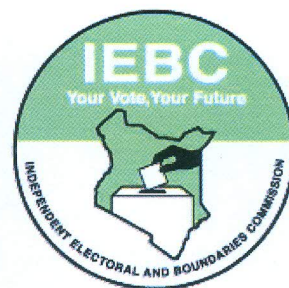


INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION



Clarifications

4th August, 2021

Tender No. IEBC/OIT/002/21/2021/2022 - Supply and Delivery of Ballot Papers; Register of Voters, Statutory Election Result Declaration Forms to be used at the Polling Station; Election and Referendum Result Declaration Forms to be used at the Constituency and County Tallying Centre on a Three Year Framework Contract.

S/No	Query	Response / Clarification
1.	Bidder sought clarification on quoting realistic time lines based on the above quantities resulting from a pre-qualification; then amend the delivery schedule appropriately including a column that requires one to complete the lead time to manufacture and ship the goods to JKIA in case of international bidders.	Clarifications dated 23rd July, 2021 paragraph 13 suffices.
2.	Bidder requested the Commission to waive the ISO condition in respect of security printers that have been previously pre-qualified by IEBC or its predecessors and those which have been previously contracted for supplies to IEBC.	Clarifications and Commission response dated 23rd July, 2021 paragraphs 16 and 50 suffice.
3.	Bidder sought information on the status of this procurement in the context of the suit filed in the High Court challenging this tender as reported in the press as it would make sense to postpone the closing date until the suit has been determined and ruled by the High Court.	The Commission may not comment on the matter as it is before the Honourable Court.
4.	Bidder stated that the timeframe for submission of the bids is very short; and requested if it would be possible to have an extension of at least two weeks.	Clarifications dated 23rd July, 2021 paragraph 79 suffices.

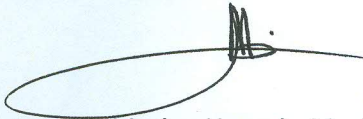
S/No	Query	Response / Clarification
5.	<p>Bidder sought clarity on if they do need to quote including taxes and duties, exactly what the percentages would be.</p> <p>Also bidder stated that there are no quantities for the forms.</p>	<p>Clarifications dated 23rd July, 2021 paragraph 8 suffices.</p> <p>Clarifications dated 23rd July, 2021 paragraph 3 and details of the tender document suffice.</p>
6.	<p>Bidder sought clarification about when a copy of the sample register can be availed to a bidder and how soon upon making such a request.</p>	<p>The register may be availed upon formal request.</p>
7.	<p>Bidder requested that the Commission acknowledge receipt of bidders' application and confirm registration of the respective bidder and publish the data on its portal for avoidance of any doubt. There should be a formal procedure for registration and also proper format for registering interest in the tender.</p>	<p>The procedure provided in the tender document is formal and has details about registration. All bidders who registered for this tender have been notified and are receiving all communications.</p>
8.	<p>Bidder sought definition of the term "chronologically serialize" all the pages of the tender documents submitted.</p>	<p>This means serialization MUST be Sequential.</p>
9.	<p>Bidder sought clarity on how the Procurement Entity shall forward copies of its response to all tenderers who have acquired the tender documents</p>	<p>Bidder shall read and familiarize themselves with Clause 1.4 of the tender document page 3; and also Clause 6.1 on page 10.</p>
10.	<p>Bidder made reference to 'The price to be quoted in the form of Tender in accordance with ITT 10.1 shall be the total price of the tender...'; then stated that since the quantity of the goods has not been specified, how is this to be done.</p>	<p>Clarifications dated 23rd July, 2021 paragraph 3; and response on paragraph 9 suffice.</p>
11.	<p>Bidder sought clarification if Tenderers are allowed to submit a tender in foreign currency; to protect the bidders from financial risks owing to currency devaluation or fluctuation of the Kenya Shilling at the time of importation and in which case the bidder ought to be compensated against losses incurred due to the currency fluctuation or devaluation of the local currency.</p>	<p>Details are provided in Section II – Tender Data Sheet (TDS), page 30; in reference to ITT 31.1.</p>

S/No	Query	Response / Clarification
12.	Bidder sought clarification on whether the Bid security is to be valid for 30 days beyond the tender validity period i.e., 150 days.	Further to Clarifications of 23 rd July, 2021 paragraph 50, Bidders are encouraged to read the tender document and understand the requirements. Details are provided in Section II – Tender Data Sheet (TDS), page 30 TDS reference to ITT 17.1 that The Tender validity period shall be 180 days; read together with TDS reference to ITT 18.1 that if a Tender Security shall be required, the amount and currency of the Tender Security shall be Kenya Shillings 20 million or equivalent in foreign currency valid for at least 210 days from the date of opening tenders, issued by a Bank recognized in Kenya.
13.	Bidder sought clarity and definition of the term 'read out all the tenderers'; requesting that the Commission states briefly what information will be read out exactly.	Section 78 (6) of the Public Procurement and Asset Disposal Act, 2015 provides that <i>“As each tender is opened, the following shall be read out loud and recorded in a document to be called the tender opening register—</i> <i>(a) the name of the person submitting the tender;</i> <i>(b) the total price , where applicable including any modifications or discounts received before the deadline for submitting tenders except as may be prescribed; and</i> <i>(c) if applicable, what has been given as tender security”</i> .
14.	Bidder requested to know when the market survey will be made, and what the process involves.	Section 54(1) of the Public Procurement and Asset Disposal Act, 2015 provides that <i>“Standard goods, services and works with known market prices shall be procured at the prevailing market price”</i> . Ballot papers may not be classified as standard goods. The Procuring Entity shall determine value for money through the evaluation process and other comparative techniques.
15.	On Publication of Procurement Contract, bidder sought explanation if the information in relation to the contract does include a summary or full details of the technical and financial evaluation reports, which ought to be the case; as in their understanding, as pronounced in of the Presidential Executive Orders (issued soon after the exposure of the KEMSA scam involving PPEs).	The Commission is NOT aware of this position. Bidders are also advised to read and understand the Kenyan Procurement Laws and the requirements of the tender document and desist from unsubstantiated sentiments.

S/No	Query	Response / Clarification
16.	Bidder sought to know if The prices quoted by the Tenderer are subject to adjustment during the performance of the Contract.	Reference to ITT 13.5 and details on the TDS on Page 28.
17.	Please confirm that performance security issued by a PPRA approved insurance company is acceptable, in case necessary.	Clarifications dated 23rd July, 2021 paragraph 5 suffices.
18.	Bidder sought clarity if Form of tender can be on company letterhead or allow each form to be completed by hand and identified by company stamp enclosed on each page, including signature of the authorized official of the company.	Condition of 2.1. Preliminary examination of Tenders on page 33 suffices .
19.	<p>Bidder sought clarity if all the information on the form to be completed was on the basis of the quantity shown in column 5 per booklet of 50 forms.</p> <p>The bidder also stated that the lead time required to manufacture and ship the item would depend on the quantity ordered and therefore and sought to know how the delivery date stipulated under column 4 is to be completed.</p> <p>Bidder sought to know how many forms.</p> <p>Also bidder requested to know if the unit price in column 6 to be stipulated is for a booklet of 50 forms.</p> <p>Equally the bidder requested to know if the total price in column 7 to be calculated is on the basis of a total quantity of how many booklets.</p> <p>Bidder also requested to know, under column 7, if the price to be inserted, required to cater for certain Duty, VAT, IDF, applicable to ONE BOOKLET of 50 forms and qualify the component of each service required.</p>	<p>Refer to Addendum 2 of 28th July, 2021.</p> <p>The form MUST be duly filled, with all spaces filled as appropriate.</p> <p>Refer to the tender Document.</p> <p>Refer to tender Document and clarification of 23rd July, 2021 response for paragraph 9.</p> <p>Refer to tender Document and clarification of 23rd July, 2021 response for paragraph 9.</p> <p>Refer to tender Document and clarification of 23rd July, 2021 response for paragraph 9.</p>
20.	Bidder made reference to previous email, and reference to relevant sections of the PPADA 2015 in connection with the tender requirement of 40% local content;	Refer to tender Document and clarification of 23 rd July, 2021 response for paragraph 8; second line. This format was provided to ensure there is uniformity of interpretation by bidders; thus the details in the form

S/No	Query	Response / Clarification
	requesting amendment to this requirement.	<p>are not exhaustive/conclusive. Bidders are welcome to provide details of what shall constitute their 40% local content.</p> <p>The condition however remains Mandatory. The Procuring Entity has no power to waive what is provided for in law as a mandatory requirement.</p>
21.	<p>With respect to 2.3 Qualification Evaluation Criteria page 50, clause 3, Similar Experience, Bidder stated that taking into account that during the last 2 elections (covering a span of 10 years), the local printers would not have been in a position to execute contracts worth Kshs.5 billion and as such this condition is discriminatory and the critical requirement ought to be in relation to electoral materials.</p>	<p>The Requirement Reads: Similar Experience -The Tenderer has satisfactorily completed at least 5 (five) contracts for security printing of goods or election material, cumulative of Kenya Shillings 5 billion equivalent within the past 10 years.</p> <p>The Tendering is open to all qualified security printing firms.</p>

All other details and information remain the same.



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