INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

CLARIFICATIONS

DATE: 25TH SEPTEMBER, 2026

IEBC/OIT/01A/2026 – 2027: SUPPLY, DELIVERY, INSTALLATION, TESTING, COMMISSIONING, SUPPORT AND MAINTENANCE OF THE INTEGRATED ELECTIONS MANAGEMENT SYSTEM (IEMS), HARDWARE EQUIPMENT AND ACCESSORIES

Pursuant to section 75(1) of the Public Procurement and Assets Disposal Act, 2015 (Revised Edition 2022) the Commission hereby makes amendments/clarifications of the above tender as follows: -

Item No	Query/Clarification Sought	Response
1.	Request for an extension of the tender submission deadline, respectfully seeking the Commission's consideration of an extension of two (2) weeks, to Friday, 16th October 2026, in order to allow sufficient time to prepare a fully responsive and compliant submission.	Bidders are required to comply within the timeline specified in the tender document. In case of an extension, the Commission shall communicate through an Addendum.
2.	whether tenders submitted by a joint venture are admissible under this tender;	Joint Venture is not allowed for this tender
3.	if so, the maximum number of JV members and any specific requirement applicable to JV tenders.	Joint Venture is not allowed for this tender
4.	whether IEBC intends to procure independent assurance and certification separately from the IEMS supply and implementation contract.	There will be a separate tender.
5.	the appropriate procedure for an independent assurance provider to register its interest.	There will be a separate tender.
6.	any independence, accreditation, conflict-of-interest or Kenyan registration requirements that would apply.	There will be a separate tender.
7.	The specification requires a fingerprint sensor ""FBI PIV IQS, and STQC certified"". The corresponding specification read ""or STQC certified"", and the Commission's fingerprint imaging requirements in Section V are anchored on the FBI Image Quality Specifications.	The Commission confirms that the fingerprint sensor should be FBI PIV IQS or STQC certified.

	Question: Does the Commission confirm that a fingerprint sensor certified under the FBI Image Quality Specifications, whether PIV IQS or Appendix F, satisfies this requirement without a concurrent STQC certification?" Page 35; under biometric device	
8.	"Kindly confirm that a reference letter or a certificate of successful implementation, issued by a client — confirming the scope of the engagement and its successful completion — satisfies the requirement for a recommendation letter under this criterion. We understand that the requirement for five (5) separate clients, and the requirement that the engagements concern the implementation of elections systems, remain unchanged. In the election technology sector, the client is, in almost every case, an electoral management body or another organ of the State. Government institutions are generally precluded by their own procurement and public-service rules from recommending a commercial supplier, since to do so could be construed as endorsing one competitor over another in future procurements to which the institution or its peers may be a party. What such institutions do issue, as a matter of routine practice, is a factual attestation: a reference letter, a certificate of successful implementation, or a certificate of completion. These documents confirm the scope, value, period and successful conclusion of the engagement, and are signed by an authorised officer of the client. They convey the same evidentiary content as a recommendation — namely, that the supplier performed the contract successfully — without expressing an endorsement the institution is not permitted to give. Read literally, the present wording would require every tenderer to obtain a document that its principal clients are institutionally unable to provide. The practical effect would be to exclude suppliers whose experience is drawn from national electoral bodies, which is precisely the experience this criterion is designed to test." Addendum 1 (18 September 2026), Qualification Form, page 6	A recommendation letter or certificate of successful implementation is sufficient.

9.	Question: Where a Tenderer proposes to satisfy this requirement through a Joint Venture partner or a subcontractor that itself holds a locally registered office and ICT technical support staff in Kenya — rather than the lead Tenderer holding such an office directly — will this be deemed compliant with the Local Representation requirement? Please clarify whose registered office, staffing, and 75%-Kenyan-employment plan will be evaluated: the lead Tenderer's alone, or that of any JV member or subcontractor named in the Tender. Section III – Evaluation and Qualification Criteria, Stage B (Vendor Evaluation) – "Local Representation" (Support and Maintenance / Local Representation row)	Allowed for Local content including Kenyan-flag shipping, Kenyan clearing firm, inland transport, warehousing, security, material handling, local insurance, local labor, local PM, local packaging, local professional services
10.	Context: The tendering document requires Tenderers to submit a substantial volume of original and certified supporting documentation alongside the Tender, including, among others, a Tender Security instrument issued by an IRA-licensed insurer or a CBK-approved institution, certified copies of audited financial statements, a notarized Power of Attorney, and certified copies of corporate registration and eligibility documents — several of which must be obtained from third parties such as banks, insurers, notaries, auditors, and government registries, and which, for Tenderers not domiciled in Kenya, may also require certified translation and legalization. Addendum 1, issued on 18 September 2026, further introduced two new minimum financial thresholds (Qualification Form Items 11 and 12), requiring additional audited financial evidence, with the submission deadline of 2 October 2026 left unchanged. Question: In view of the time required to request, obtain, certify, and, where applicable, legalize the documentation described above, and pursuant to the Commission's discretion under ITT 25.2, we kindly request that the Commission consider extending the deadline for submission of Tenders from 2 October 2026 to 23 October 2026. We would welcome the Commission's confirmation of whether such an extension can be	Deadline for Submission of Tenders remains 2nd October 2026

	granted." ITT 25.1 (Deadline for Submission of Tenders) and ITT 25.2 (Extension of Deadline), Tender No. IEBC/OIT/001A/2026-27.	
11.	"ITT 4.1 (Section I, Instructions to Tenderers) provides that a Tenderer may be a private entity, a state-owned enterprise, or any combination of such entities in the form of a Joint Venture, and sets out detailed conditions applicable to JV Tenderers, including joint and several liability, nomination of a representative, and a statement that 'the maximum number of JV members shall be specified in the TDS.' However, the Tender Data Sheet (Section II) entry against ITT 4.1 states 'JV shall be: NOT APPLICABLE.' Kindly confirm whether the exclusion of JVs under ITT 4.1 of the TDS is intended to also exclude any other form of collaborative bidding arrangement between two or more legal entities — however termed (e.g., Consortium, teaming arrangement, or strategic partnership) — that does not meet the strict definition of a Joint Venture under ITT 4.1, 4.4, and 4.11" ITT 4.1 (Section I, Instructions to Tenderers), and the Tender Data Sheet (Section II) entry against ITT 4.1.	Allowed for Local content including Kenyan-flag shipping, Kenyan clearing firm, inland transport, warehousing, security, material handling, local insurance, local labor, local PM, local packaging, local professional services.
12.	Should a Consortium bid be permitted, kindly clarify whether each member of the Consortium is required to individually and fully meet every qualification criterion set out in Section III of the tender (including, without limitation, Item 11, Average Annual Turnover, Item 12, Financial Resources, Item 13, General Experience, and Item 14, Specific Experience), or whether the Consortium as a whole may rely on the combined or aggregate qualifications of its members, for example combined annual turnover, combined financial resources, or combined relevant experience, to meet these criteria. Section III, Evaluation and Qualification Criteria (Qualification Form, Items 11 to 14, as revised by Addendum 1), read together with ITT 4.1.	Not allowed
13.	7 "The tendering document does not state whether a Tenderer proposing to subcontract part of the supply may rely on that subcontractor's own reference letters, completion certificates, general or	Tenderer **shall not** rely on that subcontractor's references

	specific experience, or audited financial statements to help satisfy the Qualification Form's financial and experience thresholds, as distinct from a JV member's qualifications. Question: Where a Tenderer proposes to subcontract part of the supply of the Information System to another company, may the Tenderer rely on that subcontractor's references, completion certificates, experience, or financial statements to meet the qualification requirements set out in the Qualification Form, or must the Tenderer independently satisfy those requirements on its own standing? If subcontractor capacity may be relied upon, kindly clarify which specific Qualification Form items this applies to, and what supporting documentation from the subcontractor would be required." Section III – Evaluation and Qualification Criteria (Qualification Form, Items 10–14: Historical Financial Performance, Average Annual Turnover, Financial Resources, General Experience, and Specific Experience); ITT 17.1 (Documents Establishing the Eligibility and Qualifications of the Tenderer).	
14.	SD cards have been mentioned as accessories however is not see in the main price schedule quantity list. Kinly confirm the required quantity of SD cards and the technical specification (e.g., storage capacity, class/speed rating) expected? PG153	SD cards will be procured separatelythrough another tender
15.	(p.153, clause 1.7.10) SD card duplicators – The clause refers to "tools to generate and duplicate the SD cards." Could the Commission confirm the quantity how many physical SD duplicator device are required ? It is important for a bidder to know the quantity since the number of quantity produced has impact on a unit price.	SD card duplicators will be required as part of this project .Bidders to propose an optimal solution and the appropriate quantities to meet the expected production requirements. The SD Card Duplicator should be included in the price schedule and to be quoted at a unit cost
16.	PG 161 Xi. It says "The vendor may preferably utilize the existing ABIS platform and tools for easier system migration...". Please confirm to provide the source code, access and its necessary documentation to the winner/supplier to facilitate this scope of work? 7. Also, Please clarify	It is not mandatory.

	whether reuse of IEBC's existing ABIS platform and tools is mandatory or merely preferred ("the vendor may preferably utilize the existing ABIS platform")	
17.	PG 35 Embedded security features What are the minimal security features required?	These are minimum security features expected on an android platform such as Data Encryption,Trusted execution environment, User authentication ,secure booting etc.
18.	PG 35 Geo-fencing capability How this fence is established? What is the fence perimeter? How the device will report its location? How the device will notify fence perimeter violation? Is this linked to the embedded RFID transmitter?	In Kenya , the legal requirement is a radius of not more than 400 Metres from the center of the polling station. This is not related to the RFID.
19.	PG 36 Power Banks/Adapter charger DC input 5.0V --- 2.1A Clarification Request Sender : Miru Systems Co.,Ltd 2 DC output 5.0V --- 2.1A As specified an adapter charger is required for the Power Bank. Is the same adapter also use to power the biometric device? Micro USB cable cannot support 2.1A. It is rated for 2.0A at 5.0V (10 watts). USB-C connectors do not have that limit. To avoid discrepancies and incompatibilities, the Procuring Entity can let the Supplier to advise and propose input/output accordingly as long as it enables double the capacity of the biometric device autonomy.	The adapter charger with USB-C connectors should charge both devices and the powerbanks.
20.	Page 38 The system must generate unique elector's number. Kindly describe the composition structure of this number?	The specific details will be provided to the successful bidder
21.	PG 48 It says "The bidder will be required to provide the accessories e.g. backdrops for new kits that provide conditions necessary to comply with ICAO standards. How many Backdrops to be supplied ? What size ? What is the color and Material Specification?	The bidder to design the required backdrop specifications to meet the ICAO standards. The quantity will be ordered as per the framework on "as and when required basis". Each device will be supplied with one (1) back drop. The backdrop should be included in the price schedule and to be quoted at a unit cost

22.	**A. RTS Capacity, Concurrency and Performance** For requirement 1.9.3.3(i), please define precisely what constitutes a "concurrent session." Does the requirement for at least 60,000 concurrent sessions mean one active session per RTS-enabled polling-station device, irrespective of the number of elective positions/results transmitted, or is a separate session expected for each elective position/result transmission? **(Concurrent sessions)**	The vendor should design the optimized solution to meet the minimum performance requirements.
23.	**Six elective positions** Given that the RTS is required to support multiple elective positions, including Presidential, Governor, County Woman Representative, National Assembly, Senate and County Assembly Ward elections, should all results from one polling station be transmitted within one authenticated RTS session or through multiple independent sessions?	The vendor should design the optimized solution to meet the minimum performance requirements.
24.	**Peak transaction rate** Please provide the expected peak transactions per second (TPS) and requests per second (RPS) for the RTS Backend Application during the results-transmission period.	The vendor should design the optimized solution to meet the minimum performance requirements.
25.	**Submission burst** Please specify the expected peak number or percentage of polling stations that may submit results within 5, 10, 15, 30 and 60-minute windows.	The vendor should design the optimized solution to meet the minimum performance requirements.
26.	**Retries and retransmissions** Please provide the expected or design-assumption percentage of failed, retried or retransmitted submissions, including the expected behaviour where connectivity is temporarily unavailable.	The vendor should design the optimized solution to meet the minimum performance requirements.
27.	**Offline recovery** Where polling stations store results locally and transmit them after connectivity is restored, what proportion of polling stations should the bidder assume may reconnect and transmit simultaneously?	The vendor should design the optimized solution to meet the minimum performance requirements.
28.	**Performance headroom** Does the 60,000-session requirement represent the contractual minimum only, or is the bidder expected to provide additional capacity/headroom for administrative sessions, retries, acknowledgements, monitoring, integrations and other concurrent workloads?	The vendor should design the optimized solution to meet the minimum performance requirements.

29.	**B. Data, Forms, ICR/AI and Storage** **Form payload size** Please provide the expected average and maximum file size of each scanned statutory form, including image resolution, colour/depth and compression requirements.	The bidder to recommend the optimal requirements to meet the performance requirements
30.	**Number of forms** Please clarify the expected number of forms/images transmitted per polling station and whether the bidder should size for all elective-position forms to be transmitted separately.	Minimum of one (1) form per polling station
31.	**ICR/AI performance** For the requirement to recognise handwritten and printed text from scanned Forms 34A, please specify the expected recognition accuracy, confidence threshold, processing time per form and minimum throughput.	The bidder should design the optimized solution to meet the minimum performance requirements.
32.	**Low-confidence ICR** What workflow is required where ICR/AI confidence is below the acceptable threshold? Is manual verification by authorised officers required, and should the system maintain both the original image and corrected extracted values?	The bidder should design the optimized solution to meet the minimum performance requirements.
33.	**Data retention** Please confirm the required retention periods for original scanned forms, extracted results, transaction records, audit trails, operational logs and archived records.	Rention period for seven (7) years
34.	**Log volumes** Please provide an indicative or required assumption for daily/peak log volumes and the expected storage period for online versus archived logs, including the requirement for permanent archival where applicable.	The bidder should design the optimized solution to meet the minimum performance requirements.
35.	**C. Public Portal, Verification and Other Concurrent Users** **Public portal load** Please provide the expected peak concurrent public users and peak requests per second for the public results portal during election/results-transmission periods.	The bidder should design a scalable solution to meet unpredictable demands on election night.
36.	**Portal architecture** Should public portal traffic be isolated from RTS ingestion and processing infrastructure, for example through a separate publication tier, cache/CDN, read replicas or equivalent architecture?	The bidder should design a scalable solution to meet unpredictable demands on election night.
37.	**Candidate agent/auditor access** Please provide the expected number of concurrent candidate-agent, auditor and other verification users and the	The bidder should design a scalable solution to meet unpredictable demands on election night.

	anticipated peak workload for verification of transmitted results and statutory forms.	
38.	**Administrative/tallying sessions** Should the 60,000 concurrent-session requirement include Returning Officer/tallying-centre users, system administrators, monitoring users, integration services and other non-polling-station connections?	The bidder should design a scalable solution to meet unpredictable demands on election night.
39.	**C. Infrastructure, Network and Integration** **IEBC-provided infrastructure** Please provide the proposed server, virtualization/container, operating-system, database, storage, IOPS, load-balancing, network and security infrastructure specifications on which the bidder is expected to deploy the RTS Backend Application.	The specific details will be discussed and provided to the successful bidder
40.	**Network bandwidth** Please provide the available and planned bandwidth between polling-station connectivity, the central RTS environment, tallying centres and the public-facing environment, including expected redundancy.	The specific details will be discussed and provided to the successful bidder
41.	**Integration interfaces** Please provide interface/API specifications, data schemas, authentication mechanisms, expected volumes and availability requirements for integration with the Candidate Registration Management System, biometric voter register and other IEMS/IEBC systems.	The specific details will be discussed and provided to the successful bidder
42.	**API performance** Please specify expected API response-time targets, timeout values, retry rules, rate limits and availability requirements for system-to-system integrations.	The bidder should design a scalable solution to meet unpredictable demands on election night.
43.	**Sandbox/test environment** Please confirm the specifications, availability and data requirements for the required sandbox/testing/training environment and whether it will be representative of production at scale.	The specific details will be discussed and provided to the successful bidder
44.	**.E.Security, PKI, Device Management and Audit** **PKI/certificates** Please clarify the required PKI/certificate architecture, including certificate issuance, renewal, revocation, device identity, key storage, digital-signature validation and compromised-device procedures.	The specific details will be discussed and provided to the successful bidder

45.	**Hardware identity** Please specify how hardware/device identity is expected to be established and bound to the authorised RTS application, polling station and election officer.	The bidder should design a scalable solution to meet unpredictable demands on election night.
46.	**Remote wipe** Does the requirement to remotely wipe the RTS application/settings mean application-level data/settings deletion only, or full-device wipe? Please specify the required authorization and audit controls.	Provide for full device wipe
47.	**Tamper-proof logs** Please define the technical standard expected for "tamper proof" logs, including whether immutable/WORM storage, cryptographic hashing/hash chaining, trusted timestamps or SIEM integration is required.	The bidder should design a scalable solution to meet unpredictable demands on election night.
48.	**Privileged access** Please clarify the required controls for privileged administrator access, including MFA, segregation of duties, dual authorization for sensitive operations, session recording and emergency access.	The specific details will be discussed and provided to the successful bidder
49.	**Security testing** Please specify the required scope and timing of penetration testing, vulnerability assessment, independent security certification and remediation before production deployment.	The specific details will be discussed and provided to the successful bidder
50.	**F. High Availability, Mirror Site, Backup and Disaster Recovery** **Mirror site** Please clarify whether the primary and mirror environments are expected to operate active-active, active-passive or another model, and whether administrators must be able to switch operations between sites without application reconfiguration.	The specific details will be discussed and provided to the successful bidder
51.	**RPO/RTO** Please specify the required Recovery Point Objective (RPO) and Recovery Time Objective (RTO) for the RTS Backend Application, database, document/image repository and public results services.	The specific details will be discussed and provided to the successful bidder
52.	**Failover** Please specify the maximum acceptable failover time and whether automated failover is required.	The specific details will be discussed and provided to the successful bidder
53.	**Replication** Please clarify the expected database, file/object-storage, configuration, audit-log and certificate/key replication approach between the primary and mirror environments.	The specific details will be discussed and provided to the successful bidder

54.	**Backup** Please specify backup frequency, retention, off site/immutable backup requirements and restoration-test frequency	The specific details will be discussed and provided to the successful bidder
55.	**G Monitoring, Support and Election-Day Operations** **Monitoring thresholds** Please provide required thresholds/alerts for CPU, memory, database connections, storage, queue depth, API latency, transmission failures, certificate expiry and other critical components.	The specific details will be discussed and provided to the successful bidder
56.	**Election-day support** Please confirm whether the standard incident SLAs are superseded by a 24×7 election-day/results-transmission support model and provide the required response, restoration and escalation targets during this period	The vendor to propose election day support that addresses the criticality of election day support. The SLA should cover both the Election day support and other routine support after the Election during the annual maintenance period
57.	**Critical incident definition** Please define what constitutes a critical, major and minor incident specifically for the RTS environment, including system-wide outage, regional outage, data-integrity incident, security incident and delayed transmission.	The vendor to propose as part of the proposed SLA paramenters which will be negotiated before contract signing.
58.	**Performance/load testing** Please specify the required load/performance test methodology, test duration, success criteria and whether testing must demonstrate the 60,000 concurrent sessions under realistic transaction, image-upload and retry workloads	The vendor should meet the required threshold of 60,000 concurrent sessions. The vendor to submit as part of the SLA paramenters their proposed methodology, test duration and success criteria
59.	**Operational handover** Please confirm the required operational documentation, administrator training, knowledge transfer, runbooks, disaster-recovery exercises and acceptance criteria before production handover.	Refer to the technical specification.
60.	A. Vendor Qualification (Section III) **A1.** Section III sets a Business Operational Capacity threshold of USD 50,000,000+ cumulative election-technology undertakings across 2021–2025. Where the tenderer is a system integrator who supplies OEM-manufactured biometric devices under a valid Manufacturer's	The tender requires evidence of having supplied at least one business undertaken of USD50,000,000 cumulatively in the period specified. Yes, tenderer may include the OEM manufacturer's certified contracts, purchase orders, and completion certificates in

	Authorisation Form (Form 28), may the tenderer include the OEM manufacturer's certified contracts, purchase orders, and completion certificates in evidence of this threshold, provided the OEM's authorisation letter is submitted with the bid? *Rationale: Without this clarification, system integrators acting under Manufacturer's Authorisation cannot determine whether their own contract record or the OEM's record satisfies Section III Sub-Factor 2.3, risking material non-compliance at preliminary evaluation despite representing the same technology supply chain. The 2013 BVR procurement demonstrates that G2G integrators and OEM-backed bidders routinely structure accountability between the principal and the original manufacturer; ambiguity here forces bidders either to self-exclude unnecessarily or to submit incomplete evidence.*	evidence of this threshold, provided the OEM's authorisation letter is submitted with the bid
61.	**A2.** The same section requires "evidence of having supplied at least 50,000 devices to a single client cumulative 2021–2025". May this evidence similarly be provided through the OEM manufacturer's certified contracts under a Manufacturer's Authorisation, or must the tenderer entity itself have shipped the 50,000 units? *Rationale: If the 50,000-unit requirement must be met by the tenderer entity alone, system integrators who channel OEM products under Manufacturer's Authorisation are excluded regardless of the OEM's verifiable supply record; without this clarification, bidders cannot assess whether they qualify and cannot price the risk of disqualification at preliminary evaluation under Section III.*	The tender requires evidence of having supplied at least 50,000 devices cumulatively in the period specified in the tender document. Refer to addendum No. 1 dated 18th September 2026
62.	**A3.** The requirement for "election-technology supply/install to at least two countries cumulative 2021–2025" — may deployments performed by the tenderer's named subcontractor (identified on Form 30 with a	The tender requires evidence of having supplied at least two countries in the period specified by the bidder

	signed Subcontractor's Agreement on Form 29) be aggregated with the tenderer's own deployments to satisfy this criterion? *Rationale: Section III does not expressly state whether subcontractor experience may be aggregated; without confirmation, bidders cannot determine whether a joint delivery record meets the two-country criterion and cannot finalize their teaming arrangements before the submission deadline.*	
63.	**A4.** For the five client recommendation letters and three completion certificates on implementation of elections systems required in the Vendor Evaluation section, please confirm whether these may be provided from a combination of the tenderer, its OEM manufacturer(s) under Manufacturer's Authorisation, and its named subcontractors, or must all originate from the tenderer entity. And does "election systems" refers software systems or a combination of hardware and software? *Rationale: Without this clarification, bidders who rely on OEM and subcontractor networks to deliver scope cannot confirm their documentary compliance, and evaluators face inconsistent submissions that complicate like-for-like preliminary assessment under Section III.*	Election (electoral) system refers to a combination of hardware and software
64.	B. Technical Evaluation and Sample Submission **B1.** Please confirm the specific numerical pass mark on the 100-point technical scoring scale (ITT Section III shows a range of 70–85). Bidders scoring below this mark will not proceed to financial evaluation. Please provide and specify the detail scoring criteria. *Rationale: A 15-point ambiguity band on the pass mark materially affects bid strategy: a threshold of 70 allows a broader technical approach, while 85 requires a substantially more detailed and evidenced proposal;*	There is No scoring in the technical evaluation. Bidders will be evaluated on a Full compliance (Yes/No) criteria The Tenderer that meets the qualification criteria and whose Tender has been determined to be: i) Most responsive to the tendering document; and ii) The lowest evaluated cost.

	without confirmation, bidders cannot calibrate technical depth and risk either over-investment or technical non-progression. *Only Y/N choice was provided in evaluation criteria section, while the corresponding score of Y/N choice was not indicated.*	
65.	**B2.** Regarding the mandatory hardware sample (Section III Preliminary Item #1): does IEBC require only the biometric device itself, or the full accessory kit including power bank, rubber protection case, charger, padded carrying case, tamper-evident seals, SD card, and ICAO photo backdrop? *Rationale: Under-scoped sample submission risks the bid being rejected at preliminary evaluation; over-scoped submission incurs unnecessary import, KEBS PVoC, and logistics cost — the cost differential between a bare device and a full kit including all listed accessories, at the quantities needed for evaluation, is material to bid preparation costs and import planning.*	Complete sample of the kit to be supplied
66.	**B3.** For the sample submission, please confirm the acceptable proof of manufacturer branding (physical marking, label, boot-screen logo, or all three) and whether IEBC will accept a device imported into Kenya under a temporary import bond in lieu of full Kenya Bureau of Standards Pre-Export Verification of Conformity. *Rationale: Full PVoC for a single evaluation device takes 30–60 days via KEBS-appointed inspection bodies and adds material cost; if a temporary import bond is not accepted, bidders importing samples from outside Kenya must begin the process no later than 1 August 2026 to clear customs by 1 September 2026, making this the most time-critical logistical question in the tender.*	Comply with requirement as stated Any of physical marking, label, logo, or all three are acceptable.

67.	**B4.** Please confirm the physical delivery arrangements for the hardware sample: is it delivered inside or alongside the sealed tender box, at what physical location and time on 1 September 2026, and what receipt/custody documentation will IEBC issue? *Rationale: Without confirmed delivery logistics, bidders cannot plan transport, security, and chain-of-custody for a high-value biometric device; given the 2017 election-technology chain-of-custody incidents that generated subsequent parliamentary scrutiny, clarity on custody protocol at receipt is prudent for both IEBC and tenderers.*	Deliver the sample on tender opening day alongside or inside the tender (other details to be explained during tender opening procedures) The sample should be delivered together with the bid document. Address for Submission of Tenders. The Ag. Commission Secretary /CEO Independent Electoral and Boundaries Commission (IEBC), Anniversary Towers, University Way, Fifth Floor PO Box 45371-00100, Nairobi
68.	**B5.** The technical proposal must include an "Item-by-Item Commentary on the Technical Requirements" using the Technical Responsiveness Checklist format. Please confirm whether this checklist is a stand-alone requirement or must be replicated within the Preliminary Project Plan. *Rationale: Duplication of the checklist within the PPP materially increases proposal volume and preparation effort; without confirmation, some bidders will duplicate and others will not, producing inconsistent submissions that complicate evaluation under a standardised scoring rubric.*	Bidder must confirm compliance on each item. Refer to Section III - Evaluation and Qualification Criteria
69.	**B6.** Please confirm: the hardware samples submitted for this bid are used solely for preliminary compliance review, physical appearance, interfaces, and basic functional verification, and do not represent the full final performance, firmware version, or component configuration of the final mass-delivered units. The mass-produced units are permitted to undergo component selection changes, firmware revisions, and	Confirmed as long as the final delivered hardware FULLY complies with the specified requirement during inspection

	hardware PCB optimization compared to the prototype, provided that the mandatory technical requirements in the tender document are not downgraded. If non-critical deviations are found in the prototype, are they permitted to be rectified after award and before production to fully satisfy all mandatory tender requirements? *Rationale: Engineering prototypes cannot be fully production-ready at the bid submission stage. If all measured results of the prototype are directly used as the basis for judging final equipment compliance, bidders may be rejected at the preliminary review stage simply because the prototype has not yet completed all iterations. Mass-produced units require full design finalization, certification, and reliability debugging.*	
70.	**B11.** If the submitted prototype is tested by IEBC and deviations from the tender technical requirements are found, please clearly distinguish between: 1) Mandatory (critical) deviations — directly resulting in bid rejection; 2) Non-mandatory / optimization-class deviations — permitted to be rectified after award within an agreed timeframe through prototype iteration and mass-produced unit remediation. Please request IEBC to issue, in the form of an addendum, the determination criteria: how to distinguish between critical deviations and rectifiable deviations, the rectification window period, verification method, and whether re-submission of an updated prototype is required. *Rationale: There is inherently a development iteration gap between prototypes and mass-produced units. Without clear classification criteria, inconsistencies in evaluation discretion may arise. Some prototype defects can be fixed during mass production, but without governing rules, they would directly lead to bid rejection.*	Any deviation from the requirements is not accepted
71.	**B12.** Please confirm: must the submitted prototype satisfy all performance indicators in the tender document (including high temperature, low temperature, drop, battery life, biometric recognition rate, and other reliability metrics); or can reliability and full-performance	Bidder must demonstrate compliance to operational requirements of the solution/device

	testing be deferred to the post-award prototype / first-article sample phase and completed during the project test and verification stage? *Rationale: Full environmental reliability and biometric algorithm large-scale testing have long cycles. Engineering prototypes may not have completed all reliability finalization before the bid submission deadline. If the bid sample must pass all rigorous reliability tests at once, many solutions would be unable to qualify at the bidding stage*	
72.	**B13.** If the firmware of the submitted prototype is a pre-release engineering version, please confirm: is the prototype permitted to use engineering firmware for demonstration and sample submission, while the mass-produced units will ship with the official release firmware that fully satisfies all functional, security, and algorithm requirements of the tender document? Additionally, please clarify that non-functional bugs in the engineering firmware shall not be used as a basis for bid rejection. *Rationale: At the bid stage, the hardware has not yet completed full firmware finalization iteration. Non-functional imperfections in engineering firmware are normal during the development phase, and it is necessary to clarify that such issues do not constitute grounds for bid rejection*	Bidder must demonstrate compliance to operational requirements of the solution/device
73.	**B14.** Please clarify the test scope for the prototype: what specific test items will IEBC conduct on the bid samples? Which test items are outside the scope of sample evaluation and will be deferred to subsequent project phases (integration testing, stress testing, independent third-party certification)? For example, large-scale biometric comparison stress testing, long-term battery aging, extreme environment testing, and full end-to-end election process stress testing — are these items outside the scope of this bid sample evaluation? *Rationale: Different test items vary significantly in workload and cycle time. Clarifying the sample test boundary enables bidders to prepare prototypes appropriately and avoids using test items that should belong*	Only software testing is out of scope

	to the post-award project testing phase as bid sample rejection conditions.	
74.	**B15.** If, after award, the mass-produced hardware requires replacement of components with equivalent parts (due to chip/sensor discontinuation or iteration) without downgrading technical specifications, please confirm the change approval process: what documentation is required, whether re-submission of a prototype is necessary, how third-party certification is handled, and whether such equivalent substitutions are permitted. *Rationale: The electronic hardware supply chain frequently experiences component discontinuation and iteration. Clarifying the equivalent substitution approval process mitigates project delivery risk.*	This will be handled through SLA and warranty provisions post contracting
75.	**B16.** Please confirm: if some accessories and peripherals of the bid prototype are engineering samples, is it permissible for the mass-production batch to use final commercial accessories, provided that all mandatory specifications in the tender document are satisfied? *Rationale: At the bid stage, certain peripheral accessories may only be available as engineering samples. Switching to commercial accessories in mass production without lowering hardware specifications requires confirmation that this approach is acceptable.*	Bidder must demonstrate compliance to operational requirements of the solution/device
76.	C. Scope of Supply and IEBC-Provided Infrastructure **C1.** Section V states that IEBC provides converged server infrastructure at the primary and mirror sites, and that bidders should reuse these. Please confirm the following are OUT of the bidder's supply scope: (a) rack-mount servers, (b) SAN/NAS storage, (c) core networking (switches, firewalls, load balancers, WAF), (d) uninterruptible power supplies, generators, and cooling for the data centre.	Confirmed.

	Rationale: Section V requires re-use of IEBC infrastructure; without a confirmed exclusion list, bidders cannot design against the actual environment, and the bid price cannot correctly separate re-used items from new supply, creating post-award scope-dispute risk. The 2017 Auditor-General findings showed IBM infrastructure priced at KES 425M against a KES 75M evaluation-committee benchmark — a 467% overrun attributable in part to unclear scope boundaries.	
77.	**C2.** Section V references approximately 14,100 existing IEBC-owned Android devices. Please confirm: (a) the exact make/model and quantity in operational condition, (b) whether the bidder must extend warranty to these units, (c) whether the bidder must certify them for the new IEMS software stack, and (d) whether replacement of any that fail acceptance is at bidder cost or IEBC cost. *Rationale: The bidder must decide whether to extend warranty, re-certify, or recommend replacement; without the operational-status register per unit, bidders will either over-price (assuming all need replacement) or under-price (assuming all are serviceable) — either outcome disadvantages IEBC in evaluation. The 2022 Auditor-General report found 3,433 KIEMS kits faulty and approximately 200 unaccounted for, underscoring the risk of assuming a uniform operational baseline.*	Bidders to focus on and demonstrate compliance to operational requirements of their own solution/devices
78.	**C3.** The tender contemplates "up to 60,000 new devices." Please confirm the minimum guaranteed order quantity under the framework contract, given that Framework Contracts under Kenyan procurement law typically do not oblige the procuring entity to a minimum draw. *Rationale: Without a guaranteed minimum, bidders cannot amortise tooling, certification, and logistics mobilisation costs across a known quantity; unit pricing will be inflated to cover the risk of a low draw, which increases IEBC's expected evaluation price without genuine risk*	50,000

	transfer. PPADA 2015 and the Public Procurement and Asset Disposal Regulations 2020 permit minimum-offtake commitments in framework contracts and IEBC should confirm its intent.	
79.	**C4.** Please clarify the split of responsibility for telco VPN infrastructure. Section V states IEBC provides "telco VPN infrastructure" but the bidder must ensure end-to-end secure transmission. Is the bidder responsible for provisioning telco contracts and SIM cards, or does IEBC provide these under its existing arrangements with Safaricom and Airtel? *Rationale: The 2017 Auditor-General report found IEBC paid KES 173 per SIM card against a KES 50 market price and procured data bundles of which only 0.4% were utilised — a total questioned amount of over KES 300M in connectivity alone; without a clear split of responsibility, this tender risks repeating the same scope ambiguity and post-award cost disputes*	The Commission is responsible for the transmission network.
80.	**C6.** For the ABIS module: does IEBC intend to retain and integrate its existing ABIS, or does the bidder supply a replacement ABIS capable of handling 30 million records? If integration, please state the make/version of the existing ABIS. *Rationale: The incumbent ABIS interface, licensing, and remaining capacity determine whether the bidder can integrate or must replace, with a difference of tens of millions of KES in software licensing and integration effort; without this information, bidders price the more expensive replacement scenario by default, inflating bids unnecessarily.*	Bidders free to decide whether to use the existing ABIS or to supply their own ABIS. The details will only be discussed with successful bidder
81.	**C7.** For the Voter Pre-Registration System (VPRS): the tender requires "transfer of all source code, documentation, and intellectual property rights to the Commission on project completion." Please confirm whether this transfer includes any third-party open-source components	The Commission requires guarantee of full access of the source code, documentation, and intellectual property rights during the contract period

	used in VPRS, and how IEBC intends to receive and hold the transferred IPR. *Rationale: Open-source components licensed under GPL, AGPL, or similar copyleft licences cannot be transferred as custom IP; if IEBC requires full IPR transfer including open-source dependencies, bidders must either avoid those components (increasing build cost) or structure a licence-only arrangement — without confirmation, bidders cannot price the IP compliance risk under GCC 15.4.*	
82.	**C8.** Since bidders are required to re-use IEBC-provided converged server infrastructure at the primary and mirror sites, please publish, as an addendum to this tender, a complete Bill of Existing Infrastructure covering both sites and the escrow site. For each item bidders will be required to re-use, please state: (a) make, model, and firmware version; (b) serial number or asset tag range; (c) current age and remaining warranty; (d) installed capacity (CPU cores, RAM in GB, storage in TB, network throughput in Gbps); (e) current utilisation percentage over the last 12 months; (f) redundancy and failover configuration; and (g) date of last hardware refresh. *Rationale: Section V requires re-use of IEBC infrastructure; without a full asset and capacity disclosure, bidders cannot design against the actual environment, and the bid price cannot correctly separate re-used items from new supply, creating post-award scope-dispute risk. Prior cycles show that unspecified infrastructure reuse becomes a vehicle for post-award variation claims, as seen in the 2017 IBM and Oracle auxiliary contracts that ran 3–6 times their approved benchmarks.*	This will be shared with successful bidder
83.	**C9.** Please confirm the physical site configuration at (a) the primary data centre (understood to be Anniversary Towers, 5th Floor), (b) the mirror site (understood to be Bomas of Kenya), and (c) any escrow or tertiary site. For each: total rack units available for bidder equipment, power	This will be shared with successful bidder

	feed capacity per rack (kW), cooling capacity, dual-fabric network uplink availability, and any physical-security or access-control constraints on bidder personnel. *Rationale: Without confirmed physical site parameters, bidders cannot verify that their proposed solution fits within existing infrastructure or price the cost of top-up power, cooling, or network provisioning; without this clarification, bidders cannot allocate risk under Section V and C14 regarding re-use adequacy.*	
84.	**C10.** Please provide the software licence inventory that the bidder is expected to inherit, extend, or interoperate with: database (PostgreSQL, Oracle, MSSQL) editions and licences; middleware; message broker; ABIS product and version; identity and access management; observability and SIEM; backup and archival. For each: current maintenance status, licence expiry, and transferability to the successful tenderer. *Rationale: If the bidder must interoperate with or extend existing licences, licence type and expiry determine whether the bidder must purchase new licences (affecting price) or may rely on IEBC-held licences (affecting support obligation and risk allocation); the 2017 Oracle contract at KES 273M versus a KES 80M benchmark illustrates how undefined software-licence scope can produce major cost overruns.*	This will be shared with successful bidder
85.	**C11.** Please confirm the network topology in current production: WAN circuits and providers, MPLS or SD-WAN configuration, existing telco VPN concentrators, current bandwidth per site, current utilisation, and any planned upgrades that the bidder should design against. *Rationale: Without confirmed network topology, bidders cannot assess whether the existing WAN supports the required KIEMS transmission throughput across 55,393 polling stations, or whether they must price*	This will be shared with successful bidder

	additional bandwidth provisioning; ambiguity here directly affects the operational performance SLA pricing under the contract.	
86.	**C12.** For the 14,100 existing Android devices referenced in Section V and question C2 above, please provide: (a) full asset register with make, model, serial number, current firmware, and location; (b) current operational status per unit (operational, in repair, decommissioned); (c) battery health where measurable; and (d) any known device-family faults that the bidder must remediate as part of re-certification. *Rationale: Bidder must decide whether to extend warranty, re-certify, or recommend replacement; without the operational-status register per unit, bidders will either over-price or under-price — either outcome disadvantages IEBC in evaluation. The 2022 Auditor-General found 3,433 faulty units and approximately 200 unaccounted for, confirming that the actual operational baseline materially departs from nominal fleet size.*	This will be shared with successful bidder
87.	**C13.** Please confirm the current audit-log retention posture at both sites: retention period, storage tier, immutability controls, and access-control model. This is required so that the bidder can plan the extension needed to meet the 15-year retention obligation implied by the Elections Act evidentiary period, without unnecessary duplication. *Rationale: Without knowledge of current retention posture, bidders cannot scope the incremental storage, immutability tooling, and media management required to meet the Elections Act and Elections (Technology) Regulations 2017 evidentiary obligations; over-scoping adds cost while under-scoping creates post-award change requests.*	This will be shared with successful bidder
88.	**C14.** Given that Section V requires re-use of IEBC infrastructure, please state the acceptance criterion for re-use adequacy. Specifically, if the	The Commission is responsible of the infrastructure

	bidder's technical proposal identifies that the existing infrastructure lacks sufficient capacity, redundancy, or security posture to meet the stated Service Level Agreements, will IEBC (a) fund the top-up as a separately-priced add, (b) accept a bidder-supplied replacement inside the base price, or (c) treat this as a scope-exclusion the bidder must absorb. *Rationale: Without a stated acceptance criterion, bidders cannot price or allocate the risk of infrastructure adequacy gaps; pricing outcome (b) or (c) requires absorbing an open-ended cost that may materially exceed the current infrastructure's replacement value, while outcome (a) requires a separately costed optional table — without confirmation, bidders will adopt the worst-case assumption, inflating base bids.*	
89.	**C15.** Given the age of the approximately 14,100 existing Android devices (predominantly the 2017 MorphoTablet 2 fleet, aged approximately eight years at election day 2027-08-10), and given that these devices do not carry (a) an iris capture sensor, (b) a passive HF RFID reader, (c) TPM 2.0 or equivalent secure element anchoring the device identity chain, (d) a battery sized for a full-day polling-station operation at end-of-life capacity, and (e) an ARM SoC with the compute headroom for the on-device AI (fingerprint quality scoring, face liveness detection, ballot pre-mark validation) contemplated by the 2027 IEMS requirements, please confirm whether IEBC will accept a bidder proposal to: (a) fully replace the approximately 14,100 legacy devices with new-specification units meeting the full 2027 hardware requirement, so that the fleet is uniform; (b) accept the 14,100 legacy devices as bidder inventory for cryptographic wipe under Data Protection Act 2019 Section 41 and onward donation to Kenyan public schools as a pro-bono corporate-social-investment gesture (with the appropriate ODPC-	Bidders to focus on and demonstrate compliance to operational requirements of their own solution/devices

	witnessed erasure ceremony and asset-transfer documentation); and (c) size the base bid on 59,352 new-specification units plus a approximately 15% spare pool (approximately 68,000 total new units) rather than the "up to 60,000 new devices" cap currently stated in Section V. Please also confirm that the resulting single-tier fleet is IEBC's preferred outcome on the grounds of (i) uniform poll-worker training, (ii) uniform SLA management, (iii) uniform security posture, (iv) uniform reverse-logistics and refurbishment lifecycle, and (v) the reputational and procedural clarity of a single-generation deployment following the mixed-generation issues raised in prior audit cycles. *Rationale: Section V presumes re-use of the legacy Android fleet, but the 2017-generation devices materially fail the 2027 requirements for iris capture, passive HF RFID asset tracking, TPM 2.0 device identity, and battery capacity at end-of-cycle. A mixed-generation fleet would create a two-tier operational governance regime, complicating training, SLA management, chain-of-custody, and audit. Confirmation of scenario (a) + (b) + (c) allows bidders to price the base bid coherently against a single-generation fleet, avoids post-award scope disputes on legacy-device certification, and closes the DPA 2019 Section 41 storage-limitation obligation on decommissioned biometric-capture equipment through a transparent public-good disposition.*	
90.	D. Contract Terms (Sections VI, VII, VIII) **D1.** SCC references Third-Party Liability Insurance under GCC 37.1(c) but leaves the coverage value and deductible blank. Please state the minimum required coverage amount and maximum deductible.	GCC 37.1 (c) The Supplier shall obtain Third-Party Liability Insurance in the amount of Kenya Shillings (KES) **200,000,000 per occurrence, with the number of occurrences unlimited** with deductible limits of no more than Kenya Shillings (KES) **1,000,000 per**

	Rationale: Insurance premium is a direct project cost; without confirmed coverage and deductible values, bidders cannot obtain underwriter quotes before bid submission and must either carry a contingency (inflating the bid) or risk non-compliance with GCC 37.1(c) at contract signing.	**occurrence.** The insured Parties shall be **the Supplier and the Purchaser as Joint Insured, with a Cross Liability clause.** The Insurance shall cover the period from **the Effective Date of the Contract** until **the issuance of the Operational Acceptance Certificate, plus an additional 12 months.**
91.	**D2.** SCC leaves the Adjudicator (GCC 43) unpopulated. Please confirm whether an Adjudicator will be appointed and, if so, the appointing authority; or confirm that disputes proceed directly to arbitration. *Rationale: The Adjudicator mechanism under GCC 43 determines the dispute-resolution path and timeline; without confirmation, bidders cannot assess the time-cost of dispute resolution when pricing risk contingencies, particularly for a contract spanning multiple election preparation milestones.*	AS shall be agreed on by both parties. The proposed hourly fee is as per official government scale or as agreed with the adjudicator.
92.	**D4.** SCC does not amend the Warranty Period. Please confirm the Warranty Period commences on Operational Acceptance of the integrated System (as one whole) rather than at each subsystem's individual acceptance, and lasts 12 months (or state the actual duration). *Rationale: A per-subsystem Warranty commencement would mean the warranty on early-delivered components expires before the integrated system reaches full Operational Acceptance, leaving IEBC with uncovered risk at go-live; without confirmation, bidders cannot price warranty-period support obligations accurately or determine their overlap with the Extended Warranty option*	**the Effective Date of the Contract** until **the issuance of the Operational Acceptance Certificate, plus an additional 12 months.**
93.	**D5.** The Extended Warranty of 2 years is "payable annually." Please confirm this is an option at IEBC's discretion after Warranty expiry, and	The pricing must be explicitly quoted in the Recurrent Cost Sub-Tables at the time of initial

	clarify whether pricing for the Extended Warranty must be quoted in Recurrent Cost Sub-Tables at bid submission or negotiated at renewal. *Rationale: If Extended Warranty pricing must be fixed at bid submission, it is subject to competitive evaluation (and evaluated over the multi-year contract life per D14 below); if negotiated at renewal, the bidder carries pricing uncertainty and IEBC loses bid-stage price competition on a material post-election support cost.*	bid submission, rather than negotiated at renewal
94.	**D6.** Please confirm the treatment of Kenyan Value Added Tax and Withholding Tax on payments to the foreign principal and to the Kenyan subcontractor. In particular: (a) are payments to the foreign principal zero-rated for VAT under any applicable exemption, (b) is Withholding VAT applicable, and (c) is Reverse VAT applicable on imported services? *Rationale: The tax treatment materially affects the Kenya-Shilling equivalent of the foreign supplier's price and the tenderer's competitive position; Reverse VAT on imported services under the VAT Act 2013 (as amended 2022) can add 16% to offshore software-licence and support fees, and Withholding Tax under the Income Tax Act further affects net receivable — without confirmation, bidders cannot compute a compliant, competitive financial submission.*	1. The imported goods and all auxiliary components or services are not zero rated for any taxes neither are they exempt. 2. Foreign suppliers do not have a VAT obligation.Reverse VAT is applicable but the obligation is on the buyer. 3. Apart from custom taxes, Railway development levy and import duty, the foreign supplier will also pay a tax on all service components at a rate of 20 percent and 5 percent on the physical components.These are withholding taxes to be withheld by the buyer
95.	**D7.** GCC 15.4 vests intellectual property in Custom Software and Custom Materials in the Procuring Entity. Please confirm whether the Tenderer's or a subcontractor's pre-existing platform code incorporated into the delivered software but licensed separately to that party's other customers will be treated as Standard Software under GCC 16 (perpetual licence) rather than Custom Software under GCC 15.4 (IPR transfer). *Rationale: If pre-existing platform code is treated as Custom Software vesting in IEBC, bidders will either withhold the platform (harming*	Yes, this is confirmed

	solution quality) or price for full IP transfer (inflating the bid); treating it as Standard Software under GCC 16 is the commercially standard approach and preserves competition among platform-based vendors.	
96.	**D8.** SCC clause 12.1 sets the "Complete System Integration" retention at 10% of the entire contract price at final Operational Acceptance of the System as an integrated whole. Please confirm this 10% is separate from and additional to the 10% Performance Security under GCC 13.3. *Rationale: If the 10% retention under SCC 12.1 and the 10% Performance Security under GCC 13.3 are cumulative, a bidder must finance 20% of the total contract price in combined retained funds and guarantees throughout the performance period; this is a material working-capital cost that affects bid price and the structure of any banking facility, and must be confirmed before financial submission.*	**Yes, this is confirmed.** The 10% Complete System Integration retention money under SCC 12.1 is entirely separate from and additional to the 10% Performance Security under GCC 13.3.
97.	E. Delivery, Logistics, and Local Content **E2.** Please clarify the Kenya Bureau of Standards Pre-Export Verification of Conformity (PVoC) obligations: (a) is PVoC required at bid submission for the sample unit, (b) at delivery for the full production lots, or (c) both. Please also confirm whether IEBC will assist with any accelerated or bulk-PVoC processing. *Rationale: PVoC inspection by KEBS-appointed agents (Bureau Veritas, SGS, Intertek) at the origin country adds 4–8 weeks and 2–5% of FOB value to the import cost; if required for both the sample and the production lot, bidders must budget and timeline accordingly, and the absence of accelerated processing assistance from IEBC shifts the delivery-risk and programme-risk fully to the bidder.*	a) No. A full Pre-Export Verification of Conformity (PVoC) Certificate of Conformity (CoC) is not required at the initial bid submission stage for sample units. b) Yes. A valid PVoC Certificate of Conformity (CoC) is strictly mandatory at delivery for the full production lots. c) No, it is only legally binding for the full production lots

98.	**E3.** For the 40% Local Content Plan (Form 8): please confirm how the 40% is computed, as a percentage of total contract price including recurrent costs, or excluding recurrent costs; and whether the value of a Kenyan subcontractor's software build (including source-code transfer under GCC 15.4) counts fully to the 40% or is discounted. *Rationale: The 40% Local Content computation determines eligibility for PPADA 2015 Section 157 preference and the required subcontractor scope; ambiguity here has invalidated bids in prior Kenyan procurements, and the inclusion or exclusion of recurrent-cost years and software-IPR value can change the computed local content percentage by 10–20 percentage points.*	Formula: Local Content % = (Kenyan Costs / Total DDP Tender Sum inclusive of all taxes, duties, freight, insurance, CBL) x 100. Qualifying Costs: Kenyan-flag shipping, Kenyan clearing firm, inland transport, warehousing, security, material handling, local insurance, local labor, local PM, local packaging, local professional services. Evidence at Tender Stage: Duly filled qualification Form + breakdown of costs + commitment letters/MoUs with Kenyan firms. Final verified invoices required at call-off
99.	**E4.** Please confirm whether a Kenyan named subcontractor listed on Form 30 with a signed Subcontractor's Agreement on Form 29 is required to submit its own audited financial statements, or whether Section III financial evaluation applies only to the principal tenderer. *Rationale: If the subcontractor must submit audited accounts, bidders must obtain that documentation within the tender preparation period, which may be difficult for smaller Kenyan firms; if evaluation applies only to the principal, the subcontractor's financial capacity is not a preliminary-evaluation gate and bidders may engage a broader set of Kenyan subcontractors.*	Section III financial evaluation applies only to the principal tenderer
100.	**E5.** Please confirm the tax compliance evidence acceptable for the Kenyan subcontractor: an original KRA Tax Compliance Certificate	Copy KRA Tax Compliance Certificate issued within the tender validity period

	issued within the tender validity period, or a Tax Exemption Certificate where applicable. *Rationale: KRA Tax Compliance Certificates are valid for 12 months from issuance and can take 4–6 weeks to obtain if there are outstanding KRA queries; without confirmation of the acceptable document type and its currency, bidders and subcontractors cannot know whether to initiate KRA applications immediately upon receiving the tender document.*	
101.	F. Timeline and Statutory Milestones **F1.** The tender references the statutory obligation that election technology be procured at least 120 days and tested/verified/deployed at least 60 days before the general election. Please state the target Contract Effective Date and the Operational Acceptance date implied by the 2027 general election calendar, so that bidders may size their Preliminary Project Plans accordingly. *Rationale: The Elections (Technology) Regulations 2017 Regulation 7 sets the 60-day pre-election deployment obligation; without a stated target Contract Effective Date and Operational Acceptance date, bidders cannot confirm that their proposed implementation schedule is compliant, cannot price acceleration contingencies, and cannot determine whether the 6-week data-migration window in F2 fits within the programme.*	Estimate target Contract Effective Date is on or before 1st November 2026
102.	**F2.** The data migration deadline of "within 6 weeks of contract signing" is aggressive given the 30 million-record scale. Please confirm whether this window applies to migration of the current live register only, or to full historical records, and whether IEBC will provide a data extract in an agreed standard format at contract signing.	Full data migration to the bidder's system is mandatory within the period specified

	Rationale: Migrating 30 million biometric records including fingerprint and iris templates across ABIS systems is a technically complex task whose duration depends heavily on data quality, export format, and network throughput; without confirmation of scope and IEBC data-provision obligations, bidders cannot confirm feasibility of the 6-week window and will price a risk contingency for migration slippage that affects the contract price.	
103.	**F3.** Please confirm the calendar for the technology stress test, load balancing test, penetration test, and functional test required under the Elections (Technology) Regulations 2017, including whether IEBC's independent professional certifier will be nominated at contract signing or later. *Rationale: The Elections (Technology) Regulations 2017 require independent certification of election technology; if the certifier is not nominated until after contract signing, the bidder cannot plan testing windows, cannot commit to certification-contingent milestone payments, and the certification schedule may create a programme-critical-path risk that is entirely outside the bidder's control.*	Elections Technology Simulation is required at least 60 days to the elections. Full system testing must be completed before this.
104.	H. Additional Items Post-Critique **A9.** Please confirm the maximum permitted number of JV members (TDS ITT 4.1 currently shows "N/A"). *Rationale: If "N/A" means joint ventures are not permitted, tenderers who are assembling consortium bids need to restructure immediately; if it means there is no maximum, the submission requirements for JV documentation (ITT 4.2) still apply and bidders need to confirm the documentary scope for each member*	JVs not allowed

105.	**A10.** Please confirm explicitly that Margin of Preference does not apply to this tender, resolving the ambiguity between TDS ITT 36.2 (not applicable) and Section III's included preference methodology text. *Rationale: If Margin of Preference applies under PPADA 2015 Section 157, Kenyan-registered bidders gain a price preference in evaluation that directly affects the competitive ranking of foreign-principal bids; if it does not apply, foreign bidders are evaluated on a level basis — the inconsistency between ITT 36.2 and Section III text creates a material evaluation-outcome uncertainty that bidders cannot price or mitigate without clarification.*	Margin of Preference does not apply to this tender
106.	**A11.** Please confirm whether the tenderer may propose lot-based pricing, or the tender is on a single-contract basis. *Rationale: If lot-based pricing is permitted, a bidder may be competitive on the hardware lot while another is competitive on the software/services lot; if the tender is single-contract only, bidders must price all components or none, affecting consortium and subcontracting strategy — without confirmation, bidders cannot finalise their commercial structure.*	The tender is on a single-contract basis
107.	**A12.** For any technical demonstration during evaluation on the delivered sample unit, please state expected functional depth (e.g., BVR capture + BVI authentication + RTS transmit at minimum, or full end-to-end including tallying). *Rationale: A full end-to-end demonstration including tallying requires the ABIS backend and the RTS server to be operational at the demonstration venue, which is a substantially different logistics and software-readiness task than a standalone device demonstration; without*	DSCM

	confirmed demonstration scope, bidders cannot plan or price the demonstration support resources	
108.	**B6.** Please confirm whether separate Manufacturer's Authorisations are required for sub-component OEMs (fingerprint sensor, iris module, camera, scanner, thermal peripheral, power bank OEM, ruggedised-case OEM), or a single MAF from the KIEMS device OEM suffices. *Rationale: If sub-component MAFs are required for each peripheral OEM, the documentary burden multiplies significantly and some sub-component OEMs may decline to provide formal authorisation letters for a single-tender bid; without confirmation, bidders cannot assess whether their device architecture meets the preliminary evaluation documentary requirements.*	Manufacturer Authorization or proof of technology ownership required for manufacturer of the device/solution supplied
109.	**B7.** Please confirm whether the sample may be delivered ahead of the 1 September 2026 deadline (e.g., on 31 August 2026 before COB) and whether IEBC will issue a stamped early-delivery receipt. *Rationale: For devices arriving by air freight from outside Kenya, clearing customs and completing final delivery on the same day as tender closing (1 September 2026) creates an unreasonable logistical dependency; early acceptance removes a programme-critical-path risk that could otherwise disqualify an otherwise compliant bid through no fault of the tenderer.*	Sample to be submitted together with tender bid
110.	**B8.** Please confirm the sample-return procedure for unsuccessful bidders. *Rationale: A biometric KIEMS-class device at an estimated unit value of KES 100,000–200,000 (based on historical per-unit benchmarks) represents a material asset; without a confirmed return procedure including insurance liability during IEBC custody, bidders cannot assess*	Standard practice is that the unsuccessful bidder must arrange and pay for the collection or shipping of their samples. If bidder does not collect them within the stipulated timeframe (tender Validity), the

	the financial risk of sample submission or obtain adequate insurance cover.	procuring entity usually reserves the right to dispose of or destroy them
111.	**B9.** For Communications Authority (CA) type approval on the cellular, WiFi, Bluetooth, NFC, RFID, eSIM, and GNSS-enabled sample device: is (a) full type approval, (b) an interim / bond-based clearance, or (c) no CA clearance required at bid submission? *Rationale: Full CA type approval for a multi-radio device under the Kenya Information and Communications Act and the CA Type Approval Regulations takes 60–90 days and requires local laboratory testing; if full approval is required at bid submission, the effective deadline for beginning the CA process was June 2026 — bidders need immediate confirmation to determine whether they are within the timeline or must rely on interim clearance.*	This will be addressed with the successful bidder
112.	**C8.** Please confirm whether the bidder must supply system-control console workstations at the primary and mirror data centres. *Rationale: Without confirmation, bidders cannot determine whether to include console workstations in their Bill of Quantities; if these are IEBC-provided, pricing them in would constitute double-counting of infrastructure that IEBC has already budgeted under the sub-programme 0617040 capital line (KES 406M, FY2026/27 PBB).*	This is out of scope
113.	**C9.** Please state the make and version of IEBC's existing ABIS, so an integration path can be scoped. *Rationale: The existing ABIS make and version determine integration complexity, API availability, and licence terms; without this, bidders must price the worst-case scenario (full ABIS replacement) for a system that may already be capable of integration, inflating bids and eliminating*	This will be shared with successful bidder

	competition from integrators who could achieve continuity at lower cost.	
114.	**C10.** Please confirm the availability of an IPRS test environment for bidder integration development. *Rationale: Integration with the Integrated Population Registration System (IPRS) under the Registration of Persons Act is a mandatory functional requirement for BVR and BVI; without a test environment, bidders cannot verify the IPRS API before submission, cannot estimate integration effort accurately, and must carry a substantial technical-risk contingency in their pricing.*	This will be shared with successful bidder
115.	**C11.** For the approximately 14,100 legacy Android devices IEBC provides: please confirm make/model, OS version, SDK availability, remaining warranty, and whether the bidder is responsible for replacement of any unit that fails acceptance. *Rationale: IEMS software stack compatibility with the legacy device OS and SDK determines whether the bidder can extend the existing software to these devices or must fork a separate build; the cost difference is material, and without SDK confirmation, bidders cannot commit to legacy-device support in their technical proposal.*	Bidders to focus on and demonstrate compliance to operational requirements of their own solution/devices
116.	**C12.** Please confirm the split of responsibility for telco services: does IEBC procure SIM/eSIM, APN, VPN, and data-cost contracts under its arrangements with Safaricom/Airtel/Telkom, or does the bidder provision and pay these under the tender? *Rationale: Telco contracts for 45,000+ KIEMS devices across 55,393 polling stations represent a material recurring cost; the 2017 Auditor-General found IEBC paid KES 173 per SIM against a KES 50 market rate and procured data bundles of which only 0.4% were utilised — without*	IEBC is responsible for RTS network including SIM cards/eSIM

	a confirmed split of responsibility, the same scope ambiguity recurs and bidders will price the telco risk conservatively, inflating the bid.	
117.	**C13.** Please state the accepted digital-signature and QR-code standards for Forms 34A and for the voter register (algorithm, key length, encoding). *Rationale: Digital-signature algorithm, key length, and QR-code encoding format are system design constraints; building to an undisclosed standard and then discovering it differs from IEBC's implementation at integration testing creates rework cost and schedule risk; these specifications must be locked before bid submission to allow bidders to commit to a compliant design in their technical proposals.*	Bidder to develop and provide digital signatures and QR-code that comply with the operational requirements outlined in the specifications
118.	**C14.** Please provide the statutory Form 34A / 34B / 34C / 35A / 36A / 37A / 38A templates and the exact field order to be reproduced by the RTS software. *Rationale: The Elections Act 2011 and Elections (General) Regulations 2012 prescribe specific field layouts for result declaration forms; any RTS that generates non-compliant form printouts risks legal challenge to the declared results, as occurred in the 2017 presidential petition; without official templates, bidders cannot confirm their RTS design is compliant and may need costly post-award rework.*	They are standard A4 paper size that need to be scanned. More details will be shared with successful bidder.Visit forms.iebc.or.ke to find a sample of these forms.
119.	**C15.** Please confirm the split of responsibility for hosting the Public Results Portal, its DDoS protection, and its DR: is this on IEBC infrastructure or on bidder-provided infrastructure with IEBC oversight? *Rationale: DDoS mitigation for a public election results portal serving millions of simultaneous users during results night is a material cloud infrastructure cost; if the bidder must provision and pay for this, the cost is price-determinative and must be in the financial bid; if IEBC provides*	The Commission will provide the infrastructure. Bidder must design the architecture to meet the traffic and operational demands of the public portal in collaboration with IEBC.

	infrastructure, the bidder's obligation is limited to software deployment and configuration — without confirmation, bidders will price the more expensive scenario	
120.	**D9.** Please state IEBC's Kenyan data-residency expectations for production voter data and results data, and whether offshore remote support access (for example, a Kenyan engineer working from Nairobi is standard, but an OEM engineer in Beijing supporting a device issue) is permissible with IEBC-controlled audit. *Rationale: Kenya's Data Protection Act 2019 Section 48 restricts cross-border transfer of personal data unless an adequate level of protection is ensured; biometric voter data is sensitive personal data under DPA 2019 Section 2; without confirmation of IEBC's data-residency policy and offshore-access rules, bidders cannot determine whether their OEM's remote support model is permissible or whether they must establish a Kenya-only support team, a distinction with material cost implications.*	Bidders to comply with the Data Protection Act 2019 and its regulations. Remote support access should be defined as part of the proposed SLA escallation matrix.
121.	**D10.** Please confirm whether an ODPC (Office of the Data Protection Commissioner) registration certificate must be submitted at bid stage, or is required by contract commencement. *Rationale: ODPC registration under DPA 2019 is a statutory obligation for data processors handling personal data at scale; if required at bid stage, bidders who are not yet Kenya-registered must begin the application immediately, as ODPC processing times can extend to 3–4 months; if required only at contract commencement, bidders have more flexibility in sequencing their compliance work.*	Bidders to comply with the provisions Data Protection Act 2019 and its regulations. This is not required at bid stage
122.	**D11.** Please name the independent professional body IEBC will engage for biometric-standards and security certification under the Elections	This will be shared with successful bidder

	(Technology) Regulations 2017, so the bidder may plan its Project Plan around that certifier's timelines. *Rationale: The independent certifier's methodology, testing scope, and availability determine the programme-critical-path duration between system deployment and Operational Acceptance; if the certifier is not named until after award, the bidder cannot commit to realistic milestone dates and the Warranty Period commencement under GCC 29.4 / SCC clause D4 above is uncertain*	
123.	**D12.** Please state IEBC's breach-notification expectations under Kenya DPA 2019: reporting window, escalation path, and content of the notification. *Rationale: DPA 2019 Section 43 requires notification of a data breach to the ODPC "in the most expedient time possible and without unreasonable delay"; IEBC as a data controller may impose a shorter contractual notification window on its processor (the bidder); without stated expectations, bidders cannot size their security-operations and incident-response capability, and the contractual obligation is undefined.*	This will be shared with successful bidder
124.	**D13.** Please state IEBC's log-retention, archival, and media-sanitisation expectations beyond the Section V "90-day online + permanent archive" wording. *Rationale: "Permanent archive" is not a storage specification; without a defined tier, technology, immutability standard, and media-sanitisation procedure (for decommissioned devices handling biometric data), bidders cannot price the long-term archival infrastructure, and the obligation may conflict with or exceed what the 0617040 ICT budget (KES 406M NFA, FY2026/27) provides for.*	This will be shared with successful bidder



125.	**D14.** Please confirm whether the 2-year Extended Warranty pricing (per Section V) must be included in the Recurrent Cost Tables at bid submission, or negotiated at renewal, and whether the tender's evaluation includes recurrent costs over 3 years. *Rationale: If evaluation includes Extended Warranty and recurrent costs, bidders must price three years of support in their financial submission; this aligns with the FY2627 PBB signal that post-election ICT G&S runs at approximately KES 1bn per year (FY2027/28 projection), but without confirmation, financial proposals will be structured inconsistently across bidders, making evaluation non-comparable.*	Confirmed. Include this as an option
126.	**D15.** Please confirm the treatment of Kenyan Value Added Tax, Withholding Tax, Reverse VAT on imported services, and any tax-exemption certificates that IEBC procurements typically carry. *Rationale: This question addresses the same material pricing risks as D6 above; IEBC's answer to D6 is equally applicable here and should be consolidated in the addendum, as any tax treatment that differs between the principal's payments and the subcontractor's payments requires separate line-item treatment in the financial schedules.*	All prices must be VAT and CBL inclusive
127.	**D18.** Please confirm the performance-security lodgement window: the tender references 21 days in the Letter-of-Award context and 28 days in GCC; please state which controls. *Rationale: A 7-day discrepancy in the performance-security lodgement window affects the bidder's banking-facility drawdown planning; if the shorter 21-day window applies and the bidder misses it due to relying on the GCC 28-day figure, the procuring entity may forfeit the bid security and decline to award, a severe outcome for an otherwise compliant winner.*	Section 142 of the PPAD Act 2015 mandates that the performance security must be furnished **before the formal signing of the contract**

128.	**G6.** Please confirm the procedure for returning unsuccessful bidders' hardware samples. *Rationale: Biometric KIEMS-class sample devices are export-controlled items in some jurisdictions and may require re-export permits from Kenya; without a confirmed return procedure and confirmed IEBC responsibility for safe custody and re-export facilitation, bidders must self-insure a device that may be in IEBC's possession for 3–6 months during evaluation.*	Standard practice is that the unsuccessful bidder must arrange and pay for the collection or shipping of their samples. If bidder does not collect them within the stipulated timeframe (tender Validity), the procuring entity usually reserves the right to dispose of or destroy them
129.	**G7.** Please confirm whether the "1 copy" alongside the paper original may be delivered on a hardware-encrypted USB drive containing a text-extractable searchable PDF. *Rationale: A hardware-encrypted USB drive with searchable PDFs meets the purpose of the "1 copy" requirement at lower cost than a bound paper duplicate; if IEBC requires a paper copy, bidders importing submissions from outside Kenya must allow additional shipping weight and packaging, and the courier-cost and delivery-risk implications are material.*	A copy of the paper original tender
130.	**G8.** Please state the required ink colour for wet signatures (blue vs black), the acceptable stamp formats, and the required pagination convention (top vs bottom, right vs centre, section-prefixed or continuous). *Rationale: These formatting requirements, though procedural, have historically been used in Kenyan procurement to disqualify otherwise compliant submissions at preliminary review; without confirmed conventions, bidders face a non-zero risk of rejection on formatting grounds that is entirely avoidable with a one-paragraph addendum from IEBC.*	Blue or Black is ok. The bidding document MUST be Complete, Properly Tape Bounded, serialized and paginated sequentially in all pages of the tender submitted

131.	**ITT 4.10/4.11 (restated at ITT 44.6) — "Foreign Tenderers 40% Rule."** Foreign tenderers must source at least 40% of contract inputs (supplies, subcontracts, labor) from Kenyan national suppliers/contractors, with documentary evidence in the tender. There's no partial credit or waiver: *"Foreign tenderers not meeting this criterion will be automatically disqualified."* The complication: Laxton is registered in Hong Kong, not Kenya. The tender's own definition of "foreign tenderer" (ITT 4.11) is literally worded as an entity that **is registered in Kenya** but has less than 51% Kenyan ownership — which, read strictly, could exclude a wholly non-Kenya-registered bidder like Laxton entirely. That reads to us like a copy-paste drafting error rather than an intended exemption, and we don't think it's safe to rely on it either way without confirming. It also interacts with how we structure Laxton/FGEE (JV vs. Laxton-prime with FGEE as subcontractor) — the test applies per entity, so the structuring choice matters here too. Three questions for you: 1. Are you already aware of this clause, and do you (or our local partners) have any insight into how IEBC has interpreted "foreign tenderer" on this point before? 2. Given the automatic-disqualification stakes, can we send this as a clarification request now, rather than waiting for all clarification questions to be consolidated together? 3. Is this a **pre-bid-meeting clarification** (for tomorrow's session) or a **general clarification**? You'd previously asked us to specifically flag which one a question is for, but we don't have visibility into why that distinction matters procedurally — happy to route it either way, just tell us which.	Foreign Tenderer is a firm entirely registered and based outside of Kenya or Minority Kenyan Ownership firm which is registered locally in Kenya, but Kenyan citizens hold less than fifty-one percent (51%) of the shares/ownership
132.	**1. The Ambiguity**	Elections Technology refers to technology successfully deployed in a conducted election

	The Vendor Evaluation requires evidence of cumulative business of USD 50,000,000 and above in the years 2021–2025 for the "Supply, Delivery, Installation, Testing, Commissioning, Support and Maintenance of Election Technology Software, Hardware Equipment and Accessories." The term "Election Technology Software, Hardware Equipment and Accessories" is not defined in the tender documents, nor is its scope delimited by reference to any statutory definition, schedule, or incorporated standard. This ambiguity is material because it determines whether a bidder's prior contracts satisfy the threshold. In the absence of a binding definition, bidders cannot ascertain whether the requirement is satisfied by: (a) technology actually deployed in a conducted election; (b) technology supplied to an electoral management body; (c) technology supplied to a non-electoral entity but functionally capable of supporting electoral processes; (d) technology supplied for electoral-adjacent statutory processes; or (e) technology supplied for broader public-sector, civic, or identity-related purposes that intersect with electoral administration.	by an Elections Management Body in the management of elections which include biometric voter registration, biometric voter verification, candidate registration, biometric voter identification, result transmission
133.	Pursuant to ITT 9.1, we request that the Procuring Entity provide a binding written interpretation, to be issued as an addendum under ITT 10, addressing the following: **2.1 Definitional Basis.** Is "Election Technology" to be construed:	Elections Technology refers to technology successfully deployed in a conducted election by an Elections Management Body in the management of elections which include biometric voter registration, biometric voter

	(a) strictly, by reference to the identity of the end-user as an electoral management body; (b) purposively, by reference to the technology's functional capability to support any stage of the electoral cycle, including pre-election, election-day, and post-election processes; (c) contextually, by reference to the statutory electoral framework, including voter registration, voter education, candidate nomination, polling, counting, transmission, and declaration; or (d) neutrally, by reference to the technical scope and objective characteristics of the technology, irrespective of the identity of the procuring entity or the sector of original deployment?	verification, candidate registration, biometric voter identification, result transmission
134.	**Functional Equivalence and Technological Neutrality.** Will the Procuring Entity confirm that the term extends to technologies that are functionally equivalent to election technology and technologically neutral in application, including but not limited to: • biometric identity verification systems; • secure data capture and transmission platforms; • portable electronic devices with encryption and authentication capabilities; • public information and civic participation platforms; • training and simulation systems for public officials; and	Elections Technology refers to technology successfully deployed in a conducted election by an Elections Management Body in the management of elections which include biometric voter registration, biometric voter verification, candidate registration, biometric voter identification, result transmission

	• population data management systems used for electoral planning or boundary delimitation?	
135.	**Electoral-Adjacent Statutory Processes.** Does the term include technology supplied for electoral-adjacent statutory processes that directly support the integrity, efficiency, or transparency of the electoral cycle, such as: • civil registration and vital statistics systems; • national identity and population registration systems; • census and demographic data systems used for electoral planning; • public information and civic participation systems; and • public-sector identity verification platforms?	Elections Technology refers to technology successfully deployed in a conducted election by an Elections Management Body in the management of elections which include biometric voter registration, biometric voter verification, candidate registration, biometric voter identification, result transmission
136.	**Non-Electoral Deployment but Functional Capability.** For the avoidance of doubt, and without limiting the generality of the foregoing, will the Procuring Entity confirm that technology supplied for non-electoral purposes — including hardware, software, and accessories supplied to public-sector or private-sector entities — constitutes "Election Technology" where such technology is functionally capable of being deployed in support of electoral processes, including voter registration, voter identification, results transmission, or civic participation?	Elections Technology refers to technology successfully deployed in a conducted election by an Elections Management Body in the management of elections which include biometric voter registration, biometric voter verification, candidate registration, biometric voter identification, result transmission
137.	**Actual Use versus Capability.** Is it sufficient that the technology was supplied for electoral or electoral-adjacent purposes and is functionally capable of election use, or must it have been actually used in a conducted election? If actual use is required, please state the evidentiary standard and the specific election events that qualify.	Elections Technology refers to technology successfully deployed in a conducted election by an Elections Management Body in the management of elections which include biometric voter registration, biometric voter

		verification, candidate registration, biometric voter identification, result transmission
138.	**Client Identity and Sector.** Will the Procuring Entity confirm that contracts will be assessed on the technical scope and purpose of the technology, and not merely on the identity of the client, the sector of deployment, or the contract title? In particular, will a contract with a ministry, a civil registration authority, a national identity agency, or any other public body be considered if the technology supplied is functionally capable of supporting electoral processes?	Electoral experience is critical. Elections Technology refers to technology successfully deployed in a conducted election by an Elections Management Body in the management of elections which include biometric voter registration, biometric voter verification, candidate registration, biometric voter identification, result transmission
139.	**Equal Treatment.** Will the Procuring Entity confirm that this interpretation will be applied uniformly to all bidders and that no bidder will be advantaged or disadvantaged by an inconsistent or undisclosed definition?	Electoral experience is critical. Elections Technology refers to technology successfully deployed in a conducted election by an Elections Management Body in the management of elections which include biometric voter registration, biometric voter verification, candidate registration, biometric voter identification, result transmission
140.	**Request for Binding Addendum** We request that the Procuring Entity issue its response in writing and publish it as an addendum to the tender documents, in accordance with ITT 9.1 and ITT 10, so that all bidders may rely on it. We further request that the addendum specify, by category, whether each of the following is included or excluded: • voter registration systems; • electronic voter identification and verification systems;	Electoral experience is critical. Elections Technology refers to technology successfully deployed in a conducted election by an Elections Management Body in the management of elections which include biometric voter registration, biometric voter verification, candidate registration, biometric voter identification, result transmission

	• results transmission systems; • candidate and party registration systems; • boundary delimitation systems; • civil registration systems; • national identity and population registration systems; • census and demographic data systems; • public information and civic participation systems; • generic biometric identity systems; and • any other category the Procuring Entity deems relevant.	
141.	**Timing** We confirm that this request is submitted within the timeframe specified in the Tender Data Sheet, being no later than five (5) days prior to the submission deadline. We therefore expect a written response in accordance with ITT 9.1.	Electoral experience is critical. Elections Technology refers to technology successfully deployed in a conducted election by an Elections Management Body in the management of elections which include biometric voter registration, biometric voter verification, candidate registration, biometric voter identification, result transmission
142.	We would like to request clarification on the Margin of Preference for this tender. The TDS (ITT 36.2) states that the Margin of Preference shall NOT apply.	Margin of Preference shall NOT apply

	However, Section III, Item 6 states that a 15% margin of preference WILL be applied to foreign tenderers. Could you please confirm if the margin of preferrence does NOT apply to this tender or if the 15% margin of preference does apply? TDS 36.2 & SECTION III, part 6	
143.	Can the Commission confirm that the scanning capability requirement is satisfied where the device's integrated camera captures the identity document, reads the MRZ and generates an encrypted PDF file, without a separate document scanner? Hardware and Accessories, item 1 (Biometric device), Commission Additional Information column, page 2 of 11.	Refer to addendum No. 1 dated 18th September 2026
144.	Can the commission clarify/update the requirement for clock speed to not limit it to a fixed clock speed - rather, for competitive offerings and future-proof solutions, allow for processors with improved core processor architecture. Limiting to 2.4 Ghz may not be in favour of IEBC in the future. Will IEBC require bidders to conduct a live demonstration or proof of concept during technical evaluation?	Bidders to comply with the required specifications
145.	Section C requires evidence to be provided by 'the Bidder.' Can a Joint Venture member's track record — business volume and device counts — be credited in full toward the USD 50 million and 50,000-device thresholds? Or must the lead/sole Bidder entity independently meet these two criteria?"	Joint Venture is not allowed
146.	For Items 11 and 12 — the KES 5 billion turnover and KES 5 billion financial resources thresholds — can these be met by combining the financial capacity of JV members, or must a single JV member independently satisfy each threshold?	Joint Venture is not allowed
147.	**Independent assurance procurement route**	There will be a separate procurement for this.

	Section V, clause 1.7.5 states that the Commission may engage an independent professional body to provide assurance and certification that the election technology meets the user requirements and specifications. Does IEBC intend to procure this independent assurance capability separately from the IEMS supply, implementation and support contract, or is the successful IEMS supplier expected to arrange it?	
148.	**Timing and procurement process** If independent assurance will be procured separately, does IEBC anticipate a separate tender, framework, consultancy engagement, expression of interest or other procurement route? Could IEBC provide an indicative timetable for this requirement, including the expected timing in relation to the IEMS contract award, implementation and Operational Acceptance?	There will be a separate tender
149.	**Scope of independent assurance** Would the independent assurance scope be expected to cover the complete IEMS ecosystem, including the biometric voter registration, voter identification and verification, candidate registration and results transmission systems, together with applications, APIs, networks, infrastructure, polling-station kits and third-party interfaces?	Details are in the published tender
150.	**Security testing and independence** Section V, clause 1.7.4 requires stress testing, load-balancing testing, penetration testing, functional testing and other tests prescribed by the Commission. Does IEBC expect these tests to be performed or independently validated by an organisation separate from the IEMS supplier and its implementation subcontractors?	Bidders in the elections technology tender are expected to test their own hardware and software for compliance to the Commission's technical requirements. In addition, the systems will be independently tested and certified
151.	**Penetration-testing scope and methodology** Will IEBC define the required penetration-testing methodology, test coverage, tester independence or accreditation requirements,	Details are in the published tender

	vulnerability severity thresholds, remediation timeframes and retesting requirements? In particular, should penetration testing include source code, applications, APIs, infrastructure, communications networks, mobile or polling-station devices, certificate services and remote-support capabilities?	
152.	**Assurance evidence and reporting** Will an independent assurance provider be expected to have access to the relevant system documentation, test environments, configurations, logs, test results, vulnerability records and remediation evidence? Will reports be submitted directly to IEBC or its nominated governance body rather than through the IEMS supplier?	Yes, and the reports formally submitted to IEBC
153.	**Operational Acceptance and election readiness** How does IEBC envisage the independent assurance function supporting User Acceptance Testing, Operational Acceptance Tests and election-readiness activities? Would IEBC expect an independent assurance opinion before Operational Acceptance, before election deployment, following major upgrades, or at other defined milestones?	Details are in the published tender
154.	**Residual-risk acceptance** Who will be responsible for accepting residual security and operational risks, and will the independent assurance provider be expected to provide a formal go/no-go or certification opinion against agreed acceptance criteria?	Details are in the published tender
155.	**Independence and eligibility requirements** What independence, conflict-of-interest, accreditation, professional qualification, Kenyan registration and data-handling requirements would apply to an organisation seeking to provide this assurance service?	Details are in the published tender

156.	**Procurement clarification process** Should these questions be addressed through the formal pre-tender clarification process and included in the pre-tender meeting minutes or a subsequent addendum? We would also appreciate confirmation of the appropriate IEBC contact or directorate for further discussion of the independent assurance requirement.	Addressed Address for obtaining further information: Independent Electoral and Boundaries Commission (IEBC), Anniversary Towers, University Way, Fifth Floor P O Box 45371-00100 Head of Procurement, TEL; (254) 020 2769000. procurement@iebc.or.ke



Kulundu R. K. (Mrs.)
Ag. Commission Secretary/CEO