



## EXTENSION OF BID SUBMISSION DEADLINE

Country: *Kenya*

Project Name: *Improvement of drinking water and sanitation systems in Mombasa – Mwache Project, CKE 1103*

Contract Name: *Design, Build and Operate of Mwache Water Treatment Plant and Associated Works*

Contract Number: *CWWDA/AFD/PQ/W3/2022-2023*

Further to the Specific Procurement Notice issued on 14<sup>th</sup> February 2023 for the above referenced Contract, please note the following:

- 1) The Submission Deadline has been extended (by **28 days**) from **28<sup>th</sup> March 2023** to **25<sup>th</sup> April 2023 at 12:00 pm Kenyan Time**.
- 2) Tender Clarifications have been uploaded on our website [www.cwwda.go.ke](http://www.cwwda.go.ke) and the [dg Market](http://dgMarket.com) website. You are also advised to visit our website prior to submission to check if there are any further clarifications.



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Answers to PQ clarifications

N°	Clarification Requests	Answers
1	In the Initial Selection Document, you have included Table 2-Rated Criteria, which indicates how you will evaluate bidders out of a maximum score of 100; however, you have not indicated the pass mark or minimum score that a bidder should attain to be termed responsive. Please, clarify?	In the Table 2, the minimum score is based on the minimum number of experiences requested for each type of contract and as specified in Table 1. The selection procedure is explained in Clause 27 of the Instructions to Bidders (ITA) and Initial Selection Data Sheet (ISDS)
2	In the Initial Selection Document, you have requested bidders to provide Form EXP-4.2(b) Specific Experience in areas with Security Risks, yet you have not provided a sample form. Please, avail a sample form so that bidders can know the precise information you need	There is no Form EXP-4.2(b), please use the Form EXP-4.2 to provide experiences in area with security risks and provide together proof of acceptable implementation, as mentioned on foot note 10 (Table 1, item 6.1).
3	Noting that the Invitation for Initial Selection is a Design Build Operate (DBO) Contract, can bidders form a Joint Venture, where one partner has design experience and will be solely responsible for design work; and the other partner has building experience and will be solely responsible for construction works. Please, Clarify?	Bidders shall provide experiences for Design <b>and</b> Build contracts only.  Bidders are free to form their Joint Venture as they want, provided they meet the requirements of the invitation for initial selection and particularly Table 1 – Qualification Criteria – 4. Experience and the corresponding footnotes. As per ITA 4.1, in case of a JV, all members shall be jointly and severally liable for the execution of the entire Contract.
4	With regards to the tender out for the design and build of Mwache Water Treatment Plant and Associated Works, is there any need for corrosion prevention and protection of the steel pipeline and fittings from corrosion?	The general technical specifications against corrosion will be included in the Tender Documents.
5	<b>Section III- Criterion 4.2.1; 4.2.2; 4.2.3; 4.2.4</b>  As per the referred criterion for the Specific experience, 4.2.1 - Minimum of two (2) Design and Build contracts, each of minimum value of thirty million EUR (30,000,000 EUR) that are similar to the proposed works.  In order to arrive at the Net Present value for the previous Projects, request you to consider compounding @ 10% per year from the project start date/date of contract to bring to the level of FY22-23 for evaluation.	Using a Net Present Value to redefine the amount of past contracts will not be considered. Amounts of past contracts shall not be discounted/compounded.
6	<b>Section III- Criterion 4.2.2;</b>  As per the referred criterion for the Specific experience, 4.2.2- Minimum of two (2) Design and Build Contracts of pumping station, each	See answer to question 5

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	<p>of minimum value of five million EUR (5,000,000 EUR) that are similar to the proposed works.</p> <p>In order to arrive at the Net Present value for the previous Projects, request you to consider compounding @ 10% per year from the project start date/date of contract to bring to the level of FY22-23 for evaluation.</p>	
7	<p><b>Section III- Criterion 4.2.3</b></p> <p>As per the referred criterion for the Specific experience, 4.2.3-Minimum of two (2) Design and Build contracts, each of minimum value of three million EUR (3,000,000 EUR) that are similar to the proposed works.</p> <p>In order to arrive at the Net Present value for the previous Projects, request you to consider compounding @ 10% per year from the project start date/date of contract to bring to the level of FY22-23 for evaluation.</p>	See answer to question 5
8	<p><b>Section III- Criterion 3.1 &amp; 3.2</b></p> <p>As per the referred criterion for the financial capabilities , Amounts are mentioned in EUR. But in Form FIN-3.1, 3.2, 3.3 &amp; 3.4 - amount mentioned as USD equivalent.</p> <p>Request you to clarify that in which currency Bidder has to fill the data in Form FIN-3.1, 3.2, 3.3 &amp; 3.4</p>	<p>USD and Euros can be used on financial capabilities.</p> <p>The exchanges rates of USD against Euros will be determined according to the official exchange rates of the Central Bank of Kenya seven days prior to the date of the receiving the proposals (as per ITA 14)</p>
9	<p><b>Section IV- Form CON-2</b></p> <p>As per the provided form, Total Contract Amount (current value, currency, exchange rate and US\$ equivalent).</p> <p>Request you to clarify that which currency amount need to mention USD or EUR.</p> <p>Kindly clarify</p>	<p>USD and Euros can be used on financial capabilities.</p> <p>The exchanges rates of USD against Euros will be determined according to the official exchange rates of the Central Bank of Kenya seven days prior to the date of the receiving the proposals (as per ITA 14)</p>
10	<p><b>Section IV- EXP 4.2</b></p> <p>As per the referred form, Total Contract Amount: US\$ [Insert Exchange rate and total contract amount in US\$ equivalent] mentioned.</p> <p>But as per the Section III- Criterion 4.2.1; 4.2.2; 4.2.3; 4.2.4- referred values in EUR</p>	<p>USD and Euros can be used on financial capabilities.</p> <p>The exchanges rates of USD against Euros will be determined according to the official exchange rates of the Central Bank of Kenya seven days prior to the date of the receiving the proposals (as per ITA 14)</p>

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	Request you to clarify that which currency amount need to mention USD or EUR.  Kindly clarify	
11	<b>Section 6 - Security, Criterion - 6.1</b>  The submission requirements need the applicant to fill Form EXP - 4.2 (b) whereas Form EXP - 4.2 (b) format is missing in the PQ document. Kindly provide the same.	Please refer to answer to question 2
12	Requirement 4.2.1: we understand “production of potable water from surface water resources” includes desalination plants. Kindly ratify	Production of potable water from water resources includes conventional treatment similar to treatment defined on the Section VII – Scope of Employer’s requirements and not desalination plants
13	Requirement 4.2.1: kindly clarify what “similar tropical climatic conditions” means	Similar tropical climatic conditions means same type of climate to those in tropical regions.
14	Do hereby request the closing date extension from 28th March to 25th April 2023. The reason is the specific experience demand is high, so we have to find suitable partner to enhance or capability	The Deadline for Application Submission is now extended to 25th April 2023. ISDS 17.1 is changed accordingly.
15	Since conventional drinking water plants are rarely subject to Operation Contracts, we kindly request you to revise the selection criteria as follows:  - Remove completely the Operation criteria 4.2.4 for conventional WTP; or: - Accept Operation Contracts for other types of treatment processes (desalination plants, wastewater treatment plants, etc);  We also request you to remove the criteria related to Operation Contracts in tropical climatic conditions.	We accept operation contracts for other types of potable water treatment processes.  We agree to remove the criteria related to Operation contracts in tropical climatic conditions.
16	Kindly extend the date of RFQ submission by 4 Weeks (i.e. up to 25th April 2023) from the current RFQ submission date of 28th March 2023, which will enable us to submit a technically sound qualification document.	The Deadline for Application Submission is now extended to 25th April 2023. ISDS 17.1 is changed accordingly.
17	We are kindly requesting for the water analysis and the TOR if available to help us on our preparation.	The information so far provided is adequate for this stage of tendering. Water quality analysis and any other information shall be provided in the subsequent stages of procurement
18	Initial Selection Document Section III Initial Selection Criteria: Qualification Criteria	The contracts must be in an area with similar security risk located in any country (not necessarily Kenya).

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	<p><b>6.1 Specific experience in areas with security risks</b>  Experience of two (2) contracts involving a presence in the country and completed within the last ten (10) years in an area with a similar security risk requiring the implementation of a security plan</p> <p>We understand the country refers to any country with similar security risk, not to Kenya only.  Please confirm?</p>	
19	<p>Initial Selection Document Section III Initial Selection Criteria:  Qualification Criteria  <b>6.1 Specific experience in areas with security risks</b>  Experience of two (2) contracts involving a presence in the country and completed within the last ten (10) years in an area with a similar security risk requiring the implementation of a security plan</p> <p>The submission requirements refers to a Form EXP-4.2(b) but there is no mention of this form in the 4 Experience section. What experiences do you expect to be filled in this form?</p>	Please refer to answer to question 2
20	<p>Initial Selection Document Section IV Application forms  Form CMC: Contract Management Capability</p> <p>The Form CMC is not mentioned in Section III- Initial Selection Criteria. Do we have to consider it or not and provide it in the prequalification file?</p>	Please refer to Table 2 item 5 - Contract Management Capability
21	<p>Section III – Initial Selection Criteria: 4.2 Specific Experience  In several countries wherever WTPs of such size (100 MLD) are constructed; the construction contract value is almost always less than EUR 30 million. Therefore, we request you to kindly delete the monetary value if the applicant can fulfil the technical capacity clause as follows:</p> <ul style="list-style-type: none"> <li>- 4.2.1 – delete “each of minimum value of thirty million EUR (30,000,000 EUR)”</li> <li>- 4.2.2 – delete “each of minimum value of five million EUR (5,000,000 EUR)”</li> <li>- 4.2.3 – delete “each of minimum value of three million EUR (3,000,000 EUR)”</li> </ul>	This request has been rejected.
22	<p>ITA 27.1 - Initial Selection – maximum number (x)</p>	This request has been rejected.

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	<p>The Employer intends to initially select the following maximum number of Applications: five (5). This number is referred to as (x) and is the maximum number to be initially selected. We request you to kindly remove the upper limit of maximum number of applicants to be initially selected. To simplify, we request you to kindly select all the applicants that can fulfil the stipulated eligibility criteria.</p>	
23	<p>ITA 17.1 - The deadline for Application submission is: Date: 28th March 2023 In the event the above request for modification of eligibility criteria is acceded to, then many companies will become eligible. Therefore, in the interest of the project whereby to attract wider participation / competition, we request you to give opportunity to all such companies and therefore extend the submission deadline by at least 1 month (i.e., extend until 28th April 2023).</p>	<p>The Deadline for Application Submission is now extended to 25th April 2023. ISDS 17.1 is changed accordingly.</p>
24	<p>Section II – Initial Selection Data Sheet (ISDS) -ITA 17.1, Pg 14. We highlight that the current deadline for proposal submission is 28<sup>th</sup> March 2023 and given the extent of the technical, legal and administrative activities that need to be carried out in view of submitting a responsive and competitive application, we are of the opinion that the time period allowed for the process is relatively short. We would like therefore for a minimum extension of time of 3 weeks to the date set for submission of applications (i.e. from 28<sup>th</sup> March 2023 to 18<sup>th</sup> April 2023) to allow enough time for applicants to prepare responsive offers in the best interest of Coast Water Works Development Agency (CWWDA)</p>	<p>The Deadline for Application Submission is now extended to 25th April 2023. ISDS 17.1 is changed accordingly.</p>
25	<p>Section II – Initial Selection Data Sheet (ISDS)-ITA 7.1, Pg 13 We take note that only physical submission is currently allowed for this exercise. We humbly request that electronic submission is acceptable to simplify application preparation and submission and encourage the maximum applicants to make proposal. Electronic submission could be operationalized by applicants sending password protected file containing the submission to a designated email or uploading them in a directory and transmitting separately the passwords to officials who would have access to the files after closing date</p>	<p>This request rejected. Submission procedures remain unchanged.</p>

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26	4.2: Specific Experience – 4.2.4. Contracts for Operation of Plant: We understand that only references for O&M of surface water are accepted and that these desalination plant, wastewater or other type of treatment are not accepted: Please confirm	Please refer to answer to question 15
27	4.2: Specific Experience – 4.2.4. Contracts for Operation of Plant: We understand that footprint 8 does not apply to Item 4.2.4 which refers to reference of the capacity of the O&M only. Please confirm (In the 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. For instance, if the criterion mentions "two (2) contracts with a minimum value of 50M\$ each", a JV composed of 3 members and having carried out four (4) contracts of 30M\$ each shall not be qualified. On the other hand, if 2 of the 3 members of the JV each carried out one (1) contract of 50M\$, the criterion is met, even if the third member does not have any contract of this value)	Footnote 8 applies in so far as capacity is concerned". For the sake of clarity, similar contracts are O&M contracts, concessions and BOT contracts for production of potable water from surface water resources, with a capacity $\geq 100,000$ m <sup>3</sup> /d
28	3.2 Minimum Average Annual Turnover: Can you please confirm that if 2 of the 3 members of the JV satisfy the criteria of Minimum annual turnover of EUR Fifty Million (50,000,000 EUR) for the last (5) years, the criterion is met	The qualification requirement for JV members remains unchanged: <ul style="list-style-type: none"> <li>• All parties combined – Must meet requirement</li> <li>• Each member - Must meet <b>twenty five</b> per cent (<b>25%</b>) of the requirement</li> <li>• One Member - Must meet <b>forty</b> per cent <b>40%</b> of the requirement</li> </ul>
29	We request an extension of time until 15 <sup>th</sup> April 2023	The Deadline for Application Submission is now extended to 25 <sup>th</sup> April 2023. ISDS 17.1 is changed accordingly.