



KENYA URBAN ROADS AUTHORITY

Efficient and safe urban roads

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CLARIFICATIONS ON REQUEST FOR PROPOSALS

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
GENERAL ON ALL TENDERS				
1.	Invitation to Tender		If Tenders can Bid for more than one Tender	Bidders can Bid for more than one Tender

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
NAIVASHA ROAD AND KIKUYU ROAD, TENDER No.: KURA/DEV/HQ/239/2019-2020				
2.	Section A: - Invitation To Tender	<p>Power of Attorney for the authorized representative The following MUST be submitted together with the proposal:</p> <p>a) Certified Copy of Certificate of Incorporation; b) Certified Copy of CR12 Certificate; c) Certified Copy of Tax Compliance and VAT Registration Certificates; d) Certified Copies of Certificates and Testimonials of the Proposed Key Staff; and e) Proof of registration with the Engineers Board of Kenya</p> <p>NOTE: All certification must be original and by a commissioner of oaths.</p>	<p>Owing to the worldwide lockdown, it is very difficult for the Consultants to arrange the stamp paper and get the notarization or certified by a Commissioner of Oaths of any document neither in India nor in Kenya. Therefore, the Consultants would like to request to accept the Power of Attorney of the Authorized representative on the company's letter head duly signed and stamped in the Technical proposal.</p> <p>Further, all the documents which are listed should also be waived off notarization or certified by a Commissioner of Oaths considering the current scenario of lockdown. All the documents can be submitted by the Consultants without notarizing them in their technical proposal. However, the notarized documents can be submitted by the successful Consultants at the time of negotiations.</p>	<p>All documents as listed in the Invitation To Tender and in the Request for Proposal shall be Certified by a Commissioner of Oaths.</p>
3.	Section B, Information to Consultants, Clause 5.8		<p>The Consultant requests the Client to kindly remove this clause so as to give equal opportunities to the International Firms.</p>	<p>The Clause to remain as is in the Tender Document</p>
4.	Section B, Information to Consultants Appendix “		<p>As no indicative staff month is provided for the Key Experts. The Consultant request the Client to give indicative staff months for the Key</p>	<p>The proposal shall be based on the number of professional staff ~ months estimated by the firm to carry out the Requirements of the</p>

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
	A” , Clause 3 .3		Experts along with the Total Staff Months.	Tender / Services.
5.	Section B, Information to Consultants Appendix “ A” , Clause 3 .3		<p>Minimum required experience for Key Experts mentioned in the table is different than Section E, Terms of Reference, and Clause 7. Please clarify which of the Experience of the Key Experts is to be considered.</p> <p>Also, in the Term of Reference an extra Key Expert is added, Electrical Engineer. Kindly confirm the team of Key Experts.</p>	<p>Number of years of experience for key expert is the same in Section B: Information to Consultants and Section E: Terms of Reference so there is no discrepancy.</p> <p>However, Replace the Requirements with attached key staff Annexed 2</p>
6.	Section B, Information to Consultants Appendix “ A” , Clause 3 .5		The Clause states that no training is required for the project, however, in Appendix B – Evaluation Grid, for Transfer of Knowledge 5 marks is allocated. Please confirm if training is required.	The Consultant shall be required to show their proposal on transfer of knowledge during the carrying out of the services to staff working under them or involved in the carrying out of the assignment.
7.	Addendum 1: dated 23 March 2020		India is in complete lockdown till April 14, 2020 due to COVID-19, The Consultants requests for a 3 week extension post upliftment of the lockdown i.e. May 5, 2020.	The Tender Closing Date shall be as indicated in Addendum No. 1
8.	Section C: Technical Proposal- Standard Forms, Page 15	Firm’s Current Workload	<p>With Firm’s current workload sought by KURA, we understand the following:</p> <p>To provide details of only Feasibility and Design Road assignments being undertaken in Kenya and East Africa not all the projects being carried out</p>	No Such requirement is indicated in Firms Current Workload Form

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
			worldwide. Please confirm.	
9.	Section C: Technical Proposal- Standard Forms, Page 16	Firm's References Relevant Services Carried Out in the last Five Years that Best Illustrate Qualifications.	It is requested to kindly allow the Consultants to showcase their projects carried out in the last 10 years instead of 5.	Period to Remain as indicated in the RFP
10.	Section E: ToR, Clause 3.2.1, Page 30	Description The study consists of Stage 1 – Preliminary Design and Stage 3 – Detailed Engineering Design.	There is no stage 2 herein. This seems a typo-error or Stage 1 could be Inception and Stage 2 is Preliminary Design. This may please be clarified.	Typo Error; Detailed Engineering Design is Stage 2
11.	Section E: ToR, Clause 3.2.1, page 30, Clause 4.4, Page 34-35	Detailed Scope of Work Preliminary Engineering Design and Detailed Engineering Design.	In clause 3.2.1 of ToR, it is mentioned that Preliminary Engineering Surveys shall be carried out at Stage 1. However all the survey work is specified under clause 4.4 pertaining to detailed engineering design. The extent of survey work for preliminary design stage may please be clarified.	Preliminary Engineering Survey is indicated in Section 3.2.1 under Stage 1: Preliminary Design
12.	Section E: ToR, Clause 5.2, Page 44	Reports Reporting requirement	The reporting requirement for Preliminary Design Stage is missing. Kindly provide the same.	Refer to Attached Reporting Requirements for Preliminary Design Stage in Annex 1.
13.	Section E: ToR, Clause 5.2, Page 45 & 46	Reports Schedule I- Proposed time schedule for design	The Schedule I is blank. The schedule for submission of various deliverables may please be specified.	Refer to Cause 5.3
14.	Section A: - Invitation to Tender, Page 2	e) Certified Copies of Certificates and Testimonials of the Proposed Key Staff	The Consultants understand that only education certificates are to be submitted against the said requirement in the technical proposal.	Certificates and Testimonials to be provided as indicated in the Invitation to Tender and Request for Proposals

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
			Kindly confirm.	
15.	<p>Appendix "A", Page 9-10</p> <p><i>and</i></p> <p>Appendix "B", Page 11-12</p> <p><i>and</i></p> <p>Section E: ToR, Clause 7.1, Staff Requirements, Page 48-51</p>	<p>Appendix "A"</p> <ol style="list-style-type: none"> 1) Project Director 2) Highways Engineer 3) Materials Engineer 4 Structural/Drainage Engineer 5) Surveyor 6) Environmentalist 7) Sociologist <p>Appendix "B"</p> <p>Evaluation Points given for positions</p> <ol style="list-style-type: none"> 1. Project Director 2. Highway Design Engineer 3. Materials Engineer 4. Drainage Engineer 5. Structural Engineer 6. Surveyor 7. Landscape Architect 8. Environmentalist 9. Sociologist 10. Transport Engineer/Economist <p>7.1. Staff Requirements</p> <p>Key expert 1: Project Director</p> <p>Key expert 2: Highways Engineer</p> <p>Key expert 3: Structural / Drainage Engineer</p> <p>Key expert 4: Materials Engineer</p>	<p>The Consultants would like to submit that there are disparities in positions stipulated in Appendix A, Appendix B and Staff requirement given in ToR.</p> <ol style="list-style-type: none"> 1. Structural / Drainage Engineer is required as per Appendix "A", whereas, the position is split into two separate positions i.e. Drainage Engineer and Structural Engineer in Appendix "B". 2. Evaluation points for Landscape Architect is provided in Appendix "B", whereas, the same is missing in Appendix A and Staff Requirement. 3. Criteria for Electrical Engineer is given under Staff Requirement, whereas, the same is not mentioned in Appendix "A" and Appendix "B". 4. Transport Engineer / Economist is missing in Appendix "A". <p>Considering the above ambiguities, it is requested to kindly provide the correct team composition.</p>	<p>Replace the Requirements with attached key staff in Annex 2.</p>

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
		Key expert 5: Surveyor Key expert 6: Environmentalist (short term input) Key expert 7: Sociologist (short term input) Key expert 8: Transport Engineer / Economist Key expert 9: Electrical Engineer		
16.	Appendix "B", Page 11-12	Evaluation Points 4. Drainage Engineer (max. 4 points) <ul style="list-style-type: none"> • Qualification and Skills- 1 • General professional experience- 2 • Specific professional experience- 2 5. Structural Engineer (max.4 points) <ul style="list-style-type: none"> • Qualification and Skills- 1 • General professional experience- 2 • Specific professional experience- 2 6. Surveyor (max. 5 points) <ul style="list-style-type: none"> • Qualification and Skills- 3 • General professional experience- 2 • Specific professional experience- 3 	The Consultants would like to submit that there is mismatch between Max points and breakdown of scoring given against Qualification and Skills, General Professional Experience and Specific Experience of the said positions. It is requested to rectify the same and corrected marking may please be provided.	Replace the Requirements with attached key staff in Annex 2.
17.	Appendix-A, Clause 3.3 i),	Man-months of Key Personnel	The given clauses will lead to variation based on the different	The Clause to remain as indicated in

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
	Page 9 and Section E: ToR , Clause 7.2, Page 51	<p>i. The consultant will be responsible for determining the number of professional staff months to be assigned for any activity.</p> <p>The consultant shall propose a schedule of activities and corresponding deployment of manpower, which will ensure that all duties entrusted to him/her, will be adequately performed. This schedule, together with a comprehensive statement justifying the proposed deployment will be incorporated in the methodology statement.</p>	assessment of the man-months by each bidder and subsequently in the Financial Proposal, it is thus requested to kindly stipulate the man-months of each Key Personnel to keep all the Consultants at par.	the Tender Document.
18.	Section E: ToR, Clause 7.1, Staff Requirements, Page 49	<p>Key expert 1: Project Director</p> <p>Must have extensive broad experience in highway design and works contract administration and more specifically have recent service as a Project Director/Project Manager on at least one highway construction contract of comparable magnitude.</p>	The Consultants also request the Client to Consider Team Leader against the said criteria.	There is no requirement for Team Leader in the Request for Proposal
19.	Section E: ToR, Clause 7.1, Staff Requirements, Page 50	<p>Key expert 6: Environmentalist</p> <p>Must possess University Degree (BSc. in Environmental Management) Or equivalent and be licenced by NEMA as a Head Expert in Environmental Impact Assessment and Environmental Audits.</p>	<p>The Consultant would like to submit that NEMA provides license for Lead Expert for Environmental Impact Assessment and Environmental Audits and it appears that Head Expert is typed inadvertently in place of Lead Expert.</p> <p>The same may please be rectified.</p>	Replace 'Head Expert' with 'Lead Expert'
20.	Section E: ToR, Clause 7.1, Staff Requirements,	<p>Key Expert 9: Electrical Engineer</p> <p>University degree in Electrical and</p>	The Consultants would like to submit that Registration with Professional body is not the mandatory	Replace the Requirements with attached key staff in Annex 2.

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
	Page 51	Electronics Engineering or equivalent and be registered with Engineers Board of Kenya or its equivalent such as Member of the Institution of civil Engineers (U.K) etc.	requirement for Electrical Engineer in every country, therefore, the Consultants request to omit the requirement of registration with professional body for the position of Electrical Engineer, as mandatory.	
21.	Clause No.5.1.1 of TOR, Page 43	Commencement of Assignment As per Clause No.5.1.1 of TOR, it is stated that the Consultant shall commence the study as specified in Clause 5.9 of Appendix "A".	It is observed that the Clause 5.9 does not belong to Commencement of Assignment. This may be modified as Clause 7.2 of Appendix "A".	Change to read Clause 7.2 of Appendix A
22.	Clause No.5.3 of TOR, Page 46	Time Schedule As per Clause No.5.3 of TOR it is mentioned that the complete design and documentation shall be completed within the duration of the assignment as specified under clause 3.3(iii) of Appendix "A".	The duration of the assignment is mentioned in the Clause No. 3.3(ii) NOT 3.3 (iii) of Appendix "A". This may kindly be corrected.	Replace first sentence of Clause 5.3 to read as follows; <i>The complete design and documentation shall be completed within the duration of the assignment as specified under clause 3.3(ii) of Appendix "A".</i>
23.	Clause No.6.5 of GCC, Page 64	Interest on Delayed Payment Payment shall be made within Ninety (90) days of receipt of invoice and the relevant documents specified in Clause 6.4 and only after approval of the relevant reports.	In this regard, it is suggested that the Client normally takes considerable time to approve the reports resulting thereby delay in releasing the payments to the Consultant. In order to avoid such situation, the Consultants may be paid their fee on submission of various reports except final report.	The Requirement to remain as indicated in the Request for Proposal.
24.	Clause No. 2.3 of SCC, Page 65	Damages As per Clause No.2.3 of SCC, The time period for expiration of services is twelve (12) months. The Consultant	In this regard, we understand that in case of delay, due to the reason not attributable to the Consultant, the Consultant shall not be liable to pay	The Requirement to remain as indicated in the Request for Proposal.

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
		shall be charged Liquidated Damages at the rate of 0.05% of the contract sum per day for the extra days beyond the official contract period plus any time extensions granted by the client, to a maximum of 5% of the contract sum, beyond which the contract shall be terminated in accordance to the conditions of contract.	any penalty. The Client is requested to kindly confirm the above understanding.	
25.	Clause No. 2.4 of SCC, Page 65	<p>Service Level Agreement</p> <p>As per Clause No.2.4 of SCC, the Consultant shall sign a Service Level Agreement with the Client which shall quantify the minimum acceptable service to the Client and the Consultant's performance will be assessed every quarterly during the implementation of the Contract. The format of the Service Level Agreement is attached in Appendix K of this RFP.</p>	<p>It is observed that there is no Appendix K is attached with this RFP pertaining to format for Service Level Agreement.</p> <p>The Client is requested to kindly attach the same.</p>	Requirement for Service Level Agreement is hereby omitted
26.	Clause No.10.5 of SCC, Page 66	Payments will be made within 90 (ninety) days of receipt of the invoice and the relevant documents specified in Clause 6.4 above.	<p>Considering the short duration of the project, the time period of 90 days for making payment to the Consultant from receipt of invoice is exceptionally long, the Client is requested to kindly reduce this period to 30 days.</p> <p>Further, it is observed that there is no Clause 6.4 in the SCC, the same may be modified as 6.2(b).</p>	The Requirement to remain as indicated in the Request for Proposal.

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
ARGWINGS KODHEK ROAD, TENDER No.: KURA/DEV/HQ/240/2019-2020				
27.	Appendix “A”, Clause 3.3		<p>Minimum required experience for Key Experts mentioned in the table is different than Section E,</p> <p>Terms of Reference, and Clause 7. Please clarify which of the Experience of the Key Experts is to be considered.</p> <p>Also, in the Term of Reference an extra Key Expert is added, Electrical Engineer. Kindly confirm the team of Key Experts.</p>	Replace the Requirements with attached key staff in Annex 2.
28.	Section C: Technical Proposal-Standard Forms, Page 16	Firm’s Current Workload	<p>With Firm’s current workload sought by KURA, we understand the following:</p> <p>To provide details of only Feasibility and Design Road assignments being undertaken in Kenya and East Africa not all the projects being carried out worldwide.</p> <p>Please confirm.</p>	No Such requirement is indicated in Firms Current Workload Form
29.	Section C: Technical Proposal-Standard Forms, Page 17	Firm’s References Relevant Services Carried Out in the last Five Years that Best Illustrate Qualifications.	It is requested to kindly allow the Consultants to showcase their projects carried out in the last 10 years instead of 5.	Period to Remain as indicated in the RFP
30.	Section E: ToR, Clause 3.2.1, Page 31	Description The study consists of Stage 1 – Preliminary Design and Stage 3 –	There is no stage 2 herein. This seems a typo-error or Stage 1 could be Inception and Stage 2 is Preliminary	Typo Error; Detailed Engineering Design is Stage 2

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
		Detailed Engineering Design.	Design. This may please be clarified.	
31.	Section E: ToR, Clause 4.4, Page 35	Detailed Scope of Work Preliminary Engineering Design and Detailed Engineering Design.	In clause 3.2.1 of ToR, it is mentioned that Preliminary Engineering Surveys shall be carried out at Stage 1. However, all the survey work is specified under clause 4.4 pertaining to detailed engineering design. The extent of survey work for preliminary design stage may please be clarified.	Preliminary Engineering Survey is indicated in Section 3.2.1 under Stage 1: Preliminary Design
32.	Section E: ToR, Clause 5.2, Page 45	Reports Reporting requirement	The reporting requirement for Preliminary Design Stage is missing. Kindly provide the same.	Refer to Attached Reporting Requirements for Preliminary Design Stage in Annex 1
33.	Section E: ToR, Clause 5.2, Page 47	Reports Schedule I- Proposed time schedule for design.	The Schedule I is blank. The schedule for submission of various deliverables may please be specified.	Refer to Cause 5.3
34.	Section A: - Invitation to Tender, Page 1	e) Certified Copies of Certificates and Testimonials of the Proposed Key Staff.	The Consultants understand that only education certificates are required to be submitted against the said requirement in the technical proposal. Kindly confirm.	Certificates and Testimonials to be provided as indicated in the Invitation to Tender and Request for Proposals
35.	Section B: Information to Consultants, 3.3 b), Page 4 Appendix "A" Clause 3.3 (iii), Page 10	Section B: Information to Consultants, 3.3 1.Project Director 2.Highways Engineer 3.Materials Engineer 4.Structural / Drainage Engineer 5.Surveyor 6.Environmentalist	The Consultant would like to submit that there is disparities in positions stipulated in Section B, Appendix "A", Appendix "B" and Staff requirement. 1. Transport Engineer / Economist position is missing under Clause 3.3. Section B. 2. Evaluation points for Landscape Architect is provided in Appendix	Replace the Requirements with attached key staff in Annex 2.

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
	<p>Appendix "B" Evaluation points, Page 12 ~ 13</p> <p>Section E: ToR, Clause 7.1, Page 50-53</p>	<p>7.Sociologist</p> <p>Appendix "A"</p> <ol style="list-style-type: none"> 1. Project Director 2. Highways Engineer 3. Materials Engineer 4. Structural Engineer 5. Surveyor 6. Environmentalist 7. Sociologist 8.Transport Engineer/Economist <p>Appendix "B" Evaluation points</p> <ol style="list-style-type: none"> 1. Project Director 2. Highway Design Engineer 3. Materials Engineer 4. Drainage Engineer 5. Structural Engineer 6. Surveyor 7. Landscape Architect 8. Environmentalist 9. Sociologist 10. Transport Engineer/Economist <p>Staff Requirements</p> <p>Key expert 1: Project Director Key expert 2: Highways Engineer Key expert 3: Structural Engineer Key expert 4: Drainage Engineer Key expert 5: Materials Engineer</p>	<p>"B", whereas, the same is missing in Appendix A and Staff Requirement</p> <ol style="list-style-type: none"> 3. Common position of Structural / Drainage Engineer is stipulated under Clause 3.3. Section B. Drainage Engineer position is missing under Appendix "A", whereas, evaluation points and qualification and experience criteria are provided separately for the position of Structural Engineer and Drainage Engineer under Section "B" and Staff requirement 4. Criteria for Electrical Engineer is given under Staff Requirement, whereas, the same is missing in other sections of the RFP. <p>Considering the above ambiguities, it is requested to kindly provide the correct team composition.</p>	

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification																
		Key expert 6: Surveyor Key expert 7: Environmentalist Key expert 8: Sociologist Key expert 9: Transport Engineer / Economist Key expert 10: Electrical Engineer																		
36.	Section B: Information to Consultants, 3.3 b), Page 4 <i>and</i> Appendix "A", Clause 3.4, Page 11	<p>Staff-months</p> <p>Notwithstanding the provisions of clause 3.3(b) of the information to consultants, The client has determined that the minimum key professional staff-months required for the assignment shall be as per the schedule below:</p> <p>Professional Staff months</p> <table border="0"> <tr> <td>1. Project Director</td> <td style="text-align: right;">~ 12</td> </tr> <tr> <td>2. Highways Engineer</td> <td style="text-align: right;">~ 9</td> </tr> <tr> <td>3. Materials Engineer</td> <td style="text-align: right;">~ 9</td> </tr> <tr> <td>4. Structural / Drainage Engineer</td> <td style="text-align: right;">~ 9</td> </tr> <tr> <td>5. Surveyor</td> <td style="text-align: right;">~ 7</td> </tr> <tr> <td>6. Environmentalist</td> <td style="text-align: right;">~ 5</td> </tr> <tr> <td>7. Sociologist</td> <td style="text-align: right;">~ 5</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">~ 56</td> </tr> </table> <p>The consultants shall not change the proposed key personnel named in the RFPs when awarded the contract. The proposed personnel should be available for a minimum of six months from the date of award of</p>	1. Project Director	~ 12	2. Highways Engineer	~ 9	3. Materials Engineer	~ 9	4. Structural / Drainage Engineer	~ 9	5. Surveyor	~ 7	6. Environmentalist	~ 5	7. Sociologist	~ 5	Total	~ 56	<p>In continuation to the above query, in case positions of Transport Engineer / Economist, Drainage Engineer, Landscape Architect, and Electrical Engineer are a part of team composition, the staff months of these positions may be provided.</p> <p>Further, as per Appendix A it is mentioned that the proposed personnel should be available for a minimum of six months from the date of award of consultancy contract. However, the staff months stipulated for Environmentalist and Sociologist are 5.</p> <p>The same may please be clarified.</p>	<p>Clause 3.3 indicates minimum staff Months to be spread throughout the Contract period according to the Proposed Time Schedule and Work Plan.</p> <p>Clause 3.4 requires that the Time Schedule and availability shall be from a minimum six calendar months from date of award of Consultancy Contract.</p>
1. Project Director	~ 12																			
2. Highways Engineer	~ 9																			
3. Materials Engineer	~ 9																			
4. Structural / Drainage Engineer	~ 9																			
5. Surveyor	~ 7																			
6. Environmentalist	~ 5																			
7. Sociologist	~ 5																			
Total	~ 56																			

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
		consultancy contract.		
37.	Appendix "B", Page 12-13	<p>Evaluation Points</p> <p>4. Drainage Engineer (max. 4 points)</p> <ul style="list-style-type: none"> • Qualification and Skills 1 • General professional experience 2 • Specific professional experience 2 <p>5. Structural Engineer (max.4 points)</p> <ul style="list-style-type: none"> • Qualification and Skills 1 • General professional experience 2 • Specific professional experience 2 <p>6. Surveyor (max. 5 points)</p> <ul style="list-style-type: none"> • Qualification and Skills 3 • General professional experience 2 • Specific professional experience 3 	<p>The Consultants would like to submit that there is mismatch between Max points and breakdown of scoring given against Qualification and Skills, General Professional Experience and Specific Experience of the said positions.</p> <p>It is requested to rectify the same and corrected marking may please be provided.</p>	Replace the Requirements with attached key staff in Annex 2.
38.	Section E: ToR, Clause 7.1, Staff Requirements, Page 50	<p>Key expert 1: Project Director</p> <p>Must have extensive broad experience in highway design and works contract administration and more specifically have recent service as a Project Director/Project Manager on at least one highway construction contract of comparable magnitude.</p>	<p>The Consultants also request the Client to Consider Team Leader against the said criteria.</p>	There is no requirement for Team Leader in the Request for Proposal

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
39.	Section E: ToR, Clause 7.1, Staff Requirements, Page 52	Key expert 6: Environmentalist Must possess University Degree (BSc. in Environmental Management) Or equivalent and be licenced by NEMA as a Head Expert in Environmental Impact Assessment and Environmental Audits.	The Consultant would like to submit that NEMA provides license for Lead Expert for Environmental Impact Assessment and Environmental Audits and it appears that Head Expert is typed inadvertently in place of Lead Expert. The same may please be rectified.	Replace 'Head Expert' with 'Lead Expert'
40.	Section E: ToR, Clause 7.1, Staff Requirements, Page 53	Key Expert 9: Electrical Engineer University degree in Electrical and Electronics Engineering or equivalent and be registered with Engineers Board of Kenya or its equivalent such as Member of the Institution of civil Engineers (U.K) etc.	The Consultants would like to submit that Registration with Professional body is not the mandatory requirement for Electrical Engineer in every country, therefore, the Consultants request to omit the requirement of registration with professional body for the position of Electrical Engineer.	Replace the Requirements with attached key staff in Annex 2.
41.	Clause No.5.1.1 of TOR, Page 45	Commencement of Assignment As per Clause No.5.1.1 of TOR, it is stated that the Consultant shall commence the study as specified in Clause 5.9 of Appendix "A".	It is observed that the Clause 5.9 does not belong to Commencement of Assignment. This may be modified as Clause 7.2 of Appendix "A".	Change to read Clause 7.2 of Appendix A
42.	Clause No.5.3 of TOR, Page 48	Time Schedule As per Clause No.5.3 of TOR it is mentioned that the complete design and documentation shall be completed within the duration of the assignment as specified under clause 3.3(iii) of Appendix "A".	The duration of the assignment is mentioned in the Clause No. 3.3(ii) NOT 3.3 (iii) of Appendix "A". This may kindly be corrected.	Replace first sentence of Clause 5.3 to read as follows; <i>The complete design and documentation shall be completed within the duration of the assignment as specified under clause 3.3(ii) of Appendix "A".</i>
43.	Clause No.6.5 of	Interest on Delayed Payment	In this regard, it is suggested that the Client normally takes considerable	The Requirement to remain as

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
	GCC, Page 66	Payment shall be made within Ninety (90) days of receipt of invoice and the relevant documents specified in Clause 6.4 and only after approval of the relevant reports.	time to approve the reports resulting thereby delay in releasing the payments to the Consultant. In order to avoid such situation, the Consultants may be paid their fee on submission of various reports except final report.	indicated in the Request for Proposal.
44.	Clause No. 2.3 of SCC, Page 67	<p>Damages</p> <p>As per Clause No.2.3 of SCC, The time period for expiration of services is twelve (12) months. The Consultant shall be charged Liquidated Damages at the rate of 0.05% of the contract sum per day for the extra days beyond the official contract period plus any time extensions granted by the client, to a maximum of 5% of the contract sum, beyond which the contract shall be terminated in accordance to the conditions of contract.</p>	<p>In this regard, we understand that in case of delay, due to the reason not attributable to the Consultant, the Consultant shall not be liable to pay any penalty.</p> <p>The Client is requested to kindly confirm the above understanding.</p>	The Requirement to remain as indicated in the Request for Proposal.
45.	Clause No. 2.4 of SCC, Page 67	<p>Service Level Agreement</p> <p>As per Clause No.2.4 of SCC, the Consultant shall sign a Service Level Agreement with the Client which shall quantify the minimum acceptable service to the Client and the Consultant's performance will be assessed every quarterly during the implementation of the Contract. The format of the Service Level Agreement is attached in Appendix K of this RFP.</p>	<p>It is observed that there is no Appendix K is attached with this RFP pertaining to format for Service Level Agreement.</p> <p>The Client is requested to kindly attach the same.</p>	Requirement for Service Level Agreement is hereby omitted

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
46.	Clause No.10.5 of SCC, Page 66	Payments will be made within 90 (ninety) days of receipt of the invoice and the relevant documents specified in Clause 6.4 above.	<p>Considering the short duration of the project, the time period of 90 days for making payment to the Consultant from receipt of invoice is exceptionally long, the Client is requested to kindly reduce this period to 30 days.</p> <p>Further, it is observed that there is no Clause 6.4 in the SCC, the same may be modified as 6.2(b).</p>	The Requirement to remain as indicated in the Request for Proposal.
NAIROBI EASTERN INTERCHANGES, TENDER No.: KURA/DEV/HQ/238/2019-2020				
47.	Appendix "A", Clause 3.3		<p>Minimum required experience for Key Experts mentioned in the table is different than Section E,</p> <p>Terms of Reference, and Clause 7. Please clarify which of the Experience of the Key Experts is to be considered.</p> <p>Also, in the Term of Reference an extra Key Expert is added, Electrical Engineer. Kindly confirm the team of Key Experts.</p>	Replace the Requirements with attached key staff in Annex 2.
NAIROBI BELTWAY PPP PROJECT, TENDER No.: KURA/RMLF/HQ/219/2019-2020				
48.	Section A: - Invitation To Tender	<p>Power of Attorney for the authorized representative</p> <p>The following MUST be submitted together with the proposal:</p> <p>a) Certified Copy of Certificate of</p>	Owing to the worldwide lockdown, it is very difficult for the Consultants to arrange the stamp paper and get the notarization of any document neither in India nor in Kenya. Therefore, the Consultants would	All documents as listed in the Invitation To Tender and in the Request for Proposal shall be Certified by a Commissioner of Oaths.

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
		<p>Incorporation in Kenya;</p> <p>b) Certified Copy of Valid Tax Compliance Certificate;</p> <p>c) Certified Copy of VAT Registration Certificate;</p> <p>d) Certified Copy of CR12 Certificate; and</p> <p>e) Certified Copies of Certificates and Testimonials of the Proposed Key Staff.</p> <p>NOTE: Items a, b, c, d and f MUST be certified by Commissioner of Oaths or Notaries Public.</p>	<p>like to request to accept the Power of Attorney of the Authorized representative on the company's letter head duly signed and stamped in the Technical proposal.</p> <p>Further, all the documents which are also to be notarized as per the RFP should also be waived off considering the current scenario of lockdown. All the documents can be submitted by the Consultants without notarizing them in their technical proposal. However, the notarized documents can be submitted by the successful Consultants at the time of negotiations.</p>	
49.	Section C: Technical Proposal- Standard Forms, Page 15	Firm's Current Workload	<p>With Firm's current workload sought by KURA, we understand the following:</p> <p>To provide details of only Feasibility and Design Road assignments being undertaken in Kenya and East Africa not all the projects being carried out worldwide.</p> <p>Please confirm.</p>	No Such requirement is indicated in Firms Current Workload Form
50.	Section C: Technical Proposal- Standard Forms, Page 16	<p>Firm's References</p> <p>Relevant Services Carried Out in the last Five Years that Best Illustrate Qualifications.</p>	It is requested to kindly allow the Consultants to showcase their projects carried out in the last 10 years instead of 5.	Period to Remain as indicated in the RFP
51.	Section D: terms of Reference,	Study Objectives	The Selected Consultants for carrying out the Prefeasibility studies are	The Clarification sought is outside the

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
	Clause 2, Page 30 <i>and</i> Section D: terms of Reference, Clause 3.2.1 (xvi), Page 33	Outputs from that tool will allow KURA to make a decision on whether to proceed with the PPP Project and thereafter undertake a full PPP Feasibility Study. <i>and</i> Undertaking the Pre-feasibility study On the other hand, should the pre-feasibility study establish that the project is viable for PPP implementation, a Transaction Advisory (TA) services shall be procured that will provide all necessary technical, legal and financial advisory support including all necessary approvals in compliance with all elements of the PPP Act and its implementing regulations, and all other applicable laws and regulations.	eligible for bidding the downstream works like Full PPP Feasibility Study / Transaction Advisory Consultancy Services, etc. Kindly confirm that the Consultants understanding is correct.	Request for Proposal.
52.	Section E : ToR, Clause 3.2.1 (ii), Page 31	Undertaking the Pre-feasibility study (ii) Review and assess the recommendations indicated on the concept proposal and determine the adequacy of available data and information in relation to the requirements of the study, and if found inadequate, provide the required data through research from other sources, preferably a similar project in a developing economy.	The Consultants understand that a report on concept proposal of the project is already prepared by KURA. It is requested to share the same to have better understanding in order to submit a robust proposal by the Consultants.	One of the Requirements is to review and assess recommendations indicated on the Concept Proposal. This shall be the given during implementation of the Contract.
53.	Section E: ToR, Clause 3.2.1	Undertaking the Pre-feasibility study (iv) Carry out a preliminary	The scope of work would require four stage urban transport modeling based	Scope of Work and Time requirements to remain as indicated

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
	(iv), Page 31	assessment of the current Nairobi road transport needs, practices and requirements of existing urban road transport facilities and related projects / business / services. Particular emphasis should be on the regulatory requirements for the construction and operations of urban road transport facilities.	<p>on primary travel demand surveys to assess the demand/need of such a beltway in support of the urban transport efficiency / business / services of the capital city. Kindly confirm our understanding.</p> <p>If the above understanding is correct then total time for the study, i.e. 8 months will not be sufficient as it would require detailed traffic studies including sample household surveys, traffic volume count on links & O-D surveys (by RSI) at cordon points across the city network etc. In such case time period for the study should be minimum of 12 months. Please confirm.</p> <p>Alternatively, please kindly confirm if a city-wide Travel Demand model is developed as part of any previous study that would be provided to the successful bidder in order to carry out the preliminary transport assessment with fresh validation surveys. Please clarify and confirm.</p>	in the RFP
54.	Section E: ToR, Clause 4.2 c), Page 41	Draft Final Pre-Feasibility Study Report	<p>Preparation of Land Acquisition Plans (LAP) is also to be submitted as part of Draft Final Pre-FS report, which is due within 7 months from the commencement of the services.</p> <p>It might be a huge task considering alignment finalization of the Beltway.</p> <p>In view of the same and query no. 5,</p>	Scope of Work and Time requirements to remain as indicated in the RFP

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
			there is a need to consider more time for the assignment completion. The duration of the study may suitably be extended.	
55.	Section E: ToR, Clause 3.2.2 (ix) 4 II 2, 8 Page 31, 33 & 37 and 4.2.d), Page 41	Environmental and Social Impact analysis Environmental and Social Impact analysis of the PPP and Costs of mitigating the environmental and social impacts.	Please confirm our understanding that assignment will include Preliminary Environment and Social Impact Assessment (PESIA) and not the detailed ESIA.	Scope of Work to remain as indicated in the RFP
56.	Section E: ToR, Clause 4.2, Page 41	Reports All reports shall be in English and prepared on A4 metric size paper.	Report may contain drawings of the proposed project which may be larger than A4 size paper. Accordingly, it is requested to allow drawings in paper size larger than A4.	Requirements to remain as indicated in the RFP
57.	Section A: - Invitation to Tender, Page 1 <i>and</i> Section E: Terms of reference, page 46	Page limit e) Curriculum Vitae (CV) of the Proposed Key Staff signed and dated by the proposed professional staff and the authorized representative submitting the proposal of not more than three pages . 6.1 The Consultant's Key Personnel Curriculum Vitae not exceeding four pages per person shall be provided in respect of each key staff.	Considering the discrepancy between the two clauses, the Consultants understand that CVs can be submitted in maximum four pages . Please confirm.	Amend Clause 6.1 First Paragraph to Read as follows; <i>'The Consultant Shall at a Minimum, Provide the Key Staff described Below. Curriculum Vitae not exceeding three pages per person shall be provided in respect of each key staff.'</i>
58.	Section A: - Invitation to Tender, Page 1	f) Certified Copies of Certificates and Testimonials of the Proposed Key Staff	The Consultants understand that only education certificates are to be submitted against the said requirement. Kindly confirm.	Certificates and Testimonials to be provided as indicated in the Invitation to Tender and Request for Proposals

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
59.	Section E: Terms of reference, Page 47	<p>d) Environmental Expert (EE) A minimum of 10 years of demonstrated experience in the preparation of environmental impact statements / environmental impact assessments (EIS / EIA) and environmental management plans / programs for three projects (public - and private - funded) in accordance with the specific requirements of developing countries. Familiarity with Kenya's environmental and resettlement law is required.</p> <p>e) Socio-Economic Specialist (SES) A minimum of 10 years' demonstrated experience in the assessment of social impacts, gender analysis and mitigation measures for 3 investment projects (public and private funded) in Kenya. Thorough knowledge of Kenyan labour laws and other related laws / provisions.</p>	<p>The Consultants would like to submit that there are very few Environmental / Socio-Economic Specialist in Kenya who have 10 years of experience on projects on PPP basis and on three projects (public and private funded).</p> <p>Therefore, the Consultants request the Client to consider PPP experience as a preferable requirement, and not a mandatory requirement.</p>	Requirements to remain as indicated in the RFP
60.	Clause No. 2.3 of SCC, Page 62	<p>Damages As per Clause No.2.3 of SCC, The time period for expiration of services is eight (8) months. The Consultant shall be charged Liquidated Damages at the rate of 0.05% of the contract sum per day for the extra days beyond the official contract period</p>	<p>In this regard, we understand that in case of delay, due to the reason not attributable to the Consultant, the Consultant shall not be liable to pay any penalty.</p> <p>The Client is requested to kindly confirm the above understanding.</p>	Requirement to remain as indicated in the RFP

Sl. No.	Clause No. as per RFP	Point of Queries	Comments / Clarifications required From Bidders	Clarification
		plus any time extensions granted by the Client, to a maximum of 5% of the Contract Sum, beyond which the Contract shall be terminated in accordance with the conditions of this contract.		
61.	Clause No. 2.4 of SCC, Page 63	<p>Service Level Agreement</p> <p>As per Clause No.2.4 of SCC, the Consultant shall sign a Service Level Agreement with the Client which shall quantify the minimum acceptable service to the Client and the Consultant's performance will be assessed every quarterly during the implementation of the Contract.</p>	The Client is requested to kindly attach the format for Service Level Agreement.	Requirement for Service Level Agreement is hereby omitted
62.	Clause No.1.5 of SCC, Page 64	<p>Payments</p> <p>Payments will be made within 90 (ninety) days of receipt of the invoice and the relevant documents specified in Clause 6.4 above.</p>	<p>Considering the short duration of the project, the time period of 90 days for making payment to the Consultant from receipt of invoice is exceptionally long, the Client is requested to kindly reduce this period to 30 days.</p> <p>Further, it is observed that there is no Clause 6.4 in the SCC, the same may be modified as 6.2(b).</p>	Requirement to remain as indicated in the RFP

ANNEX 1

Add the following to Clause 5.2.1:

Stage 1: Preliminary Design

- a) Inception Report: – 10 copies.
This shall summarize initial findings and give proposals covering methodologies of the preliminary engineering studies, and the detailed work plan for the contract of the preliminary design.
- b) Progress Reports: – 10 copies.
These shall be submitted monthly and shall detail all work performed during the reporting period and utilization of the study personnel. These shall contain preliminary conclusions (covering such topics as traffic studies and design standards), based on the analyses substantially completed, and shall also identify actual and anticipated difficulties and delays in the work, their causes and the remedies proposed to solve them.
- c) Preliminary Design Report– 10 copies
This shall incorporate all revisions deemed necessary arising from comments received from the General Manager (Design & Construction), following discussions and agreement between him and the Consultant from time to time. It shall include a concise executive summary in which the project design standards and cost estimates shall be shown clearly.

ANNEX 2

APPENDIX 'B'

METHODOLOGY, EXPERIENCE, COMMENTS AND ORGANISATION

Firm's experience and organisation	10
Comments on Terms of Reference	10
Methodology and Work plan	20
Transfer of Knowledge	5
Participation by Nationals	5
Total score	50

KEY PERSONNEL

1. Project Director (max. 10 points)	
Qualification and Skills	3
General professional experience	2
Specific professional experience	5
2. Highway Design Engineer (max. 8 points)	
Qualification and Skills	3
General professional experience	2
Specific professional experience	3
3. Materials Engineer (max. 6 points)	
Qualification and Skills	2
General professional experience	2
Specific professional experience	2
4. Structural / Drainage Engineer (max.6 points)	
Qualification and Skills	2
General professional experience	2
Specific professional experience	2
5. Surveyor (max. 5 points)	
Qualification and Skills	1
General professional experience	2
Specific professional experience	2
6. Environmentalist (max. 5 points)	
Qualification and Skills	1
General professional experience	2
Specific professional experience	2
7. Sociologist (max. 5 points)	
Qualification and Skills	1
General professional experience	2
Specific professional experience	2
8. Transport Engineer/Economist (max. 5 points)	
Qualification and Skills	1
General professional experience	2
Specific professional experience	2

7.1 Staff Requirements

Replace Clause 7.1 with the following;

The Consultant shall provide the following staff required for the performance of the duties described above:

The profiles of the key experts to be provided by the Consultant for this assignment are as follows:

Key expert 1: Project Director

Qualifications and skills

Must possess University Degree BSc (Civil Engineering) or equivalent and be a Registered Engineer with Engineers Board of Kenya or equivalent such as Member of the Institution of Civil Engineers (U.K.), Diplom Ingenieur Hoch und Tiefbau (D) etc.

General professional experience

A minimum of 15 years practical post-qualification experience

Specific professional experience

Must have extensive broad experience in highway design and works contract administration and more specifically have recent service as a Project Director/Project Manager on at least one highway construction contract of comparable magnitude. Knowledge of FIDIC contract procedures is desirable. Previous experience on road projects in East Africa will be an advantage.

Key expert 2: Highways Engineer

Qualifications and Skills

Must possess University Degree BSc (Civil Engineering) or equivalent and be registered with Engineers Board of Kenya or equivalent such as Member of the Institution of Civil Engineers (U.K.), Diplom Ingenieur Hoch und Tiefbau (D) etc.

General professional experience

A minimum of 15 years practical post-qualification experience in road projects

Specific professional experience

At least 15 years of recent experience in geometric design of roads using the latest highway design computer applications and modern topographic survey equipment. Must be able to prepare road geometric design drawings, and carry out estimation of quantities and write technical specifications. Experience on road projects in East Africa will be an advantage.

Key expert 3: Structural/Drainage Engineer

Qualifications and skills

Must possess University Degree BSc (Civil Engineering) or equivalent and be a registered engineer with Engineers Board of Kenya or equivalent, such as Member of the Institution of Civil Engineers (U.K.), Diplom Ingenieur Hoch und Tiefbau (D) etc.

General professional experience

A minimum of 10 years practical post-qualification experience

Specific professional experience

Experience in structural analysis and design and construction of bridges and minor road drainage structures including urban drainage systems. Should be familiar with latest Computer Aided Design applications.

Key expert 4: Materials Engineer

Qualifications and skills

Must possess University Degree BSc (Civil Engineering) or equivalent and be registered with Engineers Board of Kenya or equivalent such as the Institution of Civil Engineers (U.K.), Diplome Ingenieur Hoch und Tiefbau (D) etc

General professional experience

a minimum of 12 years practical post-qualification experience in road projects

Specific professional experience

Must have relevant experienced in soils and materials sampling and testing for large road construction contracts. Experience with analytical pavement evaluation methods is desirable. Previous experience on road projects in East Africa will be an advantage.

Key expert 5: Surveyor

Qualifications and skills

Must possess University Degree of B Sc. (Survey) or equivalent and be registered with the Institute of Surveyors of Kenya or equivalent such as Chartered Surveyor of the Royal Institute of Chartered Surveyors (U.K.) etc.

General professional experience

A minimum of 10 years practical post-qualification experience in road projects

Specific professional experience

At least 10 years of recent experience in carrying out topographic survey and mapping of large road projects using the latest electronic survey equipment including GNSS, Smart Stations, LiDAR, Laser scanning and associated computer applications like CAD and GIS. Experience on road projects in East Africa will be an advantage.

Key expert 6: Environmentalist (short term input)

Qualifications and skills

Must possess University Degree (BSc. in Environmental Management) Or equivalent and be licenced by NEMA as a Head Expert in Environmental Impact Assessment and Environmental Audits.

General professional experience

A minimum of 10 years practical post-qualification experience.

Specific professional experience

Must have broad experience in Environmental Assessment and Environmental Audits of at least one highway construction project of comparable magnitude
Previous experience on road projects in East Africa will be an added advantage.

Key expert 7: Sociologist (short term input)

Qualifications and skills

Must possess University Degree (BSc. Or BA in Sociology) Or equivalent.

General professional experience

A minimum of 10 years practical post-qualification experience.



Specific professional experience

Must have broad experience in Social Impact Assessment and Resettlement Action Plan of at least one highway construction project of comparable magnitude
Previous experience on road projects in East Africa will be an added advantage.

Key expert 8: Transport Engineer/Economist

Qualification and Skills

University degree in Transport Planning/Economics or Masters degree in Transportation Engineering or equivalent.

General Professional Experience

A minimum of 10 years post qualification experience

Specific Professional Experience

Must have at least 5 years of recent experience in transportation planning/traffic engineering and economic analysis in the roads sector.

Knowledge of inter-modal transport systems desirable.