



Ref: RFP NO. PPOA/005/2013-2014/Clarification 1

6th June 2014

**TO WHOM IT MAY CONCERN/ ALL BIDDERS FOR RFP NO. PPOA/005/2013-2014
CONSULTING SERVICES FOR CONDUCTING PROCUREMENT REVIEWS/
AUDITS IN SELECTED PROCURING ENTITIES**

The above captioned subject refers.

Following a proposal conference that took place on 5th June 2014, we wish to clarify a number of issues as follows:

CLARIFICATIONS TO RFP NO. PPOA/005/2013-2014 CONSULTING SERVICES FOR CONDUCTING PROCUREMENT REVIEWS/ AUDITS IN SELECTED PROCURING ENTITIES			
Page	Reference	Clarification Requested	PPOA Clarification
1 & 2	LOI Appendix to Information Consultants 2.7.1(A)(v)	The letter of invitation requires a tender security of 1.5% of the quoted amount. In this QCBS selection method, the financial proposal is kept in a separate sealed envelope to ensure its content is not accessed before the technical evaluation is complete. The ethical question is whether by asking consultants to submit the 1.5% bid security upfront would inadvertently and indirectly disclose the financial proposal of the consultant and thereby affect the integrity of this procurement process. Would you consider stating a <i>specific minimum bid security in absolute amount</i> for each cluster(s) to ensure the integrity of this procurement process?	<i>The tender security amount will be 1.5% of the quoted amount. This is informed by Reg. 47(1)(b) and Reg. 57 of the Public Procurement & Disposal Regulations, 2006. A Bidder may wish to provide a Tender Security of more than 1.5 % but not less than 1.5%. The adequacy of the Tender Security will be ascertained at the Financial Evaluation Stage.</i>
3	ITC 2.1.7	Those who wish to obtain hard copies may do so by paying KES 1000. Please clarify for greater certainty that those who download the documents shall not be asked to produce evidence of payment in order to be evaluated and therefore ITC 2.1.7 is rendered redundant.	<i>As stipulated in the Letter of Invitation, the document may be downloaded for free from the PPOA websites and will not required to produce evidence of payment</i>

13	ITC 2.7.1(a)(iv)	Section 2.7 of the Information to Consultants is about evaluation of technical proposals. However, Subsection 2.7.1(a)(iv) on page 13 of the RFP indicates that one of the preliminary evaluation criteria or mandatory criteria is “Financial Proposal Submission Form.” Practically, this might be impossible at this stage because the financial forms are sealed together with the financial proposal envelope. Would you please clarify the correct position and if indeed this criteria would be used to disqualify firms at the preliminary examination stage?	<i>The Financial Proposal Submission Form should be sealed together with the separate financial proposal envelope. Thus, it will not be considered as a preliminary/ Mandatory requirement for the Technical Proposal.</i>
13	ITC 2.7.1(a)(vi)	The proposal is supposed to contain a declaration that the firm is <i>not debarred</i> from participating in public procurement. It is noted that there is no standard form given for such declaration. Please provide a standard form and wording for such a declaration. Alternatively please clarify if such declaration can be made in whichever form or words, in the absence of standard form.	<i>Section 35 of the Public Procurement & Disposal Act, 2005 requires this requirement to be observed. There is no standard form. Such declaration can be made in whichever form or words, in the spirit of the said Sec. 35 above. The Declaration will be made, signed and stamped by the authorized Representative.</i>
13	ITC 2.7.1(a)(vii)	The proposal is supposed to contain a declaration that “ <i>they will not engage in any corrupt practice</i> ”. There is no standard form given for such declaration. It is also unclear if the declaration is made for the tenderer as a FIRM ONLY or each individual DIRECTOR will sign the declaration, or the CEO of the firm should sign the declaration on behalf of the firm and all directors and shareholder of the firm. Please provide the standard form. Also clarify the correct position on the meaning of “they” to avoid misunderstanding at the evaluation stage.	<i>Section 35 of the Public Procurement & Disposal Act, 2005 requires this requirement to be observed. There is no standard form. Such declaration can be made in whichever form or words, in the spirit of the said Sec. 35 above. The correct position on the meaning of “they” is the Authorized Representative of the Firm. The Declaration will be made, signed and stamped by the authorized Representative.</i>
46	Confidential Business Questionnaire	The confidential business questionnaire is given in page 46 of the RFP. However, it is unclear whether this form will be used or not because it is not listed as part of the mandatory preliminary criteria. Please clarify how the questionnaire will be used to disqualify consultants.	<i>The Confidential Business Questionnaire is a Mandatory requirement. This is informed by Reg. 47(1) (a) & (f) of the Public Procurement & Disposal Regulations, 2006.</i>

14	B(iii).	This criterion requires proposers “must attach copies of ...certificates as proof”. Please clarify how this “must” criteria will be used. Would CVS of individuals that fail to submit certificates be removed from further evaluation on specific criteria? If Yes, would it then be included as part of the mandatory criteria?	<i>Proposers must attach copies of CVs and certificates and testimonials as proof/evidence. The CVs must be submitted in the required format. The CVs must be signed by both the Consultant and the Firm’s Authorized Representative. This will form the mandatory requirements for full Technical Evaluation</i>
15		The conditions in bold are quite punitive, and understandably so. However, it is possible that malicious firms could propose certain CVs to knock out rival consulting firms. This scenario is likely to lead to disputes in this procurement proceeding and further delay the contracting process. Perhaps it might be appropriate to require firms to submit signed declarations from proposed key staff to commit to only one firm. Those that submit false declarations shall be called to account in your request for clarifications.	<i>Proposers must attach copies of CVs and certificates that are signed by both the Consultant and the Firm’s Authorized Representative. A consultant (Lead or Associate) shall not be proposed by more than one tenderer. Where this is discovered, both the firms/ tenderers shall be disqualified for the cluster(s) in which that consultant(s) is proposed.</i>
1	Deadline	Depending on the duration you will take to resolve these clarifications, would you consider extending the date for submission of proposals?	<i>There will be no need for extending the Tender Submission Deadline since there are no material changes to the Tender, and since more than a third of Tender Submission period remains</i>
1 & 6	Letter of Invitation & 2.45	Is the Tender Validity Period 120 days or 90 days?	<i>It is 90 days.</i>
36	Section 4: TOR. Item Vi	Please expound on “Comparing and rating cost of key items across the various Procuring Entities with prevailing market prices”	<i>In case of common user items, the Consultant/ Firm will need to compare Procuring Entities’ (PE) prices with those of PPOA Market Price Index, and the Market Survey Conducted by the PE .</i>
36	Section 4: TOR. Item x	Please expound on “Verifying whether the firms awarded contracts are registered with the Registrar of companies, and who are their Directors”	<i>The Consultant/ Firm will need to confirm whether Section 31 of the Public Procurement & Disposal Act, 2005 is adhered through the copy of Certificate of Incorporation.</i>

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FOR: DIRECTOR GENERAL