



REPUBLIC OF KENYA
MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT
State Department for Housing and Urban Development

ADDENDUM I
TENDER CLARIFICATIONS
PROPOSED DRILLING, EQUIPPING, TESTING AND COMMISSIONING OF
BOREHOLES FOR THE AFFORDABLE HOUSING PROGRAM UNDER
FRAMEWORK AGREEMENT

TENDER NO. SDHUD/784/SPPM/011/2025-26

This is in reference to tenders' advertisement appearing in MyGov on 31st March, 2026 and a pre-bid conference held on 14th April, 2026.

S/NO	CLARIFICATIONS	RESPONSE
1.	Seeking the clarifications on boreholes , the BOQ link is not opening how can we chk	The BOQ link uploaded on the Tender document is accessible Link: https://housingandurban.go.ke/wp-content/uploads/2026/03/GOK-AHP-Borehole-Installation-Tender-Boq.xlsx
2.	Restricting the framework to only 3–8 suppliers for 10 years creates a quasi monopoly and excludes the majority of Kenyan drilling firms from participating in national development for an entire decade. The tender explicitly states that only “a minimum of three (3) and a maximum of eight (8) responsive tenderers may be shortlisted	This is done under Specially Permitted Procurement Procedure pursuant to section 114A of the Public Procurement and Asset Disposal Act 2015 (Rev. 2022). This will be strategic partners as envisaged in section 114A (2) (d) of the Act.
3.	A 10 year lock in prevents new Kenyan entrants, SMEs, and emerging local manufacturers from participating as the industry evolves.	Local firms are encouraged to submit their tenders and the 10 year does not lock them out since as need arises, changes may be made by the State Department.
4.	The successful bidder is required to pay for the trip for due diligence. At what stage will this be: Is after award or before award? If before award, will the costs be reimbursed if the bidder is not eventually successful.	The bidder is not required to pay for the Due Diligence
5.	In case of JV partners, will all the JV partners be required to have same qualifications even if one JV partner is a financier	Joint Venture partners are not required to hold identical qualifications . However, the JV shall collectively demonstrate compliance with the tender requirements, and each partner shall

S/NO	CLARIFICATIONS	RESPONSE
		<p>provide documentation relevant to its role in the JV.</p> <p>The lead bidder shall be the manufacturer</p>
6.	<p>We note that the Tender Data Sheet currently limits Joint Venture (JV) membership to two entities: The Manufacturer and the Local Installer. In global practice, projects of this magnitude require manufacturers to collaborate closely with financial and investment partners. These partners typically require a formal, significant role within the JV to safeguard their capital and ensure project delivery. The current two-member limit effectively excludes these critical partners, thereby restricting a manufacturer’s ability to secure necessary funding and participate in the tender.</p> <p>We respectfully request an amendment to allow more than two (2) JV members. This change will accommodate financial institutions and investment partners, ensuring greater financial robustness and the successful execution of the project.</p> <p>Kindly consider increasing the maximum number of Joint Venture partners allowed in the tender from Two to Three partners.</p>	<p>The Bid shall allow for up to three (3) Joint Venture (JV) partners.</p> <p>However, bidders are advised that the local installer is not required to form part of the Joint Venture and may instead be engaged as a subcontractor to the lead manufacturer, provided all specified qualification and regulatory requirements are met.</p>
7.	<p>Are the tenders specific for manufacturers or authorized resellers / distributors ?</p>	<p>This is a manufacturer-led bid, with local installers engaged as subcontractors. A single manufacturer shall not support more than one bidder within the same category. Where a manufacturer is found to be participating in multiple bids under the same category, all such bids associated with that manufacturer will be disqualified and deemed non-responsive. Bidders are therefore required to ensure exclusivity of manufacturer representation within their respective submissions to maintain compliance with the tender requirements</p>
8.	<p>Kindly requesting the procurement entity to consider the extension of tender submission deadline by another 14 day (2 weeks).</p> <p>Will there be an extension of time since</p>	<p>The tender closing date has been extended for 30th April, 2026 at 9.00 a.m. to 14th May, 2026 at 9.00 a.m.</p>

S/NO	CLARIFICATIONS	RESPONSE
	<p>the Pre-bid meeting has taken place two weeks after advertisement of the tender and only two weeks are remaining to the deadline of tender submission? This remaining time is not sufficient to prepare responsive bids.</p> <p>Given that several clarification questions remain unanswered; can we expect an extension of the submission deadline? Please clarify the revised timeline</p> <p>We request for 4 weeks' extension</p> <p>We request for 21 days' extension</p> <p>The Borehole Tenders have a Tender deadline submission date of 28th April and Tender opening date of 30th April 2026. Is this a discrepancy?</p>	
9.	<p>The submission is Physical copies</p> <p>Can We also submit online, or only physical copies are approved</p>	<p>Bidders are required to submit their tenders in the physical format specified in the tender documents. Kindly note that the BOQs forms part of the tender documents and should be duly completed and submitted in the prescribed manner.</p> <p>Refer to the tender document ITT 25.1 Page 32 of the tender document</p>
10.	<p>We seek clarification regarding the Technical Evaluation Criteria which requires bidders to provide a "List of Clients in the last 5 years," "Reference contact details," and copies of "LPOs, Contracts, and Completion Certificates" for each project.</p> <p>All major manufacturers operate under strict compliance with the Global Data Protection LAws and the Kenya Data Protection Act (DPA) 2019. Their agreements with private sector clients include non-disclosure clauses and data privacy policies that prohibit the sharing of third-party personal data (such as contract values, direct contact person names and phone numbers) or sensitive commercial contract details without explicit prior consent from said clients.</p>	<p>All information submitted shall be handled in accordance with the applicable laws and government procedures, including the Data Protection Act, 2019, for purposes strictly related to tender evaluation and contract award.</p> <p>Compliance with data privacy obligations will be taken into account; however, bidders must still provide adequate evidence to demonstrate compliance with the evaluation requirements. Failure to provide sufficient evidence may lead to non-responsiveness.</p>

S/NO	CLARIFICATIONS	RESPONSE
	<p>In light of this, we request clarification on the following:</p> <p>1. How does the State Department intend to deal with bidders who strictly adhere to the data protection laws and internal company policies does not allow them to disclose client details?</p> <p>2. How does the State Department intend to guarantee the protection of this third-party data once submitted, in line with its obligations as a "Data Controller" under the DPA?</p> <p>Strict adherence to data privacy is a mandatory legal requirement for many organizations. We wish to ensure that our commitment to the DP Laws does not lead to our bid being declared non-responsive or failing the technical evaluation for "missing information."</p>	
11.	<p>Under specific and ongoing experience – technical evaluation criteria</p> <p>The tender requirement states for provision of ongoing orders supplied in the last 3 years. We find this requirement contradictory as 3 years is a long time to have an ongoing project and also is similar to the completed orders of sets supplied in the last 3 years. Please clarify on this requirement and provide more details on the same.</p>	<p>Bidders are required to submit evidence of ongoing or recently active projects/orders,</p> <p>Item 7 is changed to read as follows: Ongoing Orders</p> <p>NB: Attach either LPO, Delivery Notes, Letter of Award, Orders, Contract and / or Recommendation from the Client for EACH project / order.</p> <p>Bidders are required to submit evidence of ongoing or recently active projects/orders, regardless of start date, to demonstrate current capacity. This requirement is not intended to duplicate completed experience but to complement it by confirming that the bidder is presently executing similar works.</p>
12.	<p>How will you guarantee payments to the manufacturers? Will the State Department for Housing & Urban Development be issuing Letter of Credits (LCs) to the winning bidders?</p>	<p>Payment shall be made in accordance with the contract terms and conditions set out in the tender documents and the eventual contract. Any specific payment security instruments, including Letters of Credit, shall apply only where expressly provided for in the contract documents.</p>
13.	<p>Request to SDHUD on the tender documents: Kindly consider increasing the number of JV partners to at least</p>	<p>The Bid shall allow for up to three (3) Joint Venture (JV) partners. However, bidders are advised that the local</p>

S/NO	CLARIFICATIONS	RESPONSE
	three (3) members	installer is not required to form part of the Joint Venture and may instead be engaged as a subcontractor to the lead manufacturer , provided all specified qualification and regulatory requirements are met.
14.	For experiences, does it mean if we provide less contracts but the margin is more than 20million okay? What happens if you dont have the five experiences,(contracts) but the few we have are way much more than the 20,000,000 value required	Bidders must comply with the specific experience requirements as stated in the tender documents.
15.	Does the ministry give any written contract documents to bidders?	The Procuring Entity shall issue a written contract to the successful bidders as provided for in the tender document.
16.	<p>Also considering we had bought tender security documents from the banks previously for these tenders and these tenders have since been cancelled and retendered, could we get an addendum or letter stating that these are re-advertisements? This will enable suppliers/tenderers to use the same bank tender security issued on Egg portal</p> <p>I refer to the tender initially advertised under the e-Government Procurement (eGP) system, which has since been revised to a manual submission process with a different tender number.</p> <p>I wish to kindly request the issuance of an official addendum to formally communicate the changes in the tender number, bid security amount as well as tender number This addendum will enable us to present the same to our bankers for the processing and issuance of new bid securities aligned with the revised tender details.</p> <p>As we had already initiated the preparation of bid securities based on the earlier advertisement</p>	<p>This is a different tender from the previous ones advertised in the e-GP system. Bidders were informed that the tenders will be re-advertised.</p> <p>See link</p> <p>https://housingandurban.go.ke/wp-content/uploads/2026/02/CANCELLED-INTERNATIONAL-COMPETITIVE-BIDDING-33x3-1.pdf</p>
17.	Under Experience in the Technical Evaluation bidders are expected to attach Notarized Evidence of Completed Orders, Deliveries, Recommendation Letters &	The requirement for notarized evidence of Completed Orders, Deliveries, Recommendation Letters & Company Portfolio has been expunged .

S/NO	CLARIFICATIONS	RESPONSE
	<p data-bbox="297 107 529 134">Company Portfolio.</p> <p data-bbox="297 178 753 310">Would it be acceptable if we provide audited evidence instead of notarized documents? The audit company is the one who audited the financial reports.</p>	

All the other conditions remain the same.

Head Supply Chain Management Services

For: The Principal Secretary

Ministry of Lands, Public Works, Housing and Urban Development

State Department for Housing and Urban Development.

P.O. Box 30119 -00100 NAIROBI, KENYA

Dated 23rd April, 2026