

REPUBLIC OF KENYA



MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN  
DEVELOPMENT

State Department for Housing and Urban Development

ADDENDUM 2

CLARIFICATIONS FOR PRE - QUALIFICATION OF PANEL OF EXPERTS FOR FINANCIAL  
ADVISORY CONSULTANCY SERVICES

This is in reference to tender advertisement appearing on the Daily Nation and The Standard Newspapers of **Monday, 7<sup>th</sup> November 2022**.

Interested and eligible bidders are hereby notified that the following clarifications have been sought by various prospective bidders and the accompanying responses have been issued herewith as Addendum 2:

S/No	Query	Clarification
1.	<p>Tender No. MLPWHUD/SDHUD/AHP/020/2022-2023</p> <p>a) In the table of contents, there is a reference made to “FORM TECH-5: WORK SCHEDULE AND PLANNING FOR DELIVERABLES” which should be on page 28 of the main document, however, we can’t find the same</p> <p>b) In the table of contents, “FORM TECH-4” is missing from the table of contents but appears in the main document.</p>	<p>a) Form TECH-5 is not required for the bid submission at this point.</p> <p>b) This is an error of omission. The table of contents is hereby amended by inserting “FORM TECH-4” as indicated in the main document.</p>
2.	<p>Clarifications Request for Proposal (RFP) MLPWHUD/SDHUD/AHP/020/2022-2023</p> <p>a) You have indicated that bidders submit a financial proposal. You have also indicated that the selected firms will be retained for a period of 36 months on a framework contract, which means that they will be requested to quote for assignments as they occur during the this period. As such please clarify:</p>	<p>a) This is correct.</p> <p>b) Please provide financial proposals for the activities captured in the ToRs based on your Technical Approach and Methodology.</p>

<p>b) Are we to provide financial proposal on the basis that the proposed consultants will be working for 36 months? Or do we provide the rates only for the consultants proposed?</p> <p>c) Also can you clarify if the rates will be subject to variation over the 36 months based on consumer index?</p> <p>d) Please also advice the level of travel within and outside the country for us to be able to estimate the reimbursable more appropriately.</p> <p>e) In the Data Sheet 6.7 you have stated “The business will be registered with Business Registration Services, Office of the Attorney General”. Please clarify this as you have invited both local and International/Foreign firms.</p> <p>f) Data Sheet 16.4 you have stated as follows:</p> <ul style="list-style-type: none"> <li>• The Financial Proposal shall be stated in the following currencies: Kenya Shillings</li> <li>• Financial Consultant may express the price for their Services in any fully convertible currency, singly or in combination of up to three foreign currencies.</li> <li>• The Financial Proposal should state local costs in Kenya Shillings: Yes</li> </ul> <p>The above is not clear as per bullet 1 you seem to indicate that all proposals should be in Kenya Shillings (which ideally would exclude foreign firms).</p> <p>On the second bullet you seem to be allowing for multiple currencies which is also confirmed by the third bullet. Please clarify on this issue.</p> <p>g) Data sheet 22.1 indicates the mandatory critical documents that must accompany the technical proposal. In</p>	<p>c) During the 36-month period detailed specific ToRs will be issued to the successful bidders who will be requested to quote for these assignments.</p> <p>d) Detailed ToRs will be released to successful bidders however it is not envisioned that there will be any travel outside the country.</p> <p>e) For local firms, “<i>The business will be registered with Business Registration Services, Office of the Attorney General</i>” whereas for foreign/international firms an equivalent registration will suffice.</p> <p>f) The Financial Proposal shall be in Kenya Shillings only.</p> <p>g) A document similar to the CR12 from the relevant authorities which serves as an official confirmation as to whom the directors and shareholders of a company are will be sufficient. This is required for all members of a joint venture or consortium and not just the lead firm.</p>
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	<p>line with our question 2 above please clarify if these mandatory documents are applicable for the following?</p> <ul style="list-style-type: none"> <li>• In respect to international firms that do not have access to CR12 would the business registration certificate suffice?</li> <li>• In respect to Sub-Consultants (firms) that are not members of a joint venture or are they just mandatory for the lead firm?</li> </ul>	
3.	<p>a) Bid Bond Validity duration for tender no. MLPWHUD/SDHUD/AHP/020/2022-2023</p> <p>b) Here is a form called 'TECH-5 Work Schedule and Planning for Deliverables' mentioned in the RFP to be used as reference but not available on the RFP as indicated on page 28.</p>	<p>a) The bid bond of Kshs 100,000.00 should be valid for 30 days after tender validity.</p> <p>b) Form TECH-5 is not required for the bid submission at this point.</p>
4.	<p>We are applying for the above tender and one of the requirements is <i>Certificate of Independent Proposal Submission</i>. Please advice what this is about for us to be fully compliant.</p>	<p>This purpose of this document is to ensure bidders compliance with the provisions of the Competition Act 2010, regarding collusive practices in contracting and is provided in FORM TECH-1: TECHNICAL PROPOSAL SUBMISSION FORM.</p> <p>Please note: Any Consultant found to have engaged in collusive conduct shall be disqualified and criminal and/or civil sanctions may be imposed.</p>
5.	<p>This is a follow up on the email below on clarification on the TECH 5 Form.</p> <p>There is a form called 'TECH-5 Work Schedule and Planning for Deliverables' mentioned in the RFP to be used as reference but not available on the RFP as indicated on page 28.</p> <p>Could we please get clarification on this."</p>	<p>Form TECH-5 is not required for the bid submission at this point.</p>
6.	<p>Please see below our queries and assist in clarifying.</p>	<p>Yes, general approaches, methodologies and pricing are</p>

	<p><b>a) Description of Approach and Methodology</b>  Section 3 of the ToRs on page 27 indicates: Please explain your understanding of the objectives of the assignment as outlined in the Terms of Reference (TORs), the technical approach, and the methodology you would adopt for implementing the tasks to deliver the expected output(s), and the degree of detail of such output. As per our understanding, at this point of the framework bid, the specifics of the assignment are not known as these will be clear when specific assignments are tendered to the shortlisted firms. Therefore, at this point only general approaches and methodology could be offered, please confirm if this is the case.</p> <p><b>b) Financial Proposal</b>  Section 4 of the ToRs on page 34 indicates: Financial Proposal Standard Forms shall be used for the preparation of the Financial Proposal. As per the above, it will be difficult to prepare a financial proposal at this stage, could you please articulate what is expected for a financial proposal at this stage</p> <p><b>c) Templates for use</b>  The table of content on page (ii) indicate that FORM TECH-5: WORK SCHEDULE AND PLANNING FOR DELIVERABLES is on page 28, please note this has not been provided and is missing in the RFP. However, and related to question 1 above, a work schedule at this point will be general as project planning will vary depending on various factors.</p>	<p>sufficient. During the 36 month period detailed specific ToRs will be issued to the successful bidders who will be requested to quote for these assignments.</p>
7.	Time and date of proposal opening	We have noted that Clause 18.1, page 8 of the Request for Proposal document has erroneously indicated

		<p><b>13<sup>th</sup> December, 2023 at 11.00am</b> as the time and date of proposal opening.</p> <p>The correct time and date of proposal opening is <b>13<sup>th</sup> December, 2022 at 11.00am.</b></p>
8.	<p>Terms of Reference (amendment by expanding the scope)</p>	<p>(f) Real Estate Investment Trusts (D-REITs and I-REITs).</p> <p>The Consultant shall:</p> <ul style="list-style-type: none"> <li>• Advise on the structuring of real estate investment trusts for affordable housing development and offtake via tenant purchase agreements (rent-to-own).</li> <li>• Advise on regulatory approval process for the AHP REITs.</li> <li>• Advise on asset selection and go-to-market strategy for the AHP REITs.</li> <li>• Support on the development of the required offering memoranda.</li> <li>• Support in the engagement with pension schemes, insurance companies, fund managers and other holders of long-term capital.</li> <li>• Support on the messaging and marketing of the AHP REITs.</li> </ul>
9.	<p>We have noted in the data term sheet Ref (10.1) that there is a requirement to submit:</p> <ul style="list-style-type: none"> <li>i. Technical Proposal</li> <li>ii. Financial Proposal with a breakdown on remuneration and reimbursable costs.</li> </ul> <p>Further to this, it is stated that the financial proposal submitted need to be prepared in the standard forms provided in section 4 of the RFP. The costs to be listed include:</p> <ul style="list-style-type: none"> <li>i. Remuneration of key experts and non-key experts</li> <li>ii. Reimbursable expenses.</li> </ul>	<p>At this stage general approaches, methodologies and pricing are sufficient. During the 36-month period detailed specific ToRs will be issued to the successful bidders who will be requested to quote for these assignments.</p>

	<p>The above notwithstanding, the initial terms of reference provide a general overview of the key roles and responsibilities to be played by the consultant and detailed scope of work will be prescribed in the next stage of selection upon project specific requirements. As such, financial scoping and pricing for this will be difficult without comprehensive and a detailed scope of work as per the respective assignments to be undertaken.</p> <p>In light of this, <b>are the bidders required to submit financial proposals at the pre-qualification stage</b> and if so, what would be the guiding principles for pricing of the proposals submitted given that the TORs provide a general overview of the expected assignments to be undertaken.</p>	
10.	<p>a) On the Preliminary Information (pg. vii), It states that interested firms should submit one(1) original and three(3) hard copies of their proposals, However on the ITC: Instructions to consultants 17.5 it states that the firms should issue one(1) original of the Technical proposal and one(1) of the Financial. Please clarify if indeed we are to submit One (1)Original Hard for both the Technical proposal and Financial proposal, and Three (3) Hard copies of the same as there is abit of confusion.</p> <p>b) Is the maximum number of members in a JV limited by two (2) , as the industry standard for similar transactions can be up to four (4).</p> <p>c) In the Terms of Reference, no 4. Qualification Criteria. It states the consultant will be required to provide the following mandatory documents:- Proof of financial strength and stability by providing audited accounts for the last three (3) years and Practising license(s) for the firm or its key experts</p>	<p>(a) Bidders are advised to submit 1 original and 3 copies</p> <p>(b) There are no restrictions on the size of the JV.</p> <p>(c) Yes the stated documents are mandatory.</p>

	by the relevant professional body, if applicable. The above requirement was not listed in the ITC nor the Technical evaluation criteria, so please clarify if bidding firms required to submit the above as part of our proposal.	
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All the other conditions remain the same.

**Head Supply Chain Management Services  
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