

**PREPROPOSAL CONFERENCE ON CONSULTANCY SERVICES TO UNDERTAKE A COUNTRYWIDE ROAD INVENTORY AND CONDITION SURVEY: BATCH 1**

**CLARIFICATIONS REGISTER**

<b>ITEM</b>	<b>RFP REFERENCE</b>	<b>CLARIFICATION</b>	<b>Tender</b>	<b>RESPONSE</b>
1	<b>Data Sheet section 22.2 criterion iii</b>	Supervisors : are they three (3No) or one (1No)? Pp 20 of TECHNICAL EVALUATION CRITERIA Item 5 Supervisors indicates 3No. whereas Pp A14 of Terms of Reference Item 6.2 (i) Field Supervisors indicates 1No.	County Roads Zone 1	<b>1No. Supervisor is required for the assignment. The datasheet section 22.2 criterion iii under supervisors will be amended to reflect the correct number.</b>
2		Is the 1No supervisor assigned 3 marks or 1 mark?	County Roads Zone 1	<b>The assigned marks for the 1No. supervisor remains 3 marks</b>
3	<b>Reference to ITC Clause 22.2 (Data Sheet)</b>	(a) States that "Academic Qualifications – bachelor's in information technology or equivalent from recognized university  We seek clarification on whether specifications for Academic Qualifications can be revised, to include "or relevant degree".	Both	<b>The equivalent degree will cover relevant degrees</b>
4		Are we allowed to associate with other firms to strengthen our bid	Both	<b>Yes, data sheet section 6.2 allows for up to 3No. Firms associating or in Joint Venture</b>
5	<b>Datasheet section 11.1 and 14 (d)</b>	There is a contradiction in <b>sections 11.1 (Participation of Sub-Consultants, Key Experts in more than one Proposal is permissible: NO) and 14 (d) (Key experts shall not appear in more than one proposal:NO)</b> of the Data Sheet. Please clarify	Both	<b>Section 14d of the datasheet has been amended accordingly</b>
6	<b>Terms of Reference</b>	The most recent RICS was undertaken between 2016 to 2018.  Does this consultancy set out to validate and fill gaps in the results of the 2016-2018 RICS or to undertake a complete survey, covering all the total kilometre length of the identified road network in Zone 1?	Both	<b>This is a new exercise that seeks to update the 2018 data and at the same time establish new inventories and conditions for the previously unmapped network and related facilities.</b>
7	<b>ToR clause 5.1.2, Task 1 (ii)</b>	<b>Falling Weight Deflectometer</b> As per the ToR the consultants are required to carry-out <i>Falling Weight Deflectometer</i> tests for the paved roads. It is requested that <b>estimated length of paved county roads in Zone 1</b> may be indicated to enable us prepare the financial proposal and keep all the consultants at par in preparation of financial proposals.	County Roads Zone 1	<b>Agreed. The client will amend annex B to include the paved network length for zone 1 tender</b>
8		My main concern is to do with the FWD tests. Will the Client require the Consultant to undertake an analysis of the remaining life of the pavement? Or will the Client only require the processed data in terms of deflections?	Both	<b>Analysis of the remaining life of the pavement will not be required. The data to be collected is high level data as per the terms of reference</b>

9	<b>Form FIN-1 of Financial Format 2<sup>nd</sup> paragraph</b>	<p>2nd paragraph stated that "including of all taxes in accordance with ITC 24.2 in the Data sheet.</p> <p>Kindly note that Clause ITC 24.2 does not exist in the Data sheet. Kindly modify this line with appropriate clause.</p>	Both	<b>Form FIN-1 has been amended accordingly</b>
10	<b>Terms of Reference - clause 7.1, page A15</b>	<p><b>Knowledge Transfer</b></p> <p>It is mentioned that "Engineers, ICT and GIS officers, technicians, Constituency Roads Officers, Surveyors, will be trained for one week. The consultant shall be responsible for all the logistical arrangements of the meetings with field staff from Road Agencies, including meeting the costs".</p> <p>Kindly clarify whether it will comprise of training of Client's staff through on-the-job training or through a dedicated training programme.</p> <p>In case, the consultants are to provide training through a dedicated training programme for the clients' staff, a provisional sum may please be provided to meet this expenditure and for similarity in bids.</p> <p>In case the provisional sum may not be provided, you are requested to please provide the No. of persons to be trained and expected number of days (duration of training programme) since it will have financial implication.</p> <p>The consultants responsibility is limited to arranging the venue, conducting the training programme and associated facilities for the trainer. Kindly confirm.</p> <p>Further, the client may confirm that the travelling and living costs of the Engineers in Nairobi, ICT and GIS Officers, Technicians, Constituency Roads Officers, Surveyors shall be borne by the Client and Consultants shall not include any additional cost towards the same in their Financial Proposal.</p>	Both	<b>1. No, it will not comprise of onjob training of Client staff beyond the graduate interns whose costs are already provided for under FIN-2 of section 4 of the RFP</b> <b>3. The transport and accomodation costs of KRB,Road Agencies and County Government Staff for scheduled capacity building workshops will be borne by the respective road agencies as amended in the ToR</b>
11	<b>Terms of Reference - clause 7.1, page A15</b>	In support of the government's internship program, KRB will nominate 2No. graduate civil engineers to be engaged by the Consultant as interns on the project. Will any facilitation for the interns be catered for by the Consultant or the client?	Both	<b>A provisional sum for 2 interns has been provided in FIN-2 Breakdwon of costs.</b>
12	<b>Terms of Reference - clause 7.1, page A15</b>	Must the Interns be Civil Engineers or you can have those from Geoinformatics	Both	<b>This will be discussed during negotiations with the winning bidder.</b>

13	<p><b>Clause 6.7, Section 2A, Instruction to Consultants And Clause No. 6.7 of data sheet</b></p>	<p><b>Margin of Preference and Reservations</b>  As the Clause No. 6.7 of data sheet stipulates that The business will be registered with: N/A. The Consultants understand that there is no margin of preference that will be allowed in the selection of Consultants. Kindly confirm that our understanding is correct.</p>	<p>County Roads Zone 1</p>	<p><b>The bid has a Margin of Preference and will be applied in accordance to the requirement under 1.FORM TECH-7: MANDATORY SUPPORT DOCUMENTS; Preliminary examination/ substantive responsiveness Point 9 which states "Reserve at least 75% of employment opportunities for Kenyan citizens of which not less than 50% shall be reserved for Kenyan professionals as key staff." 2. Evaluation criterion 4 which states "PARTICIPATION BY KENYAN NATIONALS AMONG PROPOSED KEY EXPERTS (20 Mks)"</b></p>
14	<p><b>Clause 7 and 8, Terms of Reference</b></p>	<p><b>Deliverables and Duration of the Assignment</b>  It is noted that the last deliverable for the assignment shall be submitted by the Consultants at the end of 14<sup>th</sup> month from the commencement date of the study. However, the Clause 8 of the ToR stipulates that the full duration of the assignment shall be 15 (fifteen) Months. Apart from the above the total input for the Team leader is also considered as 15 staff months. This needs to be reconciled.</p>	<p>County Roads Zone 1</p>	<p><b>The one month is an allowance for administrative closure of the project and the timelines for deliverables shall remain as is.</b></p>
15	<p><b>Section 2 (B) -Data Sheet, Clause 22.2</b></p>	<p><b>GIS Expert</b>  Academic qualifications Bachelor's degree in Geoinformatics or equivalent from recognized university.   The Consultants would like to submit that a number of experts are available having vast experience in relevant field who have done <b>B.Sc. in Surveying/ Photogrammetry / Bachelor's degree in any field with Master's Degree in GIS / Remote Sensing.</b>  Therefore, the Consultants request the Client to consider the same with the existing requirement.  Kindly confirm.</p>	<p>Both</p>	<p><b>A master's degree in GIS is considered relevant. However, a master's degree in remote sensing with a bachelor's degree not in GIS or equivalent does not meet the requirements.</b></p>

16	<b>Section 2 (B) - Data Sheet, Clause 22.2 &amp; Form TECH- 6B: Curriculum Vitae (CV)</b>	<p>"Please note that any CV not signed by staff member or authorized representative of the firm and without copies of certificates attached shall not be evaluated." &amp; "(CV'S NOT SIGNED BY OWNER OR AUTHORISED REPRESENTATIVE AND WITHOUT CERTIFICATES ATTACHED SHALL NOT BE EVALUATED)"</p> <p>The Consultants understand that: - Scanned / digital signatures of Staff Member or Authorized Representative of the firm will be considered for the CVs. - Only education certificates are required to be submitted along with the CVs. This may please be confirmed.</p>	Both	<p><b>1. Scanned/digital signatures are acceptable</b> <b>2.Evidence of professional qualifications and educational/academic qualifications will be required.</b></p>
17	<b>Section 5 ToR, Clause 6.2, Page No. A14</b>	<p><b>Non Key Experts</b> The Consultants understand that only CVs for the positions for which evaluation points are given in Data Sheet are required to be submitted during the bidding stage and <b>CVs of Non Key Experts &amp; Support Staff</b> are not required to be submitted during the proposal stage and will be submitted after the award of the project. This may please be confirmed.</p>	Both	<b>Agreed.</b>
18	<b>Clause No. 41.1 of GCC</b>	<p><b>Interest on Delayed Payments</b> It is mentioned that if the Procuring Entity had delayed payments beyond thirty (30) days after the due date stated in Clause GCC 41.2.2, interest shall be paid to the Consultant on any amount due by, not paid on, such due date for each day of delay at the annual rate stated in the SCC. However there is no such Clause in the SCC regarding interest rate on delayed payment.</p> <p>The Client is requested to kindly insert the rate of interest as 12% per annum, so that the Client should be bound to make payment on time to the Consultant.</p>	Both	<b>In case of delayed payments, the interest rate will be guided by the Central Bank of Kenya (CBK). Therefore, the RFP will not quote an interest rate.</b>
19	<b>Escalation Clause</b>	<p>As per Clause No.14.1 of Special Condition of Contract, the time period of the contract shall be 15 months. The remuneration rates are fixed, being a lump-sum based Contract for 15 months. If due to any reason, without any fault of the Consultant, the duration of the assignment gets extended beyond 15 months, then the Consultant should be entitled to receive the escalated remuneration rates. The Client may therefore kindly consider to include an Escalation Clause in the Contract.</p>	Both	<b>This shall be applied in accordance with Clause 16 of the GCC on Modifications or Variations</b>

20		<p><b>Extension of Time</b> It is requested that the date of submission of the proposal may please be extended, allowing the Consultants to submit their bids at least 3 weeks from the date of issue of clarifications so that our Experts can prepare a comprehensive proposal addressing all issues of the RFP document / ToR. Further, owing to courier restriction or partly functioning, the courier is taking 20 to 25 days delivery from India to Kenya. Therefore, we sincerely request your good self to extend the submission date of the proposal suitably.</p>	Both	<p><b>The submission and opening date remains the 10th of August, 2021 at 12 noon in KRB offices</b></p>
21		<p>Kindly consider extending the submission date to allow one month from today to allow the bidders reasonable bids as there seems massive clarifications that will follow today's meeting please</p>	Both	
22		<p>There is need to separate Persons With Disabilities from being lumped together with women and youth as one group. Each group in Special category should only participate in their separate LOT as provided for under the Public Procurement and Disposal Act 2015 and respective regulations.</p>	National Trunk Roads	<p><b>As indicated in the Datasheet section 6.7, the tender is reserved for Youth/Women/Persons with Disabilities registered under Access to Government Procurement Opportunities</b></p>
23	Section 2 B - Data Sheet - Criterion 1	<p>(a) Firm's turnover for the last two years as set out is too high for AGPO categories. This requirement was removed under regulations including audited accounts for PWD firms. (b) General and Specific experience of the firm need to be removed as per regulations.</p>	National Trunk Roads	<p><b>1. The evaluation criteria on firm's turnover has been amended accordingly 2. The evaluation will be carried out in accordance with the evaluation criteria provided which is in line with Public Procurement and Asset Disposal Act 2015 and the regulations therein</b></p>
24	Form Tech-2	<p>Consultant's experience submission of two (2) previous assignments successfully completed in the last fifteen (15) years is inconsistent with regulations for PWDs under AGPO. We propose removal for firm experience and reduction of consultants experience to 5 years.</p>	National Trunk Roads	<p><b>"In the last 15 years" means within the last 15 years. This allows consultants to submit assignments completed within the last 15 years. Reducing this to 5 years will be limiting to some consultants.</b></p>
25	Form TECH - 7: Mandatory support documents, item 4. Page 24	<p>"Bidder to submit valid certificate of registration under Access to Government Procurement Opportunities (AGPO) as either Youth, Women or Persons with Disabilities. In case of a joint venture or association each member must submit the information". Need clarification on teaming up with other bidding firms who are not covered under AGPO to improve on the strength of the bid.</p>	National Trunk Roads	<p><b>Each member of the joint venture/ association must be registered under Access to Government Procurement Opportunities</b></p>
26	Form TECH - 7: Mandatory support documents	<p>The JV partners- must each individually be compliant with mandatory conditions?</p>	Both	<p><b>Yes each member in a Joint Venture/ association must comply with the mandatory conditions.</b></p>
27	Page 19 & Section 4 - Financial proposal page 35	<p>At the staff assignment level, the RFP on page 19 has put the Project Director and the Team Leader together as Project Director / Team Leader however on under section 4 - Financial proposal page 35 breakdown of remuneration costs this is only given for the Team Leader. Please clarify which is the correct position.</p>	Both	<p><b>The Team Leader is also the Project Director</b></p>

28	<b>Terms of Reference - Description of Services page A9</b>	In the RFP - Terms of Reference - Description of Services page A9, Task 2 item iii we were not able refer to "Perform all tasks as in 3.2 (iii) - (vii) above and Task 3 - page A9, item ii we were not able refer to "Perform all tasks as in 6.2 (iii) - (vii) above. Please clarify.	National Trunk Roads	<b>The RFP will be amended from 3.2 (iii) to 5.1.2</b>
29	<b>Pages 20 and 21</b>	<b>Project vehicles</b> The proposal on project vehicles payments to the consultant on pages 20 and 21 will make the purchases costs for the vehicles expensive because the payments are split into small payments since they will be on loan for 2 years. From the onset these vehicles belong to the client and will be used by client staff. Also note the consultant will not be able to deliver any vehicle without paying for it. We propose that the vehicles be paid for in lumpsum upon delivery of the vehicles with sale agreement and confirmation of payment and confirmation that the vehicles have been put under comprehensive insurance covers for 2 years. These will make the prices reasonable.	Both	<b>SECTION 8: SPECIAL CONDITIONS OF CONTRACT Amendment to Clause 41.2 states: Payment for Project Management Vehicles shall be made upon delivery of the vehicles and copies of sale agreement.</b>
30	<b>Section 4: Format for financial proposal, page 36</b>	On section 4: Format for financial proposal, page 36, item "4.1 Consultant's Field Transport Expenses and item 5.1 Field Survey costs (IRI, FWD, RICS equipment etc)". The issue of FWD shall overlap with item 4.1. Please clarify.	Both	<b>There is no overlap since one of the costs is for field transport expenses and the other is for field survey costs as provided in the breakdown of costs</b>
31	<b>Terms of Reference - Task 5, page A12</b>	On page A12 - Terms of Reference - "Task 5: Develop a Harmonized dataset for the entire road network in Kenya In addition to the National Trunk Network whose survey will be undertaken by the Consultant, four other consultants will collect data on the County Road Network and the unclassified roads resulting into four zonal datasets. The Consultant under this task will be responsible for merging, cleaning and editing all zonal data into a seamless dataset, develop a linear referencing system that has both chainages and sections and prepare Road Register for the entire network. The Client will provide the approved zonal datasets to facilitate the execution of this task"  We require clarifications on the following: - i. When this activity will be undertaken since it relates to the completion of the other consultants' activities for Zone 1 - 4? ii. How will this be captured in the financial proposal? iii. Do we require additional staff months to enable us to undertake this activities?	National Trunk Roads	<b>This has been factored in the project duration and timelines for the various deliverables. Note that the NTR project is 24 months while others are 15 months</b>
32	<b>Dispute resolution page 21</b>	We quote "It is proposed that we identify and agree on the Arbitrator after the dispute has occurred", we propose that the Arbitrator be identified and agreed upon by two parties before contract signing, to arbitrate disputes when they occurs	Both	<b>The issue can be discussed during negotiations with the winning bidder.</b>
33		Is turnover additive in case of JV or each member should meet the criteria?	Both	<b>In case of Joint Ventures/association, the turnover is additive.</b>

34	<b>APPENDIX 2 - FRAUD AND CORRUPTION CLAUSE</b>	Kindly advise where the consultants shall sign on Appendix 2 form provided in the County Road Zone 1 RFP	Both	<b>Appendix 2 form is for information to the bidders and does not require to be signed.</b>
35		On turnover, is it cumulative for the 2 years or each year separately?	Both	<b>The evaluation criteria will be the average for the 2 years.</b>
36	<b>FIN-3 BREAKDOWN OF REMUNERATION</b>	Miscellaneous 5.2 Office cost etc @ Ksh 200,000 per month SHOULD THIS NOT BE A PROV SUM?	County Roads Zone 1	<b>The RFP will be amended accordingly</b>
37	<b>FORM TECH-2, ii. FORM FOR FIRM'S REFERENCES</b>	Under Additional Information required from the Bidders, it is stated "Bidders to submit copies of certificates of current business trade licenses from relevant County Government" - consultants generally exempted from this requirement. please clarify	Both	<b>The Business Trade License/ permit is a requirement</b>
38		Regarding a firm's specific experience in conducting similar exercises, would relevant experience such as in Transport Planning and GIS projects (or demonstration of capability) suffice given that there haven't been many RICS surveys conducted in the country?	Both	<b>The bidders should provide their best experience related to the assignment/task and the committee will evaluate accordingly</b>
39	<b>Section 2 (B): Data Sheet - ITC Clause 22.2 Criterion 3 &amp; ToR Clause 6.2</b>	National Trunk Roads: Under section 2 (B): Data Sheet - ITC Clause 22.2 Criterion 3 - Supervisors are listed as Key Personnel while under the ToR 6.2 Field Supervisors are considered as Non-key experts. Please clarify if they are Key or Non-key.	Both	<b>They are non-key experts but will be evaluated.</b>
40	<b>Terms of Reference, clause 6.0</b>	Must the bidders stick to the man months of key staff or they can alter them so long as the 40 man months are not exceeded	Both	<b>Every bidder should submit proposal based on the man months provided by the client.</b>
41	<b>Section 2a: ITC, Clause 17.2</b>	17.2 National trunk roads states, "An authorized representative of the Consultant shall sign the original submission letters in the required format for both the Technical Proposal and the Financial Proposals and shall initial all pages of both. The authorization shall be in the form of a written power of attorney attached to the Technical Proposal."  Does this mean that even if the proposal is not a JV a letter from a person with power of attorney must be attached?	Both	<b>Yes</b>
42	<b>FORM TECH-2: CONSULTANT'S ORGANIZATION AND EXPERIENCE</b>	B - Consultant's Experience: "List only those assignments for which the Consultant was legally contracted by the Procuring Entity as a company or was one of the joint venture partners. Assignments completed by the Consultant's individual experts working privately or through other consulting firms cannot be claimed as the relevant experience of the Consultant, or that of the Consultant's partners or sub-consultants, but can be claimed by the Experts themselves in their Curriculum Vitae (CV). Kindly clarify on this	Both	<b>The experience of the firm is different from the experience of the experts and both will be evaluated in accordance to the evaluation criteria</b>