



*Central Office – P.O. Box 30099, Nairobi, Kenya
Telephone – 254-02-3201000
Fax No. 254-02-3514485
StimaPlaza, Kolobot Road
Nairobi, Kenya*

Our ref: - KP1/9A.3/OT/028/21-22/Add5/AE/bkk

18th May, 2022

Your ref:

TO: All Prospective Bidders

Dear sir/madam,

RE: ADDENDUM NO. 5 TO THE TENDER NO. KP1/9A.3/OT/028/21-22 FOR SUPPLY OF DISTRIBUTION TRANSFORMERS (MANUFACTURERS ONLY)

The following amendment has been made to the specified provisions of the Tender document for Supply of Distribution Transformers (Manufacturers Only) dated March 2022.

1. RELATIONSHIP WITH THE PRINCIPAL TENDER DOCUMENT

Save where expressly amended by the terms of this Addendum, the Principal Tender Document shall continue to be in full force and effect.

The provisions of this Addendum shall be deemed to have been incorporated in and shall be read as part of the Principal Tender Document, addendum 1, addendum 2 addendum 3 and addendum 4

2. AMENDMENT OF SECTION III - BENEFICIAL OWNERSHIP DISCLOSURE

Section III evaluation criteria clause 2.2.7 has been amended to include;

(d) Beneficially ownership form.

NB: Attached is form No. 9 which is a mandatory document to be filled/completed by all bidders. Failure to disclose ownership as required will lead to disqualification. Foreign bidders who are not registered in Kenya under the Companies Act, should provide the Beneficial Ownerships in accordance with both their countries of origin and registration. Where there are exemptions or laws barring such disclosures in their countries of origin and registration, they provide certified proof by a Notary Public or his/her equivalent of such exemption/ law barring such disclosure. The timeline for this should be **not more than 3 months old from Date of Tender Document.**

3. TENDER CLOSING DATE

Following the Public Procurement Administrative Review Board (PPARB) ruling on application NO. 35/2022 of 22nd April 2022, the new tender closing date is **27th May 2022 at 1400hrs.** Tender opening is scheduled to be done on the same day at **1430hrs.**

All other requirements remain as per the tender document and earlier communicated addenda and the pre-bid minute of 22nd March 2022.

Yours faithfully,

FOR: THE KENYA POWER & LIGHTING COMPANY PLC

ASHENE ESHITUBI

AG. GENERAL MANAGER, SUPPLY CHAIN & LOGISTICS

FORM NO. 9 BENEFICIAL OWNERSHIP DISCLOSURE FORM
(Amended and issued pursuant to PPRA CIRCULAR No. 02/2022)

INSTRUCTIONS TO TENDERERS: DELETE THIS BOX ONCE YOU HAVE COMPLETED THE FORM

This Beneficial Ownership Disclosure Form ("Form") is to be completed by the successful tenderer pursuant to Regulation 13 (2A) and 13 (6) of the Companies (Beneficial Ownership Information) Regulations, 2020. In case of joint venture, the tenderer must submit a separate Form for each member. The beneficial ownership information to be submitted in this Form shall be current as of the date of its submission.

For the purposes of this Form, a Beneficial Owner of a Tenderer is any natural person who ultimately owns or controls the legal person (tenderer) or arrangements or a natural person on whose behalf a transaction is conducted, and includes those persons who exercise ultimate effective control over a legal person (Tenderer) or arrangement.

Tender Reference No.: _____ [insert identification no]

Name of the Tender Title/Description: _____ [insert name of the assignment] to:
 _____ [insert complete name of Procuring Entity]

In response to the requirement in your notification of award dated [insert date of notification of award] to furnish additional information on beneficial ownership: _____ [select one option as applicable and delete the options that are not applicable]

I) We here by provide the following beneficial ownership information.

Details of Beneficial ownership

	Details of all Beneficial Owners		% of shares a person holds in the company Directly or indirectly	% of voting rights a person holds in the company	Whether a person directly or indirectly holds a right to appoint or remove a member of the board of directors of the company or an equivalent governing body of the Tenderer (Yes / No)	Whether a person directly or indirectly exercises significant influence or control over the Company (tenderer) (Yes / No)
1.	Full Name		Directly----- ----- % of shares	Directly.....% of voting rights	1. Having the right to appoint a majority of the board of the directors or an equivalent governing body of the Tenderer: Yes ----No---- 2. Is this right held directly or indirectly?: Direct..... ... Indirect..... ...	1. Exercises significant influence or control over the Company body of the Company (tenderer) Yes ----No---- 2. Is this influence or control exercised directly or indirectly? Direct..... Indirect.....
	National identity card number or Passport number					
	Personal Identification Number (where applicable)		Indirectly---- ----- % of shares	Indirectly----- % of voting rights		
	Nationality					
	Date of birth [dd/mm/yyyy]					
	Postal address					
	Residential address					
	Telephone number					
	Email address					
	Occupation or profession					

Details of all Beneficial Owners		% of shares a person holds in the company Directly or indirectly	% of voting rights a person holds in the company	Whether a person directly or indirectly holds a right to appoint or remove a member of the board of directors of the company or an equivalent governing body of the Tenderer (Yes / No)	Whether a person directly or indirectly exercises significant influence or control over the Company (tenderer) (Yes / No)
2.	Full Name	Directly----- ----- % of shares	Directly.....% of voting rights	1. Having the right to appoint a majority of the board of the directors or an equivalent governing body of the Tenderer: Yes ----No---- 2. Is this right held directly or indirectly?: Direct..... ... Indirect..... ...	1. Exercises significant influence or control over the Company body of the Company (tenderer) Yes ----No---- 2. Is this influence or control exercised directly or indirectly? Direct..... Indirect.....
	National identity card number or Passport number	Indirectly---- ----- % of shares	Indirectly----- % of voting rights		
	Personal Identification Number (where applicable)				
	Nationality(ies)				
	Date of birth [dd/mm/yyyy]				
	Postal address				
	Residential address				
	Telephone number				
	Email address				
	Occupation or profession				
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II) Am fully aware that beneficial ownership information above shall be reported to the Public Procurement Regulatory Authority together with other details in relation to contract awards and shall be maintained in the Government Portal, published and made publicly available pursuant to Regulation 13(5) of the Companies (Beneficial Ownership Information) Regulations, 2020. (Notwithstanding this paragraph Personally Identifiable Information in line with the Data Protection Act shall not be published or made public). *Note that Personally Identifiable Information (PII) is defined as any information that can be used to distinguish one person from another and can be used to deanonymize previously anonymous data. This information includes National identity card number or Passport number, Personal Identification Number, Date of birth, Residential address, email address and Telephone number.*

III) In determining who meets the threshold of who a beneficial owner is, the Tenderer must consider a natural person who in relation to the company:

- (a) holds at least ten percent of the issued shares in the company either directly or indirectly;
- (b) exercises at least ten percent of the voting rights in the company either directly or indirectly;
- (c) holds a right, directly or indirectly, to appoint or remove a director of the company; or
- (d) exercises significant influence or control, directly or indirectly, over the company.

IV) What is stated to herein above is true to the best of my knowledge, information and belief.

V) I _____ on behalf of _____ ltd/Plc hereby authorize and consent to Kenya Power publish Information with regards to the beneficial ownership to _____ ltd/Plc in its books of accounts, Website or otherwise as it will deem fit

Name of the Tenderer:..... *[insert complete name of the Tenderer] _____

Name of the person duly authorized to sign the Tender on behalf of the Tenderer: ** [insert complete name of person duly authorized to sign the Tender]

Designation of the person signing the Tender:..... [insert complete title of the person signing the Tender]

Signature of the person named above [insert signature of person whose name and capacity are shown above]

Date this [insert date of signing] day of..... [Insert month], [insert year]

Bidder Official Stamp