

SECTION III - EVALUATION AND QUALIFICATION CRITERIA

1. Evaluation and contract award Criteria

Kenya Power shall use the criteria and methodologies listed in this Section to evaluate tenders and arrive at the Lowest Evaluated Tender. The tender that (i) meets the qualification criteria, (ii) has been determined to be substantially responsive to the Tender Documents, and (iii) is determined to have the Lowest Evaluated Tender price shall be selected for award of contract.

2. Preliminary examination for Determination of Responsiveness

Kenya Power will start by examining all tenders to ensure they meet in all respects the eligibility criteria and other requirements in the ITT, and that the tender is complete in all aspects in meeting the requirements of "Part 2 – KPLC's "Works Requirements", including checking for tenders with unacceptable errors, abnormally low tenders, abnormally high tenders and tenders that are front loaded. Tenders that do not pass the Preliminary Examination will be considered unresponsive and will not be considered further.

3.1 Part 1 - Preliminary Examination Criteria. These are mandatory requirements. This shall include confirmation of the following: -

- 3.1.1 *Submission of Tender Security - Checking its validity, whether it is Original; whether it is sufficient; whether it is authentic; whether it is issued by a local Bank/institution and whether it is strictly in the format required in accordance with the sample Tender Security Form(s).*
- 3.1.2 *Submission of the following duly completed and signed forms:*
 - (a) *Form of Tender*
 - (b) *Certificate of Independent Tender Determination*
 - (c) *Self Declaration Forms as hereunder:*
 - *Form SD1 & Form SD2*
 - (d) *Declaration and Commitment to the Code of Ethics*
 - (e) *Declaration Form*
 - (f) *Form EL1 1.1 – Tenderer Information Sheet*
 - (g) *Form EL1 1.2 (if applicable) – Party to JV Information Sheet*
- 3.1.3 *Submission and considering the Confidential Business Questionnaire: -*
 - a) *Is fully filled, signed and stamped.*
 - b) *That details correspond to the related information in the bid.*
 - c) *That the Tenderer is not ineligible as per ITT 3.*
- 3.1.4 *Submission and considering the following:-*
 - 3.1.4.1 *For local Tenderers*
 - a) *Company or Firm's Registration Certificate*
 - b) *PIN Certificate.*
 - c) *Valid Tax Compliance Certificate.*
 - d) *Valid Business Permit*
- 3.1.5 *That the Tender is valid for the period required.*
- 3.1.6 *The tenderer must be registered with National Construction Authority with a valid Practicing license for NCA 1 – NCA 6 (Roads Works).*
- 3.1.7 *Submission of a Completed site visit form signed by authorized KPLC officer*
- 3.1.8 *Submission of a proposed Work Program (Relevant Work Method & Schedule)*

- 3.1.10 *Submission of a Price Bill of Quantities, signed and stamped by bidder in its sanctity form and MUST be endorsed by A registered QS or Civil/Road Engineer with stamp and valid EBK or BORAQS practicing Certificate to confirm compliance with current market rates.*
- 3.1.11 *Duly filled Form EXP 4.1 and names with full contact as well as physical addresses of previous customers of with relevant building and civil works carried out within Jan 2021- Todate with reference letters from at least four (4) previous clients.*
- 3.1.12 *Submission of a complete and current CR12 Form (dated within 12 months before date of opening) obtained from the Registrar of Companies showing the Directorship and their respective shareholding of the firm, and in case of a corporate shareholder, bidders must separately submit a CR12 Form of the corporate shareholder until all the human Directors and their shareholding are disclosed.*
- 3.1.13 *Submission of the audited financial Statements are those that are reported within eighteen (18) calendar months of the date of the tender document together with a copy of the Auditors/Audit Firm valid ICPAK practicing license.*
- 3.1.14 *Power of Attorney authorizing the signatory of the Tender to commit the Tenderer in accordance with the Tender requirements. Proof of authorization shall be furnished in the form of power of attorney which shall accompany the tender if the signatory to the tender is not a director of the company (provide name and attach proof of citizenship of the signatory to the tender).*
- 3.1.15 *Record of unsatisfactory or default in performance obligations in any contract shall be considered. This shall include any Tenderer with unresolved case(s) in its performance obligations for more than two (2) months in any contract.*
- 3.1.16 *Notwithstanding the above, considering any outstanding orders where applicable and the production capacity indicated by the Tenderer.*

Tenders will proceed to the Technical Stage only if they qualify in compliance with Part 1 above, Preliminary Evaluation.

3.2 Part II - Technical Examination Criteria –Mandatory

In determining qualification requirements, KPLC shall apply the following among other criteria as listed in the Qualification Form Summary:

- a) **History of non-performing contracts:**
Tenderer and each member of JV in case the Tenderer is a JV, shall demonstrate that Non-performance of a contract did not occur because of the default of the Tenderer, or the member of a JV in the last five (5) years). The required information shall be furnished in the appropriate form.
- b) **Pending Litigation**
Financial position and prospective long-term profitability of the Single Tenderer, and in the case the Tenderer is a JV, of each member of the JV, shall remain sound according to criteria established with respect to Financial Capability under Paragraph (a) above if all pending litigation will be resolved against the Tenderer. Tenderer shall provide information on pending litigations in the appropriate form.
- c) **Litigation History**
There shall be no consistent history of court/arbitral award decisions against the Tenderer, in the last ten (10) years). All parties to the contract shall furnish the information in the appropriate form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the years specified. A consistent history of awards against the Tenderer or any member of a JV may result in rejection of the tender.

6.2.2 Scoring Criteria:

NO.	EVALUATION ATTRIBUTE	WEIGHTING %
6.2.1	<p>EXPERIENCE <i>Specific experience on Bitumen works, provide at 3 letters of award on projects undertaken</i></p> <p>a. <i>Value of projects - 15marks</i></p> <p style="margin-left: 20px;">i. <i>100m and above - 15 marks</i></p> <p style="margin-left: 20px;">ii. <i>50m to 100m- 12 marks</i></p> <p style="margin-left: 20px;">iii. <i>20m to 50m 9 marks</i></p> <p style="margin-left: 20px;">iv. <i>Below 20m 3 marks</i></p> <p>b. <i>Provide evidence of satisfactory completion-i.e. Completion certificate for above 3No. undertaken project -6 Marks</i></p> <p>c. <i>Provide evidence of satisfactory completion of Bitumen works with Completion Certificates -9 Marks</i></p>	30
6.2.2	<p><i>Qualified Technical staff in the company relevant to the construction industry who will actively be involved in the proposed project. Provide employment/appointment letters, contracts of the key personnel including length of service and termination date, CV, Academic and professional certificates and evidence of registration with relevant professional bodies and Telephone contacts.</i></p> <p>1. <i>Registered Project Engineer (Civil Engineer)-5 Marks</i></p> <ul style="list-style-type: none"> • <i>Diploma in Building or civil Engineering...2 marks</i> <p>2. <i>Project manager with degree in Civil Engineering-5 marks;</i></p> <ul style="list-style-type: none"> • <i>Higher Diploma in Building & Civil Engineering- 2 marks</i> <p>3. <i>SITE supervisor (Foreman) Diploma in Civil Engineering- 3marks</i></p> <p>4. <i>Safety officer –with special qualification in occupational first aid, awareness With necessary qualifications 2marks</i></p>	15
6.2.3	<p><i>The tenderer's undertaking that the key site management and technical personnel will be available for the contract full marks for employee commitment namely project manager, project engineer, foreman safety officer</i></p> <p><i>* full employer undertaking 1 marks</i></p>	5

	<p><i>* full employee undertaking 1 marks</i></p> <p><i>* endorsed appointment letters for all category of staff 3 marks</i></p>	
6.2.4.	<p><i>Proposed completion period for the project accompanied by a proposed Implementation Plan with completion date method statement and work methodology plan (Generic and not relevant schedules will STRICTLY NOT be scored)</i></p> <ul style="list-style-type: none"> <i>• Method statement highlighting sequence, safety policy, quality policy ,contract administration, construction procedures - 10 marks (2 mark for each)</i> <i>• Work programme in project management software(Microsoft project), sequence, matching, matching scope, within clients time lines, realistic time estimation 15marks (3marks for each aspect)</i> 	25
6.2.5	<p><i>Equipment, Give a list and type of relevant equipment owned by the company evidenced by ownership documents. Where not owned by the company, provide documentary evidence of leased equipment as required under qualifications forms EQU</i></p> <ul style="list-style-type: none"> <i>• Heavy earthworks construction equipment; lorries,tippers,excavators etc.- 10 marks (full marks for lease agreement,)-assessment on full set of equipment due to criticality</i> <i>• Construction equipment and light duty machines ie 6 Tonne deadweight roller,Self priming centrifugal pump,vibrating Roller, survey tools,dumper, tilting concrete mixers 10 marks -1 each</i> <i>• Hand tools ,heavy duty wheel barrows, first aid kit and complete safety gear for staff min 10 sets- 5marks</i> 	25
	TOTAL	100

Tenderers will proceed to Financial Evaluation stage only if they score a minimum of 75% of the Technical Evaluation

3. QUALIFICATION FORM SUMMARY

1 Item No.	2 Qualification Subject	3 Qualification Requirement	4 Document To be Completed by Tenderer	5 For KPLC's Use (Qualification met or Not Met)
1	Nationality	Nationality in accordance with ITT 3.6	Forms ELI – 1.1 and 1.2, with attachments	
2	Tax Obligations for Kenyan Tenderers	Has produced a current tax clearance certificate or tax exemption certificate issued by the Kenya Revenue Authority in accordance with ITT 3.14.	Form of Tender	
3	Conflict of Interest	No conflicts of interest in accordance with ITT 3.3	Form of Tender	
4	PPRA Eligibility	Not having been declared ineligible by the PPRA as described in ITT 3.8	Form of Tender	
5	State-owned Enterprise	Meets conditions of ITT 3.7	Forms ELI – 1.1 and 1.2, with attachments	
6	Goods, equipment and services to be supplied under the contract	To have their origin in any country that is not determined ineligible under ITT 4.1	Forms ELI – 1.1 and 1.2, with attachments	
7	History of Non-Performing Contracts	Non-performance of a contract did not occur as a result of contractor default since 1 st January [2018].	Form CON-2	
8	Suspension Based on Execution of Tender/Proposal Securing Declaration by Kenya Power	Not under suspension based on-execution of a Tender/Proposal Securing Declaration pursuant to ITT 19.9	Form of Tender	
9	Pending Litigation	Tender's financial position and prospective long-term profitability still sound according to criteria established in 3.1 and assuming that all pending litigation will NOT be resolved against the Tenderer.	Form CON – 2	
10	Litigation History	No consistent history of court/arbitral award decisions against the Tenderer since 1 st January [2018]	Form CON – 2	
11	Financial Capabilities	(i) The Tenderer shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as Kenya Shillings [OVER 20 Million] equivalent for the subject contract(s) net of the Tenderer's other commitments.	Form FIN – 3.1, with attachments	

1 Item No.	2 Qualification Subject	3 Qualification Requirement	4 Document To be Completed by Tenderer	5 For KPLC's Use (Qualification met or Not Met)
		<p>(ii) The Tenderers shall also demonstrate, to the satisfaction of Kenya Power, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.</p> <p>(iii) The audited balance sheets or, if not required by the laws of the Tenderer's country, other financial statements acceptable to Kenya Power, for the last [three] years shall be submitted and must demonstrate the current soundness of the Tenderer's financial position and indicate its prospective long-term profitability.</p>		
12	Average Annual Construction Turnover	Minimum average annual construction turnover of Kenya Shillings [20 million], equivalent calculated as total certified payments received for contracts in progress and/or completed within the last four] years, divided by [four] years	Form FIN – 3.2	
13	General Construction Experience	Experience under construction contracts in the role of prime contractor, JV member, sub-contractor, or management contractor for at least the last [three] years, starting 1 st January [2021].	Form EXP – 4.1	
14	Specific Construction & Contract Management Experience	A minimum number of [Three] similar contracts specified below that have been satisfactorily and substantially completed as a prime contractor, joint venture member, management contractor or sub-contractor between 1st January [2021] and tender submission deadline i.e. 3(number) contracts, each of minimum value Kenya shillings 10,000,000 equivalent. The similarity of the contracts shall be STRICTLY based on the following: Bitumen sealing works	Form EXP 4.2(a)	

1 Item No.	2 Qualification Subject	3 Qualification Requirement	4 Document To be Completed by Tenderer	5 For KPLC's Use (Qualification met or Not Met)
15	Relevant Personnel and Manpower for this scope of works	Indicate availability of a full project management structure consisting of a Project manager, Project Engineer, Project supervisor/foreman/Skilled, semi-skilled manpower and safety Officer.	Form PER 1 & PER 2 (All)- Fully filled with corresponding attachments/Appointment letters	
16	Tools and Equipment availability.	Indicate Availability of necessary construction Tools and Equipment as per Need. Tools availability ,lease etc.(Be specific to Relevant Tool requirement)	Form EQU (All)-Fully filled with corresponding attachments.	

3.3 Part III - Financial Examination Criteria

Evaluation of the following financial information against Tender Requirements and Specifications:

3.3.1 This will include the following: -

a) Confirmation of and considering that the Bill of Quantities is duly completed and signed and is in original KPLC format and not mutilated or typewritten with prices validated by Registered Q.S

(b). Considering information submitted in the Confidential Business Questionnaire against other information in the bid including: -

i) Declared maximum value of business

ii) Shareholding and citizenship for preferences where applicable.

c) Conducting a financial comparison based on the analysis of the Bidder's priced quantity.

d) Confirming that the bidder has quoted in Kenya Shillings.

e) Confirmation that there is no arithmetical errors

3.4.1 Confirming the following: -

3.4.1 .that the Supplier's offered Delivery Schedule meets Kenya Power's requirements.

3.4.2 that the Supplier's offered Terms of Payment meets Kenya Power's requirements.

The award shall be to the bidder with the lowest evaluated price.