in conformity with the Bidding Document and Technical Bid the following Works: *[insert a brief description of the Works]*;
- (c) The total price of our Bid, excluding any discounts offered in item (d) below is:  
*[In case of only one lot, insert the total Bid Price in words and figures, indicating the amounts in the respective currencies.]*  
  
*[In case of multiple lots, insert:*  
(i) *the total price of each lot; and*  
(ii) *the sum of the total prices of all lots];*  
*indicating the amounts in the respective currencies.];*  
  
(d) The discounts offered and the methodology for their application are:  
  
The discounts offered are: *[specify in detail each discount offered]*  
  
The exact method of calculations to determine the net price after application of discounts is shown below: *[Specify in detail the method that shall be used to apply the discounts.];*  
  
(e) Our Bid shall be valid for a period of *[specify the number of calendar days]* days from the date fixed for the Bid submission deadline in accordance with the Bidding Document, and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
- (f) If our Bid is accepted, we commit to obtain a Performance Security in accordance with the Bidding Document;
- (g) We understand that this Bid, together with your written acceptance thereof included in your Letter of Acceptance, shall constitute a binding contract between us, until a formal contract is prepared and executed; and
- (h) We understand that you are not bound to accept the lowest evaluated Bid or any other Bid that you may receive.

Name of the Bidder<sup>1</sup> *[insert name of the Bidder]*

Name of the person duly authorized to sign the Bid on behalf of the Bidder *[insert complete name of person duly authorized to sign the Bid]*

Title of the person signing the Bid *[insert complete title of the person signing the Bid]*

Signature of the person named above *[insert signature of person whose name and capacity are shown above]*

Date signed *[insert date of signing]* day of *[insert month]*, *[insert year]*

Notes for the Bidders

1. In the case of a Bid submitted by a Joint Venture, specify the name of the Joint Venture as Bidder.

## Schedule of Adjustment Data

Table A. Local Currency

| (i)        | (ii)                | (iii)                                                                         | (iv)            |      | (v)                       | (vi)                        |
|------------|---------------------|-------------------------------------------------------------------------------|-----------------|------|---------------------------|-----------------------------|
| Index Code | Index Description   | Source of Index                                                               | Base Cost Index |      | Total Amount (Each Index) | Bidder's Proposed Weighting |
|            |                     |                                                                               | Value           | Date |                           |                             |
| A          | Nonadjustable       | -                                                                             | -               | -    | -                         | a: 0.15                     |
| B          | Material            | KNBS<br>(Kenya National Bureau of Statistics)<br>Civil Engineering Cost Index |                 |      |                           | b: 0.45 – 0.55              |
| B1         | Portland Cement     |                                                                               |                 |      |                           |                             |
| B2         | Fine Aggregate      |                                                                               |                 |      |                           |                             |
| B3         | Coarse Aggregate    |                                                                               |                 |      |                           |                             |
| B4         | Reinforcing Bar     |                                                                               |                 |      |                           |                             |
| B5         | Bitumen             |                                                                               |                 |      |                           |                             |
| C          | Labour              |                                                                               |                 |      |                           | c: 0.01 – 0.10              |
| D          | Equipment           |                                                                               |                 |      |                           | d: 0.10 – 0.25              |
| E          | Fuel and Lubricants |                                                                               |                 |      |                           | e: 0.05 – 0.10              |
|            |                     |                                                                               | Total           |      |                           |                             |

## Notes for the Bidders

1. The Bidder shall fill in column (v), the Total Amount of each index component (i.e.: labour, material, equipment, etc. as stated in column (ii)) quoted in the local currency. The Total Amount of the relevant “Non-adjustable” component shall also be indicated in the corresponding cell.
2. The Bidder shall specify a value within the ranges given by the Employer in ‘b’, ‘c’, ‘d’ and ‘e’ of column (vi), so that the total weighting equals 1.00.
3. The Values and the Dates of the Base Cost Index(ices) will be provided by the Employer prior to contract signing.

Table B. Foreign Currency<sup>1</sup>Payment Currency<sup>2</sup>: Japanese Yen

| (i)          | (ii)                  | (iii)                        | (iv)                         |      | (v)                                   |        | (vi)                                   |        | (vii)                                    |
|--------------|-----------------------|------------------------------|------------------------------|------|---------------------------------------|--------|----------------------------------------|--------|------------------------------------------|
| Index Code   | Index Description     | Source of Index <sup>3</sup> | Base Cost Index <sup>4</sup> |      | Total in Source Currency <sup>5</sup> |        | Total in Payment Currency <sup>6</sup> |        | Bidder's proposed weighting <sup>7</sup> |
|              |                       |                              | Value                        | Date | Currency                              | Amount | Exchange Rate                          | Amount |                                          |
| <b>A</b>     | <b>Non-adjustable</b> | —                            | —                            | —    | —                                     | —      |                                        |        | <b>a: 0.15</b>                           |
| <b>B</b>     | <b>Material</b>       |                              |                              |      |                                       |        |                                        |        | <b>b: 0.45-0.55</b>                      |
| <b>C</b>     | <b>Labour</b>         |                              |                              |      |                                       |        |                                        |        | <b>c: 0.01 – 0.10</b>                    |
| <b>D</b>     | <b>Equipment</b>      |                              |                              |      |                                       |        |                                        |        | <b>d: 0.10 – 0.20</b>                    |
| <b>E</b>     | <b>Fuel</b>           |                              |                              |      |                                       |        |                                        |        | <b>e: 0.05 – 0.10</b>                    |
| <b>Total</b> |                       |                              |                              |      |                                       |        |                                        |        | <b>1.00</b>                              |

Notes for the Bidders

1. If so provided in BDS 15.1, the Bidder may quote in more than one foreign currency and, then this table should be repeated for each of those foreign currencies.
2. The Bidder shall indicate at the top of the table, the foreign payment currency.
3. The Bidder shall indicate the source of each index in column (iii).
4. The Bidder may leave the Values and the Dates of the Base Cost Indices in column (iv) blank, if they are not available prior to submission of the Bid, due to absence of the relevant publication. However, the Bidder shall provide such Values and Dates prior to contract signing.
5. The Bidder shall fill in Column (v), the Total Amount of each index component (i.e.: labour, material, equipment, etc as stated in column (ii)) to be procured in a particular Source Currency.  
For the purposes of this Schedule, the “Source Currency” of any index component means the currency, in which that index component is intended to be procured by the Bidder.  
If the Source Currency of any index component is as same as the Payment Currency of this table, the Bidder may leave the corresponding cell of column (v) blank.
6. The Bidder shall derive the Total Amount in Payment Currency in Column (vi) by applying the Exchange Rate prevailing on the Base Date (as defined in GC Sub-Clause 1.1.3.1), as published by the central bank of the Source Country, to the Total Amount in Source Currency in column (v).  
The Total Amount of the “Non-adjustable” component quoted in the subject foreign currency shall also be indicated in the corresponding cell.
7. The Bidder shall specify a value within the ranges given by the Employer in ‘b’, ‘c’, ‘d’ and ‘e’ of column (vii), so that the total weighting equals 1.00.

## Bill of Quantities

### A. Preamble

1. The Bill of Quantities shall be read in conjunction with the General and Particular Conditions of Contract, Specification, and Drawings.
2. The quantities given in the Bill of Quantities are estimated and provisional, and are given to provide a common basis for bidding. The payment shall be made based on the actual quantities of the work executed in accordance with the Contract.
3. The rates and prices in the priced Bill of Quantities shall, except insofar as it is otherwise provided under the Contract, include all costs for construction plant, labour, supervision, materials, erection, maintenance, insurance, profit, taxes, and duties, together with all general risks, liabilities, and obligations set out or implied in the Contract.
4. A rate or price shall be entered against each item in the Bill of Quantities, irrespective of whether quantities are stated or not. Items against which no rate or price is entered in the priced Bill of Quantities shall be deemed to be covered by the rates or prices entered for other items therein, and will not be paid for separately.
5. The whole cost of complying with the provisions of the Contract shall be included in the items provided in the priced Bill of Quantities, and where no items are provided, the cost shall be deemed to be included in the rates or prices entered for the related items of work.
6. General requirements, directions and/or descriptions of work and materials are not necessarily repeated or summarized in the Bill of Quantities. Relevant sections of the Contract documents shall be referred before entering prices against each item in the priced Bill of Quantities.
7. Provisional Sums included and so designated in the Bill of Quantities shall be expended in whole or in part at the direction and discretion of the Engineer in accordance with Sub-Clause 13.5 or Sub-Clause 13.6 of the General Conditions of Contract, as applicable. Notwithstanding the above, the Provisional Sum for the cost of the DB shall require no prior instruction of the Engineer.
8. No Contractor's overhead charges or profit shall be included or payable on the Provisional Sum for the cost of the DB.
9. The method of measurement of completed work for payment shall be in accordance with the Specifications in Section VI-B.
10. Any unit rates and/or prices quoted in the Bill of Quantities in:
  - (a) Kenyan Shilling (KES) for local currency as indicated in BDS 15.1, there shall be no decimal places below zero.
  - (b) Japanese Yen (JPY), there shall be no decimal places below zero.

Any price(s) resulting from computations (such as unit price multiplied by quantity) shall be rounded down to the nearest decimal place(s) as indicated for each relevant currency above.

11. Where there are any items of work provided in the Bills of Quantities for complying with requirements of sub-clauses 6.1 through 6.24 of the General Conditions of Contract, payment for such items are made only by monthly instalments upon the Contractor's compliance with all contract requirement with respect of that item, for each month, to the satisfaction of the Engineer.

**B. Work Items**

1. The Bill of Quantities contains the following part Bills, Schedules and the Summary:

Bill No. 1 GENERAL  
Bill No.4 SITE CLEARANCE AND TOP SOIL STRIPPING  
Bill No.5 EARTHWORKS  
Bill No.7 EXCAVATION AND FILLING FOR STRUCTURES  
Bill No.8 CULVERT AND DRAINAGE WORKS  
Bill No.9 PASSAGE OF TRAFFIC  
Bill No.11 (B) FOOTPATHS  
Bill No.12 NATURAL MATERIAL FOR SUBBASE AND BASE  
Bill No.13 GRADED CRUSHED STONE SUBBASE AND BASE  
Bill No.15 BITUMINOUS SURFACE TREATMENT AND SURFACE DRESSING  
Bill No.16 BITUMINOUS MIXES, BINDER COURSES AND WEARING COURSES  
Bill No.17 CONCRETE WORKS  
Bill No.17A-03 CONCRETE PAVEMENT AT GATE AREA  
Bill No.20 ROAD FURNITURE  
Bill No.21 MISCELLANEOUS BRIDGE WORKS  
Bill No.23 STREET LIGHTING AND INSTALLATION  
Bill No.24A ENVIRONMENTAL MITIGATION MEASURES  
Bill No.24C HIV/AIDS AWARENESS AND EDUCATION  
Bill No.25 ROAD SAFETY AWARENESS CAMPAIGN  
Bill No.26 MAIN DISTRIBUTION PIPE  
Daywork Schedule;  
Schedule of Specified Provisional Sums; and  
Grand Summary.

2. The Bill of Quantities shall be priced in the currency(ies) specified below.

- (a) Kenyan Shilling (KES)  
(b) Japanese Yen (JPY).

### C. Daywork Schedule

#### General

1. Reference should be made to Sub-Clause 13.6 of the General Conditions. Work shall not be executed on a daywork basis except by a written order of the Engineer. The Bidders shall enter basic rates for daywork items in the Schedules, which rates shall apply to any quantity of daywork ordered by the Engineer. Nominal quantities have been indicated against each item of daywork, and the extended total for daywork shall be carried forward as a Provisional Sum to the Grand Summary. Unless payment is at current rate or as otherwise adjusted, payments for daywork shall be subject to price adjustment in accordance with the provisions in the Conditions of Contract. The basic rates applied to daywork items may be quoted and payable in a single currency (either local currency or foreign currency) or multiple currencies (both local and foreign currencies), as appropriate.

#### Daywork Labour

2. In calculating payments due to the Contractor for the execution of daywork, the hours for labour will be reckoned from the time of arrival of the labour at the work location to execute the particular item of daywork to the time of return to the original place of departure. Only the time of classes of labour directly doing work ordered by the Engineer and for which they are competent to perform will be measured. The time of gangers (charge hands) actually doing work with the gangs will also be measured but the time of foremen or other supervisory personnel supervising the work will not be measured.
3. The Contractor shall be entitled to payment in respect of the total time that labour is employed on daywork, calculated at the basic rates entered by him in the **Schedule of Daywork Rates: 1. Labour**, together with an additional percentage payment on basic rates representing the Contractor's profit, overheads, etc., as described below:
  - (a) The basic rates for labour shall be deemed to cover all direct costs to the Contractor, including (but not limited to) the amount of wages paid to such labour, transportation time, overtime, subsistence allowances, and any sums paid to or on behalf of such labour for social benefits in accordance with all laws and regulations of [the *country of the Employer*].
  - (b) The additional percentage to be quoted by the Bidder shall be applied to basic costs incurred under (a) above, and this additional percentage payment shall be deemed to cover the Contractor's profit, overheads, superintendence, liabilities, and insurances and allowances to labour, timekeeping, and clerical and office work, the use of consumable stores, water, lighting, and power; the use and repair of stagings, scaffolding, workshops, and stores, portable power tools, manual plant, and tools; supervision by the Contractor's staff, foremen, and other supervisory personnel; and charges incidental to the foregoing.

#### Daywork Materials

4. The Contractor shall be entitled to payment in respect of materials used for daywork (except for materials for which the cost is included in the percentage addition to labour costs as detailed heretofore), at the basic rates entered by him in the **Schedule of Daywork Rates: 2. Materials**, together with an additional percentage payment on the basic rates representing the Contractor's profit, overhead charges, etc., as described below:
  - (a) the basic rates for materials shall be calculated on the basis of the invoiced price, freight, insurance, handling expenses, damage, losses, etc., and shall provide for delivery to store for stockpiling at the Site.
  - (b) the additional percentage shall be quoted by the Bidder and applied to the basic cost incurred under (a) above, and this additional percentage payment shall be deemed to cover the Contractor's profit, overheads, administrative costs and all other charges related to the procurement and supply of such material.

- (c) the cost of hauling materials for use on work ordered to be carried out as daywork from the store or stockpile on the Site to the place where it is to be used:
  - (i) shall not be included in the basic rate or percentage above; and
  - (ii) shall be paid separately under Schedule of Daywork Rates 1. Labour and/or Schedule of Daywork Rates 3. Contractor's Equipment, as appropriate.

#### **Daywork Contractor's Equipment**

- 5. The Contractor shall be entitled to payments in respect of Contractor's Equipment (including those already on Site) employed on daywork at the basic rates entered by him in the **Schedule of Daywork Rates: 3. Contractor's Equipment**, together with an additional percentage payment on basic rates representing the Contractor's profit, overheads, etc., as described below:
  - (a) The basic rates for equipment shall be deemed to cover all direct cost to the Contractor including (but not limited to) the depreciation, interest, indemnity, and insurance, repairs, maintenance, supplies, fuel, lubricants, and other consumables directly related to the use of such equipment.
  - (b) The additional percentage shall be quoted by the Bidder and applied to the basic cost incurred under (a) above and this additional percentage payment shall be deemed to cover the Contractor's profit, overheads, administrative costs and all other charges related to the use of such equipment.
  - (c) The cost of drivers, operators, and assistants:
    - (i) shall not be included in the basic rate or percentage above; and
    - (ii) shall be paid for separately under Schedule of Daywork Rates 1. Labour.
- 6. In calculating the payment due to the Contractor for Contractor's Equipment employed on daywork, only the actual number of working hours will be eligible for payment, except that where applicable and agreed with the Engineer, the travelling time from the part of the Site where the Contractor's Equipment was located when ordered by the Engineer to be employed on daywork and the time for return journey thereto shall be included for payment.

| Item No.                                                          | Description    | Unit | Nominal Q'ty | Rate                 | Extended Amount      |
|-------------------------------------------------------------------|----------------|------|--------------|----------------------|----------------------|
|                                                                   |                |      |              | Local Currency (KES) | Local Currency (KES) |
| 22.26a                                                            | Labourer       | Hr   | 1,000        |                      |                      |
| 22.26b                                                            | Artisan        | Hr   | 1,000        |                      |                      |
| 22.26c                                                            | Plant Operator | Hr   | 1,000        |                      |                      |
| 22.26d                                                            | Driver         | Hr   | 1,000        |                      |                      |
| 22.26e                                                            | Foreman        | Hr   | 1,000        |                      |                      |
| 22.26f                                                            | Site Surveyor  | Hr   | 1,000        |                      |                      |
|                                                                   |                |      |              |                      |                      |
|                                                                   |                |      |              |                      |                      |
|                                                                   |                |      |              |                      |                      |
|                                                                   |                |      |              |                      |                      |
|                                                                   |                |      |              |                      |                      |
|                                                                   |                |      |              |                      |                      |
|                                                                   |                |      |              |                      |                      |
|                                                                   |                |      |              |                      |                      |
|                                                                   |                |      |              |                      |                      |
|                                                                   |                |      |              |                      |                      |
|                                                                   |                |      |              |                      |                      |
|                                                                   |                |      |              |                      |                      |
|                                                                   |                |      |              |                      |                      |
| Subtotal of Labour                                                |                |      |              |                      |                      |
| Allow _____ % of Subtotal for Contractor's overhead, profit, etc. |                |      |              |                      |                      |
| Total for Daywork: Labour, (carried forward to Daywork Summary)   |                |      |              |                      |                      |

### Schedule of Daywork Rates: 2. Materials

| Item No.                                                                  | Description                             | Unit           | Nominal Q'ty | Rate                 | Extended Amount      |
|---------------------------------------------------------------------------|-----------------------------------------|----------------|--------------|----------------------|----------------------|
|                                                                           |                                         |                |              | Local Currency (KES) | Local Currency (KES) |
| 22.27                                                                     | Formwork                                |                |              |                      |                      |
|                                                                           | a - Class F1 finish                     | m <sup>2</sup> | 200.00       |                      |                      |
|                                                                           | b - Class F2 finish                     | m <sup>2</sup> | 200.00       |                      |                      |
|                                                                           | c - Class F3 finish                     | m <sup>2</sup> | 200.00       |                      |                      |
| 22.28                                                                     | <b>High yield steel</b>                 |                |              |                      |                      |
|                                                                           | a - Upto and including 16 mm diameter   | Ton            | 11.00        |                      |                      |
|                                                                           | b - Over 16 mm diameter size            | Ton            | 10.00        |                      |                      |
| 22.29                                                                     | <b>Ordinary Portland Cement</b>         |                |              |                      |                      |
|                                                                           | a - Ordinary Portland Cement            | Ton            | 50.00        |                      |                      |
| 22.3                                                                      | <b>Aggregates for Concrete</b>          |                |              |                      |                      |
|                                                                           | a - fine                                | Ton            | 285.00       |                      |                      |
|                                                                           | b - course                              | Ton            | 300.00       |                      |                      |
| 22.31                                                                     | <b>Bitumen and Emulsions</b>            |                |              |                      |                      |
|                                                                           | a - MC-70                               | Ltrs           | 1,500.00     |                      |                      |
|                                                                           | b - 80/100                              | Ltrs           | 2,500.00     |                      |                      |
|                                                                           | c-60/70                                 | Ltrs           | 2,500.00     |                      |                      |
|                                                                           | d - K1-70                               | Ltrs           | 2,500.00     |                      |                      |
| 22.32                                                                     | <b>Gabion mesh</b>                      |                |              |                      |                      |
|                                                                           | (2.0 x 1.0 x 1.0m)                      | m <sup>2</sup> | 2,00.00      |                      |                      |
| 22.33                                                                     | Rock fill to gabions                    | m <sup>3</sup> | 2,00.00      |                      |                      |
| 22.34                                                                     | Pentolite stick explosive or equivalent | Kg             | 200.00       |                      |                      |
| 22.35                                                                     | Explosive fuse                          | m              | 500.00       |                      |                      |
| 22.36                                                                     | Detonating relay                        | No.            | 60.00        |                      |                      |
| <b>Subtotal of Materials</b>                                              |                                         |                |              |                      |                      |
| <b>Allow _____% of Subtotal for Contractor's overhead, profit, etc.</b>   |                                         |                |              |                      |                      |
| <b>Total for Daywork: Materials, (carried forward to Daywork Summary)</b> |                                         |                |              |                      |                      |

#### Notes for the Bidders

1. The Bidder shall indicate the percentage for Contractor's profit, overheads, etc. in accordance with paragraph 4(b) above.

### Schedule of Daywork Rates: 3. Contractor's Equipment

| Item No. | Description                                                             | Unit | Nominal Q'ty | Rate                 | Extended Amount      |
|----------|-------------------------------------------------------------------------|------|--------------|----------------------|----------------------|
|          |                                                                         |      |              | Local Currency (KES) | Local Currency (KES) |
| 22.01    | <b>Bulldozer with hydraulic ripper attachment</b>                       |      |              |                      |                      |
|          | a - 100-135 kw rated flywheel power                                     | Hr   | 330.00       |                      |                      |
| 22.02    | <b>Mortor graders complete with scarifier</b>                           |      |              |                      |                      |
|          | a - 80 -110 kw rated flywheel power                                     | Hr   | 440.00       |                      |                      |
| 22.03    | <b>Rollers - Rubber Tyred Self-Propelled</b>                            |      |              |                      |                      |
|          | a - upto 8-20 t                                                         | Hr   | 440.00       |                      |                      |
| 22.04    | <b>Rollers - Vibratory Single Roll Rubber Tyred</b>                     |      |              |                      |                      |
|          | a - 9 - 10.5t unballasted weight                                        | Hr   | 440.00       |                      |                      |
| 22.05    | <b>Rollers - Vibratory Pedestrian Operated Twin Roller</b>              |      |              |                      |                      |
|          | a - 700kg - 1.3t unballasted weight                                     | Hr   | 440.00       |                      |                      |
| 22.06    | <b>Vibrating Plate Compactor</b>                                        |      |              |                      |                      |
|          | a - 60kg - 70kg operating weight                                        | Hr   | 440.00       |                      |                      |
| 22.07    | <b>Compressor rated by normal delivery of free air per min.</b>         |      |              |                      |                      |
|          | a- About 7kg/cm complete with all tools, hoses, steel etc               | Hr   | 440.00       |                      |                      |
| 22.08    | <b>Cranes - Mobile truck crane</b>                                      |      |              |                      |                      |
|          | a - 45.0t max working load                                              | Hr   | 400.00       |                      |                      |
| 22.09    | <b>Cranes - Crawler crane</b>                                           |      |              |                      |                      |
|          | a - 80t max working load                                                | Hr   | 300.00       |                      |                      |
| 22.10    | <b>Excavator - hydraulic crawler or wheel mounted, full circle slew</b> |      |              |                      |                      |
|          | a - 14.0 - 17.0 t nominal weight of machine                             | Hr   | 400.00       |                      |                      |

| Item No. | Description                                                         | Unit | Nominal Q'ty | Rate                 | Extended Amount      |
|----------|---------------------------------------------------------------------|------|--------------|----------------------|----------------------|
|          |                                                                     |      |              | Local Currency (KES) | Local Currency (KES) |
| 22.11    | <b>Excavators - hydraulic wheeled dual purpose (backhoe loader)</b> |      |              |                      |                      |
|          | a- 0.81 - 1.0 m <sup>3</sup> rated bucket capacity                  | Hr   | 400.00       |                      |                      |
| 22.14    | <b>Wheel Loaders - 4-wheel drive, articulated;</b>                  |      |              |                      |                      |
|          | a - 2.01-3.40m <sup>3</sup> SAE rated capacity                      | Hr   | 100.00       |                      |                      |
| 22.15    | <b>Concrete Mixers (wet capacity)</b>                               |      |              |                      |                      |
|          | a – up to 100 litres                                                | Hr   | 100.00       |                      |                      |
| 22.16    | <b>Diesel Concrete vibrator - Poker Type</b>                        | Hr   |              |                      |                      |
| 22.17    | <b>Lorries - Ordinary</b>                                           |      |              |                      |                      |
|          | a – up to 7 t gross vehicle weight                                  | Hr   | 100.00       |                      |                      |
|          | b - 7 - 12 t gross vehicle weight                                   | Hr   | 100.00       |                      |                      |
| 22.18    | <b>Lorries - Tipper</b>                                             |      |              |                      |                      |
|          | a - 10-15 t gross vehicle weight                                    | Hr   | 100.00       |                      |                      |
|          | b - 16-25 t gross vehicle weight                                    | Hr   | 100.00       |                      |                      |
| 22.19    | <b>Van, Pick-up or Similar Utility Vehicle</b>                      |      |              |                      |                      |
|          | a - Pick-up                                                         | Hr   | 100.00       |                      |                      |
|          | b - Van                                                             | Hr   | 100.00       |                      |                      |
| 22.20    | <b>Water or Fuel Tanker - Self Propelled</b>                        |      |              |                      |                      |
|          | a - 7001 - 12000 litre capacity                                     | Hr   | 100.00       |                      |                      |
| 22.21    | <b>Pressure Bitumen Distributor</b>                                 |      |              |                      |                      |
|          | a - 3500 - 4500 litre capacity                                      | Hr   | 100.00       |                      |                      |
| 22.22    | <b>Tipper (dump) truck</b>                                          |      |              |                      |                      |
|          | a - 10-15 tonne gross weight                                        | Hr   | 100.00       |                      |                      |
|          | b -16-25 tonne gross weight                                         | Hr   | 100.00       |                      |                      |
| 22.24    | <b>Asphalt Paver</b>                                                |      |              |                      |                      |
|          | Self-propelled asphalt paver                                        | Hr   | 100.00       |                      |                      |

| Item No.                                                                        | Description | Unit | Nominal Q'ty | Rate                 | Extended Amount      |
|---------------------------------------------------------------------------------|-------------|------|--------------|----------------------|----------------------|
|                                                                                 |             |      |              | Local Currency (KES) | Local Currency (KES) |
| Subtotal of Contractor's Equipment                                              |             |      |              |                      |                      |
| Allow _____% of Subtotal for Contractor's overhead, profit, etc.                |             |      |              |                      |                      |
| Total for Daywork: Contractor's Equipment, (Carried forward to Daywork Summary) |             |      |              |                      |                      |

Notes for the Bidders

1. The Bidder shall indicate the percentage for Contractor's profit, overheads, etc. in accordance with paragraph 5(b) above.

**Daywork Summary**

| Description                                                                        | Amount                  |
|------------------------------------------------------------------------------------|-------------------------|
|                                                                                    | Local Currency<br>(KES) |
| 1. Total for Daywork: Labour                                                       |                         |
| 2. Total for Daywork: Materials                                                    |                         |
| 3. Total for Daywork: Contractor's Equipment                                       |                         |
| Total for Daywork (Provisional Sum)<br>(carried forward to Grand Summary, p. ____) |                         |

### Schedule of Specified Provisional Sums

| Item No.                           | Description                                  | Amount         |               |
|------------------------------------|----------------------------------------------|----------------|---------------|
|                                    |                                              | Local (KES)    | Foreign (JPY) |
| 1                                  | 1.01 Housing for the Engineer's Junior Staff | 10,465,000.00  | 1,048,145     |
| 2                                  | 1.15 Relocation of services                  | 5,232,500.00   | 524,072       |
| 3                                  | 1.17 Attendance to the Engineer              | 35,581,000.00  | 3,563,691     |
| 4                                  | 1.19 Airtime for Engineer's mobile phones    | 3,139,500.00   | 314,443       |
| 5                                  | 1.21 Training of the Engineer's staff        | 23,023,000.00  | 2,305,918     |
| 6                                  | 1.23 Knowledge transfer through internship   | 20,930,000.00  | 2,096,289     |
| 7                                  | 1.25 Dispute Board Cost and Expense          |                | 45,438,421    |
| 8                                  | 1.27 Covid-19 Response                       | 12,034,750.00  | 1,205,367     |
| 10                                 | 24 (c).03 HIV AIDS training                  | 3,139,500 .00  | 314,443       |
| 11                                 | 25.03 Road Safety Training                   | 3,139,500 .00  | 314,443       |
| Total - Specified Provisional Sums |                                              | 116,684,750.00 | 57,125,232    |

#### Notes for the Bidders

- Provisional Sums included and designated above shall be expended in whole or in part at the direction of the Engineer and in accordance with Sub-Clause 13.5. Notwithstanding the above, the Provisional Sum for the cost of the DB shall require no prior instruction of the Engineer
- No Contractor's overhead charges or profit shall be included or payable on the Provisional Sum for the Cost of the DB.

## Grand Summary

| Description                                                        | Page | Amount             |                    |
|--------------------------------------------------------------------|------|--------------------|--------------------|
|                                                                    |      | Local<br>(KES)     | Foreign<br>(JPY)   |
| Bill No. 1 GENERAL                                                 |      |                    |                    |
| Bill No.4 SITE CLEARANCE AND TOP SOIL STRIPPING                    |      |                    |                    |
| Bill No.5 EARTHWORKS                                               |      |                    |                    |
| Bill No.7 EXCAVATION AND FILLING FOR STRUCTURES                    |      |                    |                    |
| Bill No.8 CULVERT AND DRAINAGE WORKS                               |      |                    |                    |
| Bill No.9 PASSAGE OF TRAFFIC                                       |      |                    |                    |
| Bill No.11 (B) FOOTPATHS                                           |      |                    |                    |
| Bill No.12 NATURAL MATERIAL FOR SUBBASE AND BASE                   |      |                    |                    |
| Bill No.13 GRADED CRUSHED STONE SUBBASE AND BASE                   |      |                    |                    |
| Bill No.15 BITUMINOUS SURFACE TREATMENT AND SURFACE DRESSING       |      |                    |                    |
| Bill No.16 BITUMINOUS MIXES, BINDER COURSES AND WEARING COURSES    |      |                    |                    |
| Bill No.17 CONCRETE WORKS                                          |      |                    |                    |
| Bill No.17A03 CONCRETE PAVEMENT AT GATE AREA                       |      |                    |                    |
| Bill No.20 ROAD FURNITURE                                          |      |                    |                    |
| Bill No.21 MISCELLANEOUS BRIDGE WORKS                              |      |                    |                    |
| Bill No.23 STREET LIGHTING AND INSTALLATION                        |      |                    |                    |
| Bill No.24A ENVIRONMENTAL MITIGATION MEASURES                      |      |                    |                    |
| Bill No.24C HIV/AIDS AWARENESS AND EDUCATION                       |      |                    |                    |
| Bill No.25 ROAD SAFETY AWARENESS CAMPAIGN                          |      |                    |                    |
| Bill No.26 MAIN DISTRIBUTION PIPE                                  |      |                    |                    |
| (A) Total of Bills                                                 |      |                    |                    |
| (B) Total for Daywork (Provisional Sum)                            |      |                    |                    |
| (C) Specified Provisional Sums                                     |      | 116,684,750.00     | 57,125,232         |
| (D) Total of Bills Plus Provisional Sums (A + B + C)               |      |                    |                    |
| (E) Add Provisional Sum for Physical Contingency (10% of (D))      |      | [sum] <sup>1</sup> | [sum] <sup>1</sup> |
| (F) Add Provisional Sum for Price Contingency (10% of (D))         |      | [sum] <sup>1</sup> | [sum] <sup>1</sup> |
| (G) Bid Price (D + E + F) [carried forward to Letter of Price Bid] |      |                    |                    |

### Notes for the Bidders

- The Bidder shall derive the local and foreign currency portion of this Amount, applying the relevant percentage indicated in BDS 14.8.

## **Technical Proposal**

- Site Organization
- Method Statement
- Mobilization Schedule
- Construction Schedule
- Health and Safety Plan
- Environmental Plan
- Schedule of Subcontractors
- Personnel:
  - Form PER-1: Proposed Personnel
  - Form PER-2: Resume of Proposed Personnel
- Construction Equipment
  - Form EQU: Construction Equipment

## Site Organization

The Bidder shall provide the Organization chart and its Head Office Support for the Works. The requirements of the sub-items are as follows:

| Sub-Items to be assessed | Requirements                                                                        |
|--------------------------|-------------------------------------------------------------------------------------|
| Site Organization        | The Bidder's proposed site organization indicating the staff members and positions. |
| Head Office Support      | The Bidder's head office supports for the Works shall be indicated.                 |

*[Insert Organization Information]*

## Method Statement

Bidders shall provide a Construction Method Statement in narrative form describing the methods by which the Bidder intends to execute, complete, and maintain the Works at least to meet the requirements specified in Specifications in particular technical characteristics and circumstances of the works. The sub-items in Method Statement are as follows:

| Sub-items to be assessed          | Requirements                                                                                |
|-----------------------------------|---------------------------------------------------------------------------------------------|
| General Execution Plan            | General plan of site management                                                             |
|                                   | General plan of protection of the Site and its surrounding areas from damage                |
|                                   | General plan of site preparation including provision of utilities and facilities            |
|                                   | General plan of temporary road and yard                                                     |
| Method Statements for Major Works | Temporary Access to the Site                                                                |
|                                   | Proposed access route to the disposal of surplus materials and a list of disposal materials |
|                                   | Diversion and its drainage                                                                  |
|                                   | Earth work                                                                                  |
|                                   | Pavement work                                                                               |
|                                   | Drainage work (concrete work)                                                               |
|                                   | Lighting and Electrical works                                                               |

*[Insert Method Statement]*

### Mobilization Schedule

Bidders shall provide mobilization schedules for the Project. The sub-items in Mobilization Schedule are as follows:

| <b>Sub-items to be assessed</b>    | <b>Requirements</b>                                                                                                                                                      |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contractor's Office etc.           | Establish the offices, houses, workshops, temporary facilities and storage areas                                                                                         |
| Mobilization Schedule of Personnel | Personnel mobilization schedule including key personnel and skilled labours                                                                                              |
| Mobilization Schedule of Equipment | How the Bidder plans to mobilize the equipment as early as possible for handling the huge work volume for earth work                                                     |
|                                    | Possibility for purchasing, hiring, or leasing of equipment in the required time frame                                                                                   |
| Mobilization Schedule of Material  | Plan for exploitation of borrow pits/quarry including necessary procedures with landowners and authorities concerned                                                     |
|                                    | Plan for procurement of rock, stone, coarse and fine aggregates, cement, steel materials, sand and soil, and other major construction materials to be used for the Works |

*[Insert Mobilization Schedule]*

## Construction Schedule

Bidders shall provide a preliminary time programme using the critical path method (CPM) and the anticipated cash flow (S curve) for the Works. Bidders shall develop a CPM schedule using the latest versions of either Microsoft Project or Primavera.

The sub-items in Time Programme are as follows:

| Sub-items to be assessed        | Requirements                                                                                             |
|---------------------------------|----------------------------------------------------------------------------------------------------------|
| Construction Programme          | Conformity with construction method, mobilization schedule, numbers and capacity of equipment and plants |
|                                 | Appropriate to local climate conditions                                                                  |
|                                 | Number of Critical Paths and Period of Total Float                                                       |
| Anticipated Cash Flow (S Curve) | Monthly progress (percentage) and cash flow shall be mentioned.                                          |

*[Insert Time Programme]*

## Health and Safety Plan

Bidders shall propose a preliminary safety plan for the Project, based on Sub-Clause 6.7, Health and Safety, of the General Conditions of Contract and the requirements specified in Section 117 Health, Safety and Accident of the Specifications.

The sub-items in Health and Safety Plan are as follows:

| <b>Sub-items to be assessed/Requirements</b>                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------|
| Specific Safety Policies and Declaration which the Contractor undertakes to Observe and Maintain Health, Safety and Security |
| Organization Structure for Handling all Safety, Health and Security Matters                                                  |
| Safety, Health and Security personnel to be Organized                                                                        |
| Composition of Contractor's Construction Safety, Health and Security Committee                                               |
| Emergency Occupational Health personnel and Facilities                                                                       |
| Protective Equipment to be Provided                                                                                          |
| Worker's Facilities to be Provided                                                                                           |
| All safety, traffic control equipment, devices and materials to be Provided                                                  |
| Emergency Measures to be Undertaken                                                                                          |

*[Insert Health and Safety Plan]*

## Environmental Plan

Bidders shall propose an Environment Plan for the Project, based on Sub-Clause 4.18, Protection of the Environment, of the General Conditions of Contract and the requirements specified in Section 24 Part A Environmental Management of the Specifications.

The sub-items in Environment Plan are as follows:

| <b>Sub-items to be assessed/Requirements</b>                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Specific Natural and Environmental Policies and Declaration which the Contractor undertakes to Observe and Maintain Natural and Social Environmental Conservation |
| Proposal of the Natural and Social Environmental Conservation Measures to Construction                                                                            |
| Organization Chart for Natural and Environmental Conservation Measures                                                                                            |

*[Insert a preliminary Environment Management/Action Plan]*

### Schedule of Subcontractors

*[The Bidder shall list below, the specialized subcontractors (if any) proposed to be used by the Bidder for the execution of the key activities listed in the Prequalification criteria or Section III, Evaluation and Qualification, Sub-Factor 2.4.2(b) as appropriate, in accordance with Section I, Instruction to Bidders, ITB 16.2, as appropriate. The completed Schedule, once accepted by the Employer will be a Contract document in accordance with the Contract Agreement. Nominated Subcontractors shall not be listed in this Schedule.]*

| No. | Key Activity | Subcontractor |             |
|-----|--------------|---------------|-------------|
|     |              | Name          | Nationality |
|     |              |               |             |
|     |              |               |             |
|     |              |               |             |
|     |              |               |             |
|     |              |               |             |
|     |              |               |             |

Form PER -1: Proposed Personnel

Date: [insert day, month, year]  
Bidder’s Legal Name: [insert full name]  
JV Member Legal Name: [insert full name]  
IFB No: [insert number]

Page [insert page number] of [insert total number] pages

[The Bidder shall provide the names of suitably qualified personnel to meet the specified requirements stated in Section III, Evaluation and Qualification Criteria, Clause 1.1.1. ‘Title of Position’ shall be filled in with key positions as listed in the above Clause.]

|    |                    |
|----|--------------------|
| 1. | Title of position: |
|    | Name:              |
| 2. | Title of position: |
|    | Name:              |
| 3. | Title of position: |
|    | Name:              |
| 4. | Title of position: |
|    | Name:              |

**Form PER -2: Resume of Proposed Personnel**

Date: [insert day, month, year]

Bidder's Legal Name: [insert full name]

JV Member Legal Name: [insert full name]

IFB No: [insert number]

Page [insert page number] of [insert total number] pages

[The Bidder shall provide the data on the experience of the personnel indicated in Form PER-1, in the form below:]

|                        |
|------------------------|
| <b>Name of Bidder:</b> |
|------------------------|

|                              |                                     |                                               |
|------------------------------|-------------------------------------|-----------------------------------------------|
| <b>Position:</b>             |                                     |                                               |
| <b>Personnel information</b> | <b>Name:</b>                        | <b>Date of birth:</b>                         |
|                              | <b>Professional qualifications:</b> |                                               |
| <b>Present employment</b>    | <b>Name of employer:</b>            |                                               |
|                              | <b>Address of employer:</b>         |                                               |
|                              | <b>Telephone:</b>                   | <b>Contact (manager / personnel officer):</b> |
|                              | <b>Fax:</b>                         | <b>E-mail:</b>                                |
|                              | <b>Job title:</b>                   | <b>Years with present employer:</b>           |

[The Bidder shall summarize professional experience over the last 20 years, in a reverse chronological order. Indicate particular technical and managerial experience relevant to the position of the proposed personnel.]

| From | To | Relevant Technical and Management Experience |
|------|----|----------------------------------------------|
|      |    | Company :                                    |
|      |    | Project :                                    |
|      |    | Position :                                   |
|      |    | Experience:                                  |
|      |    |                                              |
|      |    |                                              |
|      |    | Company :                                    |
|      |    | Project :                                    |
|      |    | Position :                                   |
|      |    | Experience:                                  |
|      |    |                                              |
|      |    |                                              |
|      |    | Company :                                    |
|      |    | Project :                                    |
|      |    | Position :                                   |
|      |    | Experience:                                  |
|      |    |                                              |
|      |    |                                              |
|      |    | Company :                                    |
|      |    | Project :                                    |
|      |    | Position :                                   |
|      |    | Experience:                                  |
|      |    |                                              |
|      |    |                                              |

## Form EQU: Construction Equipment

Date: [insert day, month, year]

Bidder's Legal Name: [insert full name]

JV Member Legal Name: [insert full name]

IFB No: [insert number]

Page [insert page number] of [insert total number] pages

[The Bidder shall provide adequate information to demonstrate clearly that it has the capability to meet the requirements for the key equipment listed in Section III, Evaluation and Qualification Criteria, Clause 1.1.2. A separate Form shall be prepared for each item of equipment listed, or for alternative equipment proposed by the Bidder.]

|                              |                                                                                                                                                                                            |                                |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <b>Item of equipment:</b>    |                                                                                                                                                                                            |                                |
| <b>Equipment information</b> | <b>Name of manufacturer:</b>                                                                                                                                                               | <b>Model and power rating:</b> |
|                              | <b>Capacity:</b>                                                                                                                                                                           | <b>Year of manufacture:</b>    |
| <b>Current status</b>        | <b>Current location:</b>                                                                                                                                                                   |                                |
|                              | <b>Details of current commitments:</b>                                                                                                                                                     |                                |
| <b>Source</b>                | <b>Indicate source of the equipment:</b><br><input type="checkbox"/> Owned <input type="checkbox"/> Rented <input type="checkbox"/> Leased <input type="checkbox"/> Specially manufactured |                                |

Omit the following information for equipment owned by the Bidder.

|                   |                                                                                    |                                |
|-------------------|------------------------------------------------------------------------------------|--------------------------------|
| <b>Owner</b>      | <b>Name of owner:</b>                                                              |                                |
|                   | <b>Address of owner:</b>                                                           |                                |
|                   | <b>Telephone:</b>                                                                  | <b>Contact name and title:</b> |
|                   | <b>Fax:</b>                                                                        | <b>Telex:</b>                  |
| <b>Agreements</b> | <b>Details of rental / lease / manufacture agreements specific to the project:</b> |                                |
|                   |                                                                                    |                                |
|                   |                                                                                    |                                |

## **Bidder's Qualification**

To establish its qualifications to perform the contract in accordance with Section III, Evaluation and Qualification Criteria, the Bidder shall provide the information requested in the corresponding Forms included hereunder:

|                |                                                      |
|----------------|------------------------------------------------------|
| Form ELI -1    | : Bidder Information Form                            |
| Form ELI -2    | : JV Member Information Form                         |
| Form ELI -3    | : Subcontractor Information Form                     |
| Form CON       | : Historical Contract Non-Performance and Litigation |
| Form FIN -1    | : Financial Situation                                |
| Form FIN -2    | : Average Annual Turnover                            |
| Form FIN -3    | : Financial Resources                                |
| Form FIN -4    | : Current Contract Commitments                       |
| Form EXP -1    | : General Experience                                 |
| Form EXP -2(a) | : Specific Experience                                |
| Form EXP -2(b) | : Experience in Key Activities                       |

**Form ELI -1: Bidder Information Form**Date: *[insert day, month, year]*IFB No.: *[insert number]*Page *[insert page number]* of *[insert total number]* pages

*[Bidders shall provide the following information. The documents listed/ stated as required shall be submitted as attachments hereto.]*

Bidder's legal name:

*[insert full name]*

In case of a JV, legal name of the representative member and of each member:

*[insert full name of each member in the JV and specify the representative member.]*

Bidder's actual or intended country of registration:

*[insert country of registration]*

Bidder's actual or intended year of incorporation:

*[insert year of incorporation]*

Bidder's legal address in country of registration:

*[insert mailing address]*

Bidder's authorized representative information

Name: *[insert full name]*Address: *[insert mailing address]*Telephone/Fax numbers: *[insert telephone/fax numbers, including country and city codes]*Email address: *[insert email address]*

1. Attached are copies of original documents of Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above.
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

## Form ELI -2: JV Member Information Form

Date: *[insert day, month, year]*IFB No.: *[insert number]*Page *[insert page number]* of *[insert total number]* pages

*[The following form is additional to Form ELI-1, and shall be completed to provide information relating to each JV member, in case if the Bidder is a JV. The documents listed/ stated as required shall be submitted as attachments hereto.]*

|                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bidder's legal name:<br><i>[insert full name]</i>                                                                                                                                                                                                                                                           |
| JV Member's legal name:<br><i>[insert full name of Bidder's party]</i>                                                                                                                                                                                                                                      |
| JV Member's country of registration:<br><i>[insert country of registration]</i>                                                                                                                                                                                                                             |
| JV Member's year of incorporation:<br><i>[insert year of incorporation]</i>                                                                                                                                                                                                                                 |
| JV Member's legal address in country of registration:<br><i>[insert mailing address]</i>                                                                                                                                                                                                                    |
| JV Member's authorized representative information<br>Name: <i>[insert full name]</i><br>Address: <i>[insert mailing address]</i><br>Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i><br>Email address: <i>[insert email address]</i>                          |
| 1. Attached are copies of original documents of Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above.<br>2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership. |

### Form ELI -3: Subcontractor Information Form

Date: [insert day, month, year]

IFB No.: [insert number]

Page [insert page number] of [insert total number] pages

[The following form is additional to Form ELI-1 and ELI-2 (if applicable), and shall be completed to provide information relating to the specialized Subcontractor(s) (if any) proposed to be used by the Bidder for the execution of the key activities listed in the Prequalification criteria or Section III, Evaluation and Qualification Criteria, Sub-Factor 2.4.2(b), as appropriate. The documents listed/stated as required shall be submitted as attachments hereto.]

|                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bidder's legal name:<br>[insert full name]                                                                                                                                                                                                                                                                                                                          |
| Subcontractor's legal name:<br>[insert full name of Subcontractor]                                                                                                                                                                                                                                                                                                  |
| Subcontractor's country of registration:<br>[insert country of registration]                                                                                                                                                                                                                                                                                        |
| Subcontractor's year of incorporation:<br>[insert year of incorporation]                                                                                                                                                                                                                                                                                            |
| Subcontractor's legal address in country of registration:<br>[insert mailing address]                                                                                                                                                                                                                                                                               |
| Subcontractor's authorized representative information<br>Name: [insert full name]<br>Address: [insert mailing address]<br>Telephone/Fax numbers: [insert telephone/fax numbers, including country and city codes]<br>Email address: [insert email address]                                                                                                          |
| <ol style="list-style-type: none"> <li>1. Attached are copies of original documents of Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above.</li> <li>2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.</li> </ol> |

### Form CON: Historical Contract Non-Performance and Litigation

[The following table shall be filled in for the Bidder, and for each JV member if the Bidder is a JV.]

Date: [insert day, month, year]

Bidder's Legal Name: [insert full name]

JV Member's Legal Name: [insert full name]

IFB No.: [insert number]

Page [insert page number] of [insert total number] pages

## 1. History of Non-Performing Contracts

| Non-Performing Contracts                                                                                                                                                                                                                                                                                                                                                                                                                           |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <p>In accordance with the Prequalification criteria or Section III, Evaluation and Qualification Criteria, Sub-Factor 2.2.1, as appropriate, since 1<sup>st</sup> January 2018:</p> <p>[The Bidder shall indicate the applicable wording below by checking the appropriate box.]</p> <p><input type="checkbox"/> contract non-performance did not occur.</p> <p><input type="checkbox"/> contract non-performance occurred as indicated below:</p> |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                    |
| Year                                                                                                                                                                                                                                                                                                                                                                                                                                               | Non- performed portion of contract | Contract Identification                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Total Contract Amount                                              |
| [insert year]                                                                                                                                                                                                                                                                                                                                                                                                                                      | [insert amount and percentage]     | <ul style="list-style-type: none"> <li>Contract Identification: [insert complete contract name, number, and any other identification]</li> <li>Name of Employer: [insert full name]</li> <li>Address of Employer: [insert mailing address]</li> <li>Telephone/Fax numbers: [insert telephone/fax numbers, including country and city codes]</li> <li>Email address: [insert email address]</li> <li>Reason(s) for non-performance: [indicate main reason(s)]</li> </ul> | [insert current value, currency, exchange rate and USD equivalent] |

## 2. Pending Litigation

| Pending Litigation                                                                                                                                                                                                                                                                                                                                                                                                                      |                              |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <p>In accordance with the Prequalification criteria or Section III, Evaluation and Qualification Criteria, Sub-Factor 2.2.2, as appropriate:</p> <p>[The Bidder shall choose the relevant wording below by checking the appropriate box.]</p> <p><input type="checkbox"/> there is no pending litigation involving the Bidder.</p> <p><input type="checkbox"/> there is pending litigation involving the Bidder as indicated below:</p> |                              |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                    |
| Year of dispute                                                                                                                                                                                                                                                                                                                                                                                                                         | Amount in dispute (currency) | Outcome as Percentage of Net Worth | Contract Identification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Total Contract Amount                                              |
| [insert year]                                                                                                                                                                                                                                                                                                                                                                                                                           | [insert amount]              | [insert percentage]                | <ul style="list-style-type: none"> <li>Contract Identification: [indicate complete contract name, number, and any other identification]</li> <li>Name of Employer: [insert full name]</li> <li>Address of Employer: [insert mailing address]</li> <li>Telephone/Fax numbers: [insert telephone/fax numbers, including country and city codes]</li> <li>Email address: [insert email address]</li> <li>Party who initiated Litigation: [indicate "Employer" or "Contractor"]</li> <li>Matter in dispute: [indicate main issues in dispute]</li> </ul> | [insert current value, currency, exchange rate and USD equivalent] |

### 3. Litigation History

| Litigation History                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <p>In accordance with the Prequalification criteria or Section III, Evaluation and Qualification Criteria, Sub-Factor 2.2.3, as appropriate, since 1<sup>st</sup> January 2018:</p> <p>[The Bidder shall choose the relevant wording below by checking the appropriate box]</p> <p><input type="checkbox"/> there are no court orders against the Bidder.</p> <p><input type="checkbox"/> there are court orders against the Bidder as indicated below:</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                    |
| Year of award                                                                                                                                                                                                                                                                                                                                                                                                                                               | Contract Identification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Total Contract Amount                                              |
| [insert year]                                                                                                                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>Contract Identification: [indicate complete contract name, number, and any other identification]</li> <li>Name of Employer: [insert full name]</li> <li>Address of Employer: [insert mailing address]</li> <li>Telephone/Fax numbers: [insert telephone/fax numbers, including country and city codes]</li> <li>Email address: [insert email address]</li> <li>Matter in dispute: [indicate main issues in dispute]</li> <li>Party who initiated litigation: [indicate "Employer" or "Contractor"]</li> <li>Abstract of the Court Order: [state concisely the court order concerning main issues in dispute]</li> </ul> | [insert current value, currency, exchange rate and USD equivalent] |

## Form FIN -1: Financial Situation

[The following table shall be filled in for the Bidder, and for each JV member if the Bidder is a JV. The documents listed/ stated as required shall be submitted as attachments hereto.]

Date: [insert day, month, year]

Bidder's Legal Name: [insert full name]

JV Member's Legal Name: [insert full name]

IFB No.: [insert number]

Page [insert page number] of [insert total number] pages

### 1. Financial data

| Type of Financial information in<br>(currency) | Historic information for previous [insert number] years<br>(Amount in currency, currency, exchange rate, USD equivalent) |        |        |        |        |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|--------|--------|--------|--------|
|                                                | Year 1                                                                                                                   | Year 2 | Year 3 | Year 4 | Year 5 |
| <b>Information from Balance Sheet</b>          |                                                                                                                          |        |        |        |        |
| Total Assets (TA)                              |                                                                                                                          |        |        |        |        |
| Total Liabilities (TL)                         |                                                                                                                          |        |        |        |        |
| Net Worth (NW)                                 |                                                                                                                          |        |        |        |        |
| Current Assets (CA)                            |                                                                                                                          |        |        |        |        |
| Current Liabilities (CL)                       |                                                                                                                          |        |        |        |        |
| Working Capital (WC)                           |                                                                                                                          |        |        |        |        |
| <b>Information from Income Statement</b>       |                                                                                                                          |        |        |        |        |
| Total Revenue (TR)                             |                                                                                                                          |        |        |        |        |
| Profits Before Taxes (PBT)                     |                                                                                                                          |        |        |        |        |
| Profits After Taxes (PAT)                      |                                                                                                                          |        |        |        |        |
| <b>Information from Cash Flow Statement</b>    |                                                                                                                          |        |        |        |        |
| Cash Flow from<br>Operating Activities         |                                                                                                                          |        |        |        |        |

## **2. Financial documents**

The Bidder and its parties shall provide copies of the financial statements<sup>1</sup> for the number of years indicated in the relevant Prequalification criteria or Section III, Evaluation and Qualification Criteria Sub-Factor 2.3.1, as appropriate. The financial statements shall:

- (a) reflect the financial situation of the legal entity(ies) comprising the Bidder, and not of the affiliated entities (such as parent company(ies), group companies or subsidiaries) of the Bidder unless they are parties to the Bidder under a JV in accordance with ITB 4.1.
- (b) be independently audited or certified in accordance with local legislation.
- (c) be complete, including all notes to the financial statements.
- (d) correspond to accounting periods already completed and audited.

Attached herewith are copies of financial statements for the number of years required above, and complying with the requirements.

### Notes for the Bidders

1. If the most recent set of financial statements is for a period earlier than 12 months from the date of bid, the reason for this should be justified.

## Form FIN -2: Average Annual Turnover

[The following table shall be filled in for the Bidder, and for each JV member if the Bidder is a JV.]

Date: [insert day, month, year]

Bidder's Legal Name: [insert full name]

JV Member's Legal Name: [insert full name]

IFB No.: [insert number]

Page [insert page number] of [insert total number] pages

| Annual Turnover Data                 |                                       |                                   |                                   |
|--------------------------------------|---------------------------------------|-----------------------------------|-----------------------------------|
| Year                                 | Amount and Currency                   | Exchange rate                     | USD equivalent                    |
| [indicate year]                      | [insert amount and indicate currency] | [insert applicable exchange rate] | [insert amount in USD equivalent] |
|                                      |                                       |                                   |                                   |
|                                      |                                       |                                   |                                   |
|                                      |                                       |                                   |                                   |
|                                      |                                       |                                   |                                   |
| Average Annual Turnover <sup>1</sup> |                                       |                                   |                                   |

### Notes for the Bidders

1. Total USD equivalent for all years divided by the total number of years, in accordance with the Prequalification criteria or Section III, Evaluation and Qualification Criteria, Sub-Factor 2.3.2, as appropriate.

### Form FIN -3: Financial Resources

[The following table shall be filled in for the Bidder, and for each JV member if the Bidder is a JV.]

Date: [insert day, month, year]

Bidder's Legal Name: [insert full name]

JV Member's Legal Name: [insert full name]

IFB No.: [insert number]

Page [insert page number] of [insert total number] pages

[Specify proposed sources of financing, such as liquid assets, unencumbered real assets, lines of credit, and other financial means, net of current commitments, available to meet the total construction cash flow demands of the subject contract or contracts as specified in the Prequalification Criteria or Section III, Evaluation and Qualification Criteria, Sub-Factor 2.3.3, as appropriate.]

| Financial Resources |                                  |                            |
|---------------------|----------------------------------|----------------------------|
| No.                 | Source of financing <sup>1</sup> | Amount<br>(USD equivalent) |
| 1                   |                                  |                            |
| 2                   |                                  |                            |
| 3                   |                                  |                            |
|                     |                                  |                            |

#### Notes for the Bidders

1. Sources of financing may include working capital (to be taken from FIN-1), Credit Line (to be substantiated by a letter from the bank issuing the line of credit), etc.

### Form FIN -4: Current Contract Commitments

[The following table shall be filled in for the Bidder, and for each JV member if the Bidder is a JV.]

Date: [insert day, month, year]

Bidder's Legal Name: [insert full name]

JV Member's Legal Name: [insert full name]

IFB No. [insert number]

Page [insert page number] of [insert total number] page

[The Bidder and each JV member should provide information on their current commitments on all contracts that have been awarded, or for which a Letter of Intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full Taking-over Certificate/ Completion Certificate has yet to be issued, in accordance with the Prequalification Criteria or Section III, Evaluation and Qualification Criteria, Sub-Factor 2.3.3, as appropriate.]

| Current Contract Commitments |                  |                                       |                                                    |                   |                           |                                                            |
|------------------------------|------------------|---------------------------------------|----------------------------------------------------|-------------------|---------------------------|------------------------------------------------------------|
| No.                          | Name of Contract | Employer's Mailing Address, Tel, Fax. | Value of Outstanding Work [Current USD Equivalent] | Commencement Date | Estimated Completion Date | Average Monthly Invoicing Over Last Six Months [USD/month] |
| 1                            |                  |                                       |                                                    |                   |                           |                                                            |
| 2                            |                  |                                       |                                                    |                   |                           |                                                            |
| 3                            |                  |                                       |                                                    |                   |                           |                                                            |
| 4                            |                  |                                       |                                                    |                   |                           |                                                            |
| 5                            |                  |                                       |                                                    |                   |                           |                                                            |
|                              |                  |                                       |                                                    |                   |                           |                                                            |

## Form EXP -1: General Experience

[The following table shall be filled in for the Bidder, and for each JV member if the Bidder is a JV.]

Date: [insert day, month, year]

Bidder's Legal Name: [insert full name]

JV Member's Legal Name: [insert full name]

IFB No.: [insert number]

Page [insert page number] of [insert total number] pages

[The Bidder shall identify contracts that demonstrate continuous experience pursuant to Section III, Evaluation and Qualification Criteria, Sub-Factor 2.4.1 and list contracts chronologically, according to their commencement (starting) dates.]

| General Construction Experience |                 |                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                             |
|---------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| Starting Year                   | Ending Year     | Contract Identification                                                                                                                                                                                                                                                                                                                                                                                      | Role of Bidder                                                              |
| [indicate year]                 | [indicate year] | <ul style="list-style-type: none"> <li>Contract name: [insert full name]</li> <li>Brief description of the contract performed by the Bidder: [describe the contract performed briefly]</li> <li>Amount of contract: [insert amount in currency, mention currency used, exchange rate and USD equivalent]</li> <li>Name of Employer: [insert full name]</li> <li>Address: [insert mailing address]</li> </ul> | [insert "Prime Contractor (single entity or JV member)" or "Subcontractor"] |
|                                 |                 |                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                             |
|                                 |                 |                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                             |
|                                 |                 |                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                             |

## Form EXP -2(a): Specific Experience

[The following table shall be filled in for the Bidder, and for each JV member if the Bidder is a JV. The documents listed/ stated as required shall be submitted as attachments hereto.]

Date: [insert day, month, year]

Bidder's Legal Name: [insert full name]

JV Member's Legal Name: [insert full name]

IFB No.: [insert number]

Page [insert page number] of [insert total number] pages

[The Bidder shall fill out one (1) form per contract, in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.4.2(a).]

| Contract of Similar Size and Nature                                                  |                                                                           |                                                                        |                                                                        |
|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------|
| Similar Contract No.                                                                 | Information                                                               |                                                                        |                                                                        |
| [insert number] of [insert number of similar contracts required]                     |                                                                           |                                                                        |                                                                        |
| Contract Identification                                                              | [insert contract name and reference identification number, if applicable] |                                                                        |                                                                        |
| Award Date                                                                           | [insert day, month, year, e.g., 15 June 2015]                             |                                                                        |                                                                        |
| Completion Date                                                                      | [insert day, month, year, e.g., 03 October 2017]                          |                                                                        |                                                                        |
| Role in Contract<br>[check the appropriate box]                                      | Prime Contractor                                                          |                                                                        |                                                                        |
|                                                                                      | Single entity<br><input type="checkbox"/>                                 | JV member<br><input type="checkbox"/>                                  |                                                                        |
| Total Contract Amount                                                                | [insert total contract amount and currency(ies)]                          | USD [insert exchange rate and total contract amount in USD equivalent] |                                                                        |
| If member in a JV, specify participation in total Contract amount                    | [insert percentage participation]                                         | [insert total contract amount and currency(ies)]                       | USD [insert exchange rate and total contract amount in USD equivalent] |
|                                                                                      | [describe participation in JV and work performed]                         |                                                                        |                                                                        |
| Employer's Name:                                                                     | [insert full name]                                                        |                                                                        |                                                                        |
| Address:                                                                             | [insert mailing address]                                                  |                                                                        |                                                                        |
| Telephone/fax number                                                                 | [insert telephone/fax numbers, including country and city area codes]     |                                                                        |                                                                        |
| E-mail:                                                                              | [insert email address, if available]                                      |                                                                        |                                                                        |
| Description of the similarity in accordance with Sub-Factor 2.4.2(a) of Section III: |                                                                           |                                                                        |                                                                        |
| 1. Physical Size of Required Works items                                             | [insert physical size of items]                                           |                                                                        |                                                                        |

| Contract of Similar Size and Nature                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Similar Contract No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Information                                                                   |
| [insert number] of [insert number of similar contracts required]                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                               |
| 2. Complexity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | [insert description of complexity]                                            |
| 3. Construction Methods/ Technology                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | [insert specific aspects of the methods/ technology involved in the contract] |
| 4. Other Characteristics                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | [insert other characteristics as described in Section VI, Works Requirements] |
| <p>Attached herewith are the copies of originals of:</p> <p>(a) abstracts of contract documents, JV Agreements, etc. evidencing that the size and nature of the above-mentioned contract meets the requirements specified in Section III, Evaluation and Qualification Criteria, Sub-Factor 2.4.2(a).</p> <p>(b) the end-user certificate(s) (i.e. Taking-over Certificate(s)/ Completion Certificate(s)), evidencing that the contract above-mentioned contract has been successfully completed.</p> |                                                                               |

## Form EXP -2(b): Experience in Key Activities

Date: [insert day, month, year]

Bidder's Legal Name: [insert full name]

IFB No.: [insert number]

Page [insert page number] of [insert total number] pages

### 1. Summary of Key Activities

[Fill out if the Bidder is a Single Firm / JV or proposes specialized Subcontractors for the execution of any of the key activities.]

| Summary of Single Firm / JV Member/ Subcontractor for Key Activities |                                 |                                                                                                                  |
|----------------------------------------------------------------------|---------------------------------|------------------------------------------------------------------------------------------------------------------|
| Key Activity                                                         |                                 | Single Firm / JV Member/ Subcontractor                                                                           |
| No                                                                   | Description                     |                                                                                                                  |
| 1                                                                    | [insert name of Activity No. 1] | [insert full name(s) of Single Firm/JV Member(s)/Subcontractor(s)]<br><br>(i) _____<br>(ii) _____<br>(iii) _____ |
| 2                                                                    | [insert name of Activity No. 2] | [insert full name(s) of Single Firm/JV Member(s)/Subcontractor(s)]<br><br>(i) _____<br>(ii) _____<br>(iii) _____ |
| 3                                                                    | [insert name of Activity No. 3] | [insert full name(s) of Single Firm/JV Member(s)/Subcontractor(s)]<br><br>(i) _____<br>(ii) _____<br>(iii) _____ |
| 4                                                                    | [insert name of Activity No. 4] | [insert full name(s) of Single Firm/JV Member(s)/Subcontractor(s)]<br><br>(i) _____<br>(ii) _____<br>(iii) _____ |
| etc.                                                                 | _____                           | _____                                                                                                            |

## 2. Contract Information

### Key Activity No (1): [insert name of Key Activity]

[Fill out one (1) form per contracts performed by the Bidder (Single Firm)/ JV member/ specialized Subcontractor as listed in the Summary of Key Activities above in accordance with Section III, Evaluation and Qualification Criteria, Sub-Factor 2.4.2(b). The documents listed/ stated as required shall be submitted as attachments hereto.]

(i) [insert full name of Single Firm /JV Member's /Subcontractor's Legal Name]

| Contract with Similar Key Activities                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                         |                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Item                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Information                                                                                                                                                                                             |                                                                        |
| Contract Identification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | [insert contract name and number, if applicable]                                                                                                                                                        |                                                                        |
| Award Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | [insert day, month, year, e.g., 15 June 2015]                                                                                                                                                           |                                                                        |
| Completion Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | [insert day, month, year, e.g., 03 October 2017]                                                                                                                                                        |                                                                        |
| Role in Contract<br>[check the appropriate box]                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <div> <div>Prime Contractor</div> <div> <div>Single entity <input type="checkbox"/></div> <div>JV member <input type="checkbox"/></div> </div> </div> <div>Subcontractor <input type="checkbox"/></div> |                                                                        |
| Total Contract Amount                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | [insert total contract amount and currency(ies)]                                                                                                                                                        | USD [insert Exchange rate and total contract amount in USD equivalent] |
| [insert brief description of the Activity No. (1)]                                                                                                                                                                                                                                                                                                                                                                                                                                                        | [Describe briefly how the corresponding minimum requirement is met.]                                                                                                                                    |                                                                        |
| Employer's Name:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | [insert full name]                                                                                                                                                                                      |                                                                        |
| Address:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | [indicate mailing address]                                                                                                                                                                              |                                                                        |
| Telephone/fax number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | [insert telephone/fax numbers, including country and city area codes]                                                                                                                                   |                                                                        |
| Email:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | [insert email address, if available]                                                                                                                                                                    |                                                                        |
| <p>Attached herewith are the copies of originals of:</p> <p>(a) abstracts of contract documents, sub-contract agreements, JV Agreements, etc. evidencing that the above activity meets the criteria specified in Section III, Evaluation and Qualification Criteria, Sub-Factor 2.4.2(b).</p> <p>(b) the end-user certificate(s) (i.e. Taking-over Certificate(s)/ Completion Certificate(s)) for the above-mentioned contract, evidencing that the above activity has been successfully carried out.</p> |                                                                                                                                                                                                         |                                                                        |

(ii) *[insert full name of Single Firm /JV Member's /Subcontractor's Legal Name]*

(iii) *[insert full name of Single Firm /JV Member's /Subcontractor's Legal Name]*

**Key Activity No. (2):**

**Key Activity No. (3):**

## Form ACK

### Acknowledgement of Compliance with Guidelines for Procurement under Japanese ODA Loans

A) I, *[insert name and position of authorized signatory]*, being duly authorized by *[insert name of Bidder/members of joint venture ("JV")]* (hereinafter referred to as the "Bidder") to execute this Acknowledgement of Compliance with the Guidelines for Procurement under Japanese ODA Loans, hereby certify on behalf of the Bidder and myself that:

- (i) all information provided in the Bid submitted by the Bidder and its subcontractors for *[insert name of the Project, and name, number and identification of lot(s) (contracts(s)) as stated in BDS 1.1]* is true, correct and accurate to the best of the Bidder's and my knowledge and belief; and
- (ii) the Bidder or any of its subcontractors has not, directly or indirectly, taken any action which is or constitutes a corrupt or fraudulent practice and is not subject to any conflict of interest as stipulated in the relevant section of the Guidelines and the Bidding Document.

*<If debarment for more than one year by the World Bank Group is NOT imposed, use the following sentence B).>*

B) I certify that the Bidder has NOT been debarred by the World Bank Group for more than one year since the date of issuance of Invitation for Bids.

*<If debarment for more than one year by the World Bank Group has been imposed BUT three (3) years have passed since the date of such debarment decision, use the following sentence B').>*

B') I certify that the Bidder has been debarred by the World Bank Group for a period more than one year BUT that on the date of issuance of Invitation for Bids at least three (3) years had passed since the date of such debarment decision. Details of the debarment are as follows:

| name of the debarred firm | starting date of debarment | ending date of debarment | reason for debarment |
|---------------------------|----------------------------|--------------------------|----------------------|
|                           |                            |                          |                      |

- C) I certify that the Bidder will not enter into a subcontract with a firm which has been debarred by the World Bank Group for a period more than one year, unless on the date of the subcontract at least three (3) years have passed since the date of such debarment decision.
- D) I certify, on behalf of the Bidder and its subcontractors, that if selected to undertake works and services in connection with the Contract, the Bidder and its subcontractors shall carry out such works and services in continuing compliance with the terms and conditions of the Contract.
- E) I further certify, on behalf of the Bidder and its subcontractors, that if the Bidder and any of its subcontractors is requested, directly or indirectly, to engage in any corrupt or fraudulent practice under any applicable law, such as the payment of a rebate, at any time or any stage of a process of procurement such as negotiations, execution or implementation of contract (including amendment thereof), the Bidder shall report all relevant facts regarding such request to the relevant section in JICA (details of which are specified below) in a timely manner.

JICA's information desk on fraud and corruption (A report can be made to either of the offices

identified below.)

(1) JICA Headquarters: Legal Affairs Division, General Affairs Department

URL: <https://www2.jica.go.jp/en/odainfo/index.php>

Tel: +81 (0)3 5226 8850

(2) JICA Kenya office

Address: Britam Tower, 22 & 23 Floor, Hospital Hill Road

P.O. Box 50572-0200 Nairobi

Tel: +254-20-2775000

The Bidder acknowledges and agrees that the reporting obligation stated above shall NOT in any way affect the Bidder's responsibilities, obligations or rights, under relevant laws, regulations, contracts, guidelines or otherwise, to disclose or report such request or other information to any other person(s) including the Employer or to take any other action, required to or allowed to, be taken by the Bidder. The Bidder further acknowledges and agrees that JICA is not involved in or responsible for the procurement process in any way.

- F) If any of the statements made herein is subsequently proven to be untrue or incorrect based on facts subsequently determined, or if any of the warranties or covenants made herein is not complied with, the Bidder will accept, comply with, and not object to any remedies taken by the Employer and any sanctions imposed by or actions taken by JICA.

\_\_\_\_\_  
**Authorized  
Signatory**  
[insert name of signatory; title]

**For and on behalf of**  
[insert name of the Bidder]  
Date: [insert date]

## Form of Bid Security

### (Bank Guarantee)

[Guarantor letterhead or SWIFT identifier code]

**Beneficiary:** [insert its name and address]

**IFB No.:** [insert number of Invitation for Bids]

**Date:** [insert date of issue]

**BID GUARANTEE No.:** [insert guarantee reference number]

**Guarantor:** [insert name and address of place of issue, unless indicated in the letterhead]

We have been informed that [insert name of the Bidder, which in the case of a joint venture shall be the name of the joint venture (whether legally constituted or prospective) or the names of all members thereof] (hereinafter called "the Applicant") has submitted or will submit to the Beneficiary its Bid (hereinafter called "the Bid") for the execution of [insert description of contract].

Furthermore, we understand that, according to the Beneficiary's conditions, Bids must be supported by a bid guarantee.

At the request of the Applicant, we, as Guarantor, hereby irrevocably undertake to pay the Beneficiary any sum or sums not exceeding in total an amount of [insert amount in words] ([insert amount in figures]) upon receipt by us of the Beneficiary's complying demand, supported by the Beneficiary's statement, whether in the demand itself or a separate signed document accompanying or identifying the demand, stating that either the Applicant:

- (a) has withdrawn its Bid during the period of bid validity set forth in the Applicant's Letters of Technical Bid and Price Bid ("the Bid Validity Period"), or any extension thereto provided by the Applicant; or
- (b) having been notified of the acceptance of its Bid by the Beneficiary during the Bid Validity Period or any extension thereto provided by the Applicant, (i) has failed to execute the contract agreement, or (ii) has failed to furnish the Performance Security, in accordance with the Instructions to Bidders of the Beneficiary's bidding document.

This guarantee shall expire and be returned to us: (a) if the Applicant is the successful Bidder, upon our receipt of copies of the contract agreement signed by the Applicant and the Performance Security issued to the Beneficiary in relation to such contract agreement; or (b) if the Applicant is not the successful Bidder, upon the earlier of (i) our receipt of a copy of the Beneficiary's notification to the Applicant of the results of the bidding process; or (ii) twenty-eight days after the end of the Bid Validity Period.

Consequently, any demand for payment under this guarantee must be received by us at the office indicated above on or before that date.

This guarantee is subject to the Uniform Rules for Demand Guarantees (URDG) 2010 Revision, ICC Publication No. 758.

---

[signature(s)]

[Note: All italicized text is for use in preparing this form and shall be deleted from the final product.]

## Form of Declaration as to the Origin of Goods, Services and Eligibility

[In case of the prime contractor being single entity.]

To: [Name of the Executing Agency]  
[Address of the Executing Agency]

**Declaration**  
[Name of the Project]

I, the Undersigned, hereby certify that \_\_\_\_ percent (\_\_\_\_%) of the amount of the contract consists of (a) ☐ (a) and (b) ☐ below:

☐ (a) The total price of goods procured from Japan, (including goods ☐ and services ☐ to be regarded and counted as Japanese origin hereunder, as applicable, in the Loan Agreement of the Project); ☐ and

☐ (b) The total price of services procured from a Japanese Company(ies) and the eligible foreign ☐ company(ies) invested by a Japanese Company(ies)<sup>1</sup>

I, the Undersigned, further certify that, (name of the prime contractor) satisfies either (a) or (b) below:

(a) It was incorporated and is registered in Japan, has its appropriate facilities for producing or providing the goods and services in Japan, and actually conducts its business there; or

(b) It satisfies all of the following conditions:

(i) It is a subsidiary included in the scope of consolidation and factored into the aggregated accounting figure of a consolidated financial statement of the Japanese Company made in accordance with the Financial Instruments and Exchange Act of Japan and the related ministerial ordinances; and

(ii) It is registered in the country or area where it was incorporated, has its appropriate facilities for producing or providing goods and services there, and actually conducts its business therein.

Date:

\_\_\_\_\_  
Authorized Signatory  
For and on behalf of the Contractor  
\_\_\_\_\_

<sup>1</sup> The ☐ boxed sections ☐ of the sheet are applicable only when the Project allows both goods from Japan and services provided by a Japanese company(ies) can be included in the ratio of the goods and services to be procured from Japan.

## Form of Declaration as to the Origin of Goods, Services and Eligibility

[In case of the prime contractor being a joint venture.]

To: [Name of the Executing Agency]

[Address of the Executing Agency]

### Declaration

[Name of the Project]

I, the Undersigned, hereby certify that \_\_\_\_ percent (\_\_\_\_%) of the amount of the contract consists of (a) /(a) and (b) below:

(a) The total price of goods procured from Japan, (including goods and services to be regarded and counted as Japanese origin hereunder, as applicable, in the Loan Agreement of the Project); and

(b) The total price of services procured from a Japanese Company(ies) and the eligible foreign company(ies) invested by a Japanese Company(ies)<sup>1</sup>

I, the Undersigned, further certify that the total share of work of Japanese partners in the joint venture is more than fifty percent (50%) of the contract amount; and that all of the following conditions are satisfied:

(a) Lead partner and each of the other partners, if any, regarded as Japanese partners satisfy either (i) or (ii) below:

(i) It was incorporated and is registered in Japan, has its appropriate facilities for producing or providing the goods and services in Japan, and actually conducts its business there; or

(ii) It satisfies all of the following conditions:

1. It is a subsidiary included in the scope of consolidation and factored into the aggregated accounting figure of a consolidated financial statement of the Japanese Company made in accordance with the Financial Instruments and Exchange Act of Japan and the related ministerial ordinances; and
2. It is registered in the country or area where it was incorporated, has its appropriate facilities for producing or providing goods and services there, and actually conducts its business therein.

(b) The partners except Japanese partners have been incorporated and registered in Japan or the Republic of Kenya, have their appropriate facilities for producing or providing the goods and services in Japan or the Republic of Kenya, and actually conduct their business there.

Date:

\_\_\_\_\_  
Authorized Signatory  
For and on behalf of the Contractor

<sup>1</sup> The boxed sections of the sheet are applicable only when the Project allows both goods from Japan and services provided by a Japanese company(ies) can be included in the ratio of the goods and services to be procured from Japan.

**Form of Cost Summary of Goods and Services Procured  
from Japan and/or Eligible Local Manufacturer to comply  
with STEP Requirements**

Note: Detailed (Unit) Price Analysis to be made

Date:

Name of the Firm

Legal Address

---

Signature by authorized Signatory

## Section V. Eligible Source Countries of Japanese ODA Loans

- (1) The Eligible Nationality of the Supplier(s) shall be the following:
  - (a) Japan in the case of the prime contractor; and
  - (b) All countries and areas in the case of the sub-contractor(s).
- (2) With regard to (1) above, in case where the prime contractor is a joint venture, such joint venture will be eligible provided that the nationality of the lead partner is Japan, that the nationality of the other partners is Japan and/or the Republic of Kenya and that the total share of work of Japanese partners in the joint venture is more than fifty percent (50%) of the contract amount.
- (3) With regard to (1) and (2) above,
  - (i) The prime contractor or, in the case of a joint venture, the lead partner and other partners regarded as the Japanese partners shall be nationals of Japan or juridical persons incorporated and registered in Japan, have their appropriate facilities for producing or providing the goods and services in Japan, and actually conduct their business there (hereinafter referred to as the “**Japanese Company**”).
  - (ii) In the case of a joint venture, the partners except Japanese partners shall be nationals of the Republic of Kenya or juridical persons incorporated and registered in Japan or the Republic of Kenya, and have their appropriate facilities for producing or providing the goods and services in Japan or the Republic of Kenya, and actually conduct their business there.
  - (iii) Notwithstanding (3)(a)(i) above, a juridical person incorporated in a country or area other than Japan that satisfies all of the following conditions can be regarded as the Japanese Company:
    - It is a subsidiary included in the scope of consolidation and factored into the aggregated accounting figure of a consolidated financial statement of the Japanese Company made in accordance with the Financial Instruments and Exchange Act of Japan and the related ministerial ordinances; and
    - It is registered in the country or area where it was incorporated, has its appropriate facilities for producing or providing goods and services there, and actually conducts its business therein.
- (4) The total costs of goods and services procured from Japan shall not be less than **nine points five percent (9.5%)** of the total amount of the Contract.
- (5) With regard to (4) above, the goods procured from the eligible local manufacturing company(ies)

invested by the Japanese Companies (hereinafter referred to as the “**Eligible Local Manufacturing Company(ies)**”) can be regarded and counted as Japanese origin if such Eligible Local Manufacturing Company(ies) satisfy (ies) all of the following conditions:

- (a) Juridical persons incorporated and registered in the Republic of Kenya, and which have their appropriate facilities for producing or providing the goods and services in the Republic of Kenya and actually conduct their business there;
  - (b) Not less than ten percent (10%) of shares are held by a single Japanese Company; and
  - (c) The proportion of the shares held by the Japanese Company mentioned in (b) above (or the company having the largest share among Japanese Companies if more than one Japanese Company meet the condition stated in (b) above) is the same as or greater than that of the shares held by any company of a third country or area.
- (6) With regard to (4) above, the goods procured from the eligible development partners’ manufacturing company(ies) invested by the Japanese Companies (hereinafter referred to as the “**Eligible Development Partners’ Manufacturing Company(ies)**”) can be regarded and counted as Japanese origin if such Eligible Development Partners’ Manufacturing Company(ies) satisfy(ies) all of the following conditions:
- (a) Juridical persons incorporated and registered in a country or area on the DAC List of ODA Recipients effective at the time of conclusion of the Loan Agreement and which have their appropriate facilities for producing or providing the goods and services in the country or area and actually conduct their business there;
  - (b) Not less than one-third of shares are held by a single Japanese Company; and
  - (c) The proportion of the shares held by the Japanese Company mentioned in (b) above (or the company having the largest share among Japanese Companies if more than one Japanese Company meet the condition stated in (b) above) is the same as or greater than that of the shares held by any company of a third country or area.
- (7) With regard to (4) above, the goods procured from the eligible manufacturing company(ies) in developed countries invested by the Japanese Companies (hereinafter referred to as the “**Eligible Developed Countries’ Manufacturing Company(ies)**”) can be regarded and counted as Japanese origin if such Eligible Developed Countries’ Manufacturing Company(ies) satisfy(ies) all of the following conditions:
- (a) It is a subsidiary in a country or area other than Japan included in the scope of consolidation and factored into the aggregated accounting figure of a consolidated financial statement of the Japanese Company made in accordance with the Financial Instruments and Exchange Act of Japan and the related ministerial ordinances;
  - (b) It was incorporated and is registered in a country or area other than that on the DAC List of ODA Recipients effective at the time of conclusion of the Loan Agreement; and
  - (c) It has its appropriate facilities for producing or providing goods and services there, and actually conducts its business therein.

- (8) With regard to (4) above, the services procured from the eligible foreign company(ies) invested by the Japanese Companies (hereinafter referred to as the “**Eligible Foreign Company(ies)**”) can be regarded and counted as Japanese origin if such Eligible Foreign Company(ies) satisfy(ies) all of the following conditions:
- (a) It is a subsidiary in a country or area other than Japan included in the scope of consolidation and factored into the aggregated accounting figure of a consolidated financial statement of the Japanese Company made in accordance with the Financial Instruments and Exchange Act of Japan and the related ministerial ordinances; and
  - (b) It is registered in the country or area where it was incorporated, has its appropriate facilities for producing or providing goods and services there, and actually conducts its business therein.