

**PROJECT NAME - IMPROVEMENT OF DRINKING WATER AND SANITATION SYSTEMS IN MOMBASA – MWACHE
PROJECT (CKE 1103)**

**CONTRACT NAME - CONSTRUCTION OF WATER DISTRIBUTION PIPELINES AND SANITATION FACILITIES IN MOMBASA
RESPONSE TO CLARIFICATIONS (SET NO. 1) ISSUED ON SOUTH AND WEST MAINLAND DISTRIBUTION BID PACKAGE II**

NO.	TENDER DOC.	DESCRIPTION	BID CLARIFICATION REQUESTED	RESPONSE
1	Bidding Document Volume I of IV: ITB 11.1(b) pg 23	Instruction to Bidders and Bid Data Sheets: Preparation of Bids	<p>ITB 11.1(b): The Bidder shall submit with its Bid the following additional documents: - A signed undertaking between the bidder and the suppliers of ferrous pipes and HDPE pipes that the prices will be valid for the next 30 months.</p> <p>"It will be difficult for suppliers to commit on the validity of prices for ferrous and HDPE pipes for the next 30 months due to the volatility of prices and supply chains caused by the current global economic crisis. Could this requirement be reviewed?"</p>	<p>Omit the following requirement under this 11.1 (b)</p> <p><i>"A signed undertaking between the bidder and the suppliers of ferrous pipes and HDPE pipes that the prices will be valid for the next 30 months."</i></p> <p>The requirement is therefore deleted/omitted</p>
2	Bidding Document Volume II of IV: Bill of Quantities	Breaking and reinstatement of tarmac for pipe laying	<p>"Please clarify if breaking and reinstatement of tarmac roads will be applicable since the Road Agencies only allow micro-tunnelling for pipeline on tarmac road crossings"</p>	<p>The exact method of pipe laying at any road crossing will be dictated by the Road Agency in charge of the specific road crossing. The measurement and payment be shall be as per provisions made in the preamble and BOQ and actual work to be executed. The BOQ has some allowance for trenchless road crossing refer I2** items in the BOQ.</p>

3	Bidding Document Volume I of IV: ITB 14.7	VAT Exemption	"Please confirm that VAT is exempted while other taxes, duties and fees are not exempted."	Please refer to ITB 14.7 in the Datasheet. This Contract is exempted from VAT. Other taxes, duties and fees shall be deemed included in the rates.
4	Bidding Document Volume I of IV: ITB 14.7	Withholding tax (WHT)	"Kindly clarify whether it is the contractor or the employer who will pay the withholding tax"	See Response No. 3 – Note that WHT is a direct tax hence deemed to be included in the rates
5	Bidding Document Volume I of IV: ITB 11.1(b) pg 23	Instruction to Bidders and Bid Data Sheets: Preparation of Bids	ITB 11.1(b): The Bidder shall submit with its Bid the following additional documents: - A signed undertaking between the bidder and the suppliers of ferrous pipes and HDPE pipes that the prices will be valid for the next 30 months. "Please clarify what would happen if prices of these materials vary within the period of 30 months due to events unforeseen by the supplier or the contractor before entering into contract and are beyond control of either parties"	Refer response No. 1
6	Bidding Document Volume I of IV: 4.2(a) pg 36	Specific Construction & Contract Management Experience Definition of Similar Contracts	Based on the details mentioned in footer note, we presume any infra projects (viz- Water pipeline / Gas pipe line / transmission line / OFC lines) that are massive in size, highly complex and technicity qualify under this clause for consideration."	As elaborated under footnote 4, Qualification Criteria, 4. Experience. "The similarity shall be based on the physical size, complexity, and technicity of the Works."
7	Bidding Document Volume I of IV:	Specific Construction & Contract Management	a) "Request you to consider 70% instead of 80%	a. Foot note No.5 to remain as indicated in the bid documents i.e. 80%

	4.2(a) pg 36	Experience Definition substantial completion	b) As client normally do not issue substantial completion certificate, kindly confirm if we can submit CA certificate as proof of revenue being achieved for the project.	b. Letter from the Client or project proponent supporting the Completion is acceptable Refer to Form EXP -4.2
8	Bidding Document Volume I of IV: 4.2(b) pg 37	Specific Experience	Statement - At least one (1) Project involving Construction of Ferrous / HDPE / uPVC Water Distribution Network Pipelines in highly built-up / congested Urban Areas, sizes ranging from 32mm dia to 400mm dia at a rate of at least 6km per month. "As the certificates being issued do not normally include such statements, we would like to submit a self-declaration certificate giving details of the project complexities mentioned in the clause. Kindly accept our request"	c. Letter from the Client or project proponent supporting the Completion (including scope and rate of work) is acceptable Refer to Form EXP -4.2
9	Bidding Document Volume I of IV: ITB 25.1 pg 26	Bid Submission Deadline	"This is an international tender. We need to visit the project site, as well as collect lot of local information such as input material and labor costs, study local laws etc. We request you to extend the last date of submission of bid by at least 4 weeks beyond Dec 13,2022 (i.e., the currently scheduled date). Kindly oblige"	Submission deadline extended up to 10 th January 2023, Until 12:05 hours.
10	Bidding Document Volume II of IV	Item No. 1712.1 - HDPE Pipes	"The document has specified DN15mm HDPE Pipes. We wish to bring to your attention that this specified pipe is not available in the market and the only available market standard is DN16mm pipe. Kindly	This is typo error and the correct size is DN 16mm HDPE. Bidders should therefore quote for DN 16mm HDPE.

11	Bidding Document Volume I of IV: ITB 11.1(b) pg 23	Instruction to Bidders and Bid Data Sheets: Preparation, of Bids	<p>review your technical and functional requirements and revert with next available alternative pipe for our pricing.”</p> <p>ITB 11.1(b): The Bidder shall submit with its Bid the following additional documents: - A signed undertaking between the bidder and the suppliers of ferrous pipes and HDPE pipes that the prices will be valid for the next 30 months.</p> <p>“In line with item No.2 above, we wish to bring to your attention that the stated locked price period of 30 Months is not tenable with any supplier in the market due to the recently witnessed price fluctuations both in the local and international markets out of economic dynamics beyond Manufacturer’s and Supplier’s control which affect both production and distribution.</p> <p>We therefore request for your review of the stated period and revert with the tenable alternative.”</p>	Refer response No. 1
12	Bidding Document Volume II of IV: Bill of Quantities	Breaking and reinstatement of tarmac for pipe laying	<p>“We found that there are items about breaking up and reinstatement of the roads (For example Item No. K6** 3-I<73.1) in BOQ. However, we didn’t find any technical specification about how to construct on topographic roads in Technical Specification.</p>	See response No.2 and also please refer to item L2** of Bid Document Volume II (BOQ)

			<p>Plus, according to the site inspection held on November 8, 2022, your engineer put forward that no contractor should damage the asphalt road during construction and proposed to cross the asphalt road by means of buttress erection for which we didn't find any information in the BOQ. We hereby are writing to enquire that whether we can apply underground drilling to cross asphalt road and make a quotation for the project."</p>	
13	<p>Bidding Document Volume I of IV: ITB 22.1 pg 26</p>	<p>Bid Submission Deadline</p>	<p>"We would like to request for an extension of 30 days for the bid submission for the Improvement of Drinking Water and Sanitation Systems in Mombasa - Mwache Project, (IPC NO. CWWDA/AFDW2/2022) in order to better prepare our documents for the tender"</p>	<p>Bid submission extended up to 10th January 2023, Until 12:05 hours.</p>
14	<p>Bidding Document Volume I of IV: Section IX - Particular Conditions Part A (1.1.6.7) pg 231</p>	<p>Project Boundary - Site</p>	<p>"We hereby request you to clarify whether the water area for the project mentioned above has transboundary disputes."</p>	<p>The sources water comes from different counties. The project sites are located in one county, Mombasa County in the areas of South Mainland (Likoni) and West Mainland (Changamwe) with no known transboundary concerns.</p>
15	<p>ITB 32.1 Bid Data Sheet</p>	<p>Foreign Exchange Rate</p>	<p>" The date for the exchange rate shall be the date of Bid submission and the rate shall be the selling rate. "</p>	<p>ITB 32.1 refers to evaluation and comparison of Bids. This date for the exchange rate is for bid evaluation purposes only.</p>

16	General	<p>The target to collect exchange rate from Central Bank, adjusting & checking BoQ, printing and compiling Bidding Document, deliver the bidding document to the CWWDA within one day; it is difficult to be realized. Please clarify that if the exchange rate have to be the date of Bid submission ?</p> <p>Please clarify that <u>if there is any water right dispute</u> for implementation of the IMPROVEMENT OF DRINKING WATER AND SANITATION SYSTEMS IN MOMBASA – MWACHE PROJECT (CKE 1103) ?</p>	<p>Please refer to ITB 15.1 in the datasheet. The bidder shall specify exchange rate used in bid in Appendix 2 to Bid – Summary of Payment Currencies</p>
17	ITB 11.1(b) (VOL I)t	<p>A signed undertaking between the bidder and the suppliers of ferrous pipes and HDPE pipes that the prices will be valid for the next 30 months.</p> <p>Request for way forward since the suppliers have refused to give a signed undertaking.</p>	<p>See response No. 14</p>
18	1103 (VOL III)	<p>Compliance with project specific Environmental and Social Management Plan all according to NEMA Conditions.</p> <p>Is the Contractor responsible for obtaining NEMA License?</p>	<p>Refer response No. 1</p> <p>Obtaining NEMA License is the responsibility of CWWDA. However, it will be the responsibility of the Contractor to comply with the License conditions.</p>
19	General	<p>Pre-Bid Meeting Minutes</p> <p>Request minutes as we are yet to get them.</p>	<p>All bidders were sent the pre bid minutes on 15th November 2022 and resent 25th November 2022.</p>
20	Vol I: Contract Data Pg 231	<p>Time for Completion</p>	<p>The time for completion is 24 months.</p>

				the Construction Period is 18-months. (Information required for preparation of POW- Construction Schedule & Procurement Schedule”	
21	Vol II: Bill of Quantities	Bill No. 2.1, Bill No.2.5	“Confirmation that Bill 2.1 & Bill 2.5 are for HDPE lines of DN 450mm PN 10 with HDPE DN 200mm & HDPE DN 160mm PN.10 W/O respectively? The BoQ Excel Tab has indicated Steel. (Information required for preparation of Procurement Schedule)”	Refer Addendum No.1, revised/updated BOQ.	
22	Vol I: ITB 19.3 (a) Pg 25		Confirmation of whether a Microfinance Bank qualifies as a ‘reputable bank’ under ITB 19.3(a) (Information required for fulfilling the tender requirement)	Reputable bank shall be Central Bank Regulated Tier 1 Banks.	
23	Vol IV: Book of Drawings	Additional Drawings	“Confirmation on additional information expected from Plan & Profile Drawings indicated awaiting final survey e.g. Line. WN05 Drawing No. 6000002-W&S-WM-P-039 to 6000002-W&S-WM-P-045”	Pipeline wayleave exists but exact trench location for the new pipeline will be dictated by the road expansion corridor. This will be shared with the Contractor. The information provided is sufficient for bidding purposes. In case of additional drawings to be issued, the Employer shall issue such drawings and documents during construction.	
24	Vol IV: Book of Drawings	Under River Crossing	Confirmation of availability of drawing reference for Under River Crossing ref M410/SD/08. (Required for planning and costing river crossing)	Refer Addendum No.1, updated/revise BOQ. Drawing M410/SD/008 now changed to Drg No. 6000002-W&S-C-S-009.	
25	Vol II: Bill of Quantities	HDPE Connection Fittings	Confirmation of Specific Fittings for use with HDPE connections assumption to be included in rate e.g. Gaskets, Stub ends, Backing Ring, Bolts, Nuts, Washer etc.	Refer to Pipe specifications. All fittings rates should include all the necessary accessories.	

			(Required for Supply Chain for Accuracy of Quotations)"	
26	Vol IV: Book of Drawings	Tertiary Lines	Confirmation of availability of Details for Tertiary Lines Offtakes Locations with associated Plan and Profile Drawing. (Information required for preparation of POIV- Construction Schedule & Procurement Schedule)	Refer to the layout drawing provided , Drg No 6000002-W&S-C-S-003. and relevant BoQs.
27	General	Land Acquisition	"Confirmation whether the section between Bulk Water Tanks at Mazeras to the wayleave along KeNHA highway has been acquired. (Information required for Planning Level of Community Engagements Required)"	The Pipeline wayleave exists.
28	General	PAP	"Confirmation on PAP's Compensation where works is expected to interfere with livelihoods. (Information required for Planning Level of Community Engagements Required)"	PAPs compensation is the responsibility of CWWDA. The Contractor will be advised on the compensation status at the time of site procession.
29	Vol I: ITB 22.1 pg 26	Bid Submission Deadline	"We would like to tender the above project, but the time is a little bit urgent. To fully prepare the tendering documents for this project, we would like to ask you to extend two weeks for tendering time for our better preparation of tendering documents."	Bid submission extended up to 10 th January 2023, Until 12:05 hours.
30	General	Bid Submission Deadline	Price schedules for a number of items which we have to procure from our local and overseas partner suppliers will not be in our hands until after the stipulated date fro submission of tenders.	Bid submission extended up to 10 th January 2023, Until 12:05 hours.

	<p>We therefore request an extension of the period by a further 14 days from the bid submission date of 9th December 2022. This extension will enable us to consolidate all the necessary price and technical information and submit our tender not later than 23rd December 2022</p>	
<p>31</p>	<p>VAT Exemption</p>	<p>Vol I: ITB 14.7</p>
<p>32</p>	<p>Contractor's Obligations</p>	<p>Vol I</p>
<p>33</p>	<p>Advance Payment</p>	<p>Vol I</p>
<p>34</p>	<p>Advance Payment</p>	<p>Vol I</p>

This request for clarification is not clear or complete however regarding VAT and taxes the bidder can refer Response No. 3.

Refer to Particular Conditions: Sub Clause 4.1. These are the drawings required to be submitted by the Contractor unless otherwise the Contract requires the Contractor to design works.

Refer to Particular Conditions: Sub Clause 8.1

Refer to Particular Conditions Sub Clause 14.2. read in conjunction with General Conditions 4.2.