

# MERU UNIVERSITY OF SCIENCE & TECHNOLOGY

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## OFFICE OF THE VICE CHANCELLOR

REF. No. MU/1/14/171(3)

Date: 17<sup>th</sup> August 2020

TO: ALL BIDDERS

**SUBJECT: ADDENDUM NO. 1 TO TENDER NO. MUST/ONT/ADMIN/05/2020-2023  
FOR PROPOSED CONSTRUCTION OF ADMINISTRATION BLOCK & LECTURE ROOMS  
AT MARIENE RESEARCH INSTITUTE (PHASE ONE)**

Following our own initiative, we wish to make the following clarification and amendment to the above principle tender document (hereinafter abbreviated as PTD) for proposed construction of Administration Block & Lecture Rooms at Mariene Research Institute (Phase One).

Save where expressly amended by the terms of this addendum, the PTD shall continue to be in full force and effect. The provision of this addendum shall be deemed to have been incorporated in and be read and construed as part of the PTD.

Thank you.

Prof. Romanus Odhiambo, Ph. D  
VICE-CHANCELLOR



MUST IS ISO 9001:2015 CERTIFIED

## EVALUATION TOOL

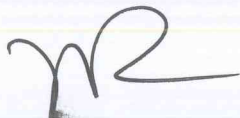
TENDER NAME: **PROPOSED CONSTRUCTION OF ADMINISTRATION BLOCK & LECTURE ROOMS AT MARIENE RESEARCH INSTITUTE (PHASE ONE)**

TENDER NO. **MUST/ONT/ADMIN/05/2020-2023**

NAME OF FIRM: \_\_\_\_\_

The following information shall complement or amend the provisions of the instructions to tenderers. Wherever there is a conflict between the provisions of the instructions to tenderers and the provisions of this appendix, the provisions of the appendix herein shall prevail over those of the instructions to tenderers

Instructions to tenderers	Particulars of appendix to instructions to tenderers	YES/NO
1.1	The 'Employer' is the Meru University of Science & Technology	
1.2	Pre-qualification: No Prequalification procedure has been undertaken thus Procurement shall be based on post qualification method and tenderers should comply with all tender requirements to be considered for award	
1.3	<p>Tenderers are required to submit copies of the following <b>MANDATORY DOCUMENTS</b> which will be used during Preliminary Examination to determine responsiveness, notwithstanding any other requirement in the tender document:</p> <ol style="list-style-type: none"> <li>1) Copy of certificate of Incorporation under the Company's Act and must have been in existence for the last five (5) years).</li> <li>2) Copy of recent CR12 issued within the last 12 months from the date of Tender Opening. (This will be verified with the Registrar of Companies)</li> <li>3) Copy of Valid Tax Compliance Certificate issued by the Kenya Revenue Authority (Will be verified on the KRA TCC Checker)</li> <li>4) Attach a Valid copy of PIN/VAT Certificate</li> <li>5) Must submit copies of certified Audited Financial Accounts for the last 3 years (2017,</li> </ol>	

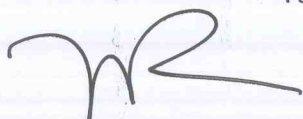




Instructions to tenderers	Particulars of appendix to instructions to tenderers	YES/NO
	<p>2018 &amp; 2019)</p> <p>6) Attach a valid copy of National Hospital Insurance Fund (NHIF) compliance certificate</p> <p>7) Attach a Valid copy of National Social Security Fund (NSSF) Compliance Certificate)</p> <p>8) Tender Form duly Completed, Signed and Stamped by the Tenderer in the format provided.</p> <p>9) Bills of Quantities duly Completed, Signed and Stamped by the Tenderer in the format provided.</p> <p>10) Must Submit a Bid Bond of KShs. 2,300,000.00 valid for 120 days from the day of tender opening.</p> <p>11) Must submit a dully filled up Confidential Business Questionnaire in format provided</p> <p>12) Must submit a copy of relevant Valid National Construction Authority Registration Certificate (NCA 3 and above)</p> <p>13) Must submit a copy of relevant current National Construction Authority Practicing License (NCA 3 and above)</p> <p>14) For Electrical and Mechanical Engineering sub-contractors, they MUST be registered with National Construction Authority Class NCA 5 and above. Attach both NCA5 registration certificates together with valid practicing licenses (Electrical and Mechanical)</p> <p>15) Attach proof of agreement to work with a domestic specialist sub-contractor for both electrical and mechanical</p> <p>16) Submit a valid relevant current Trading License / Business Permit.</p> <p>17) Submit a signed Declaration form (sworn affidavit)</p>	



Instructions to tenderers	Particulars of appendix to instructions to tenderers	YES/NO
	<p>18) Must provide Litigation and arbitration History if any. If none please indicate so</p> <p>19) Must fill, sign and stamp anti-fraudulent practice declaration form provided in the tender document</p> <p>20) Must fill, sign and stamp anti-corruption practice form provided in the tender document</p> <p>21) Must fill, sign and stamp non-debarment declaration form provided in the tender document</p> <p>22) Properly bound, good presented document. The tender document MUST be paginated / serial numbered. No loose documents shall be accepted</p> <p><i>AT THIS STAGE, TENDERERS' SUBMISSIONS WILL EITHER BE RESPONSIVE OR NON-RESPONSIVE. THE NON-RESPONSIVE SUBMISSIONS WILL BE ELIMINATED FROM THE ENTIRE EVALUATION PROCESS AND WILL NOT BE CONSIDERED FURTHER.</i></p>	
1.4	Joint Ventures shall provide all the information required under this clause failure to which they will be disqualified at the preliminary evaluation stage.	
1.5	Detailed Evaluation: TENDERERS WHO ARE FOUND RESPONSIVE AT THE PRELIMINARY EVALUATION STAGE WILL BE SUBJECTED TO DETAILED EVALUATION AS PER THE CRITERIA IMMEDIATELY AFTER THIS APPENDIX TO INSTRUCTIONS TO TENDERERS TABLE	
1.6	Rate and Price Adjustments: Any rate and Price adjustments shall be as allowable in the Public Procurement and Asset Disposal Act, 2015	
1.7	The unit rates and prices shall be in Kenya Shillings.	
1.8	Alternative Tenders: Not Allowed	
1.9	No of Copies of Tender Document to be submitted: The bidder shall submit ONE (1) ORIGINAL AND ONE (1) COPY of the Tender	





Instructions to tenderers	Particulars of appendix to instructions to tenderers	YES/NO
	Document and mark them as indicated in clause 4.1 of the Instructions to Tenderers	
2.0	Arithmetic Errors: The tender sum as submitted and read out during tender opening shall be final and shall not be the subject of any corrections, adjustments or amendments until at the financial stage of tender evaluation.	
2.1	Particulars of performance security if applicable: The successful Bidder shall submit a performance security in the form of a Bank Guarantee amounting to 5 % of the contract price	
2.2	Preferences and Reservations: N/A	
2.3	Contract Price Variations: Any contract price variations shall be as allowable in the Public Procurement and Asset Disposal Act, 2015.	
Other's as necessary	Complete as necessary. None	

## DETAILED EVALUATION CRITERIA

### A) TECHNICAL EVALUATION

Tenders meeting the minimum responsiveness requirements will be evaluated according to the following Evaluation Criteria.

Item	Parameter	Maximum points
1	Building Construction experience	10
2	Physical facilities (evidence of physical address)	2
3	Similar works completed in the last five (5) years	15
4	Current Commitments	5
5	Name and addresses of Clients who may be contacted	5
6	Schedule of contractor's equipment	10
7	Qualifications and experience of key personnel	20
8	Reports on financial situation	3
9	Audited financial statements & financial standing reported within the last 3 years	9
10	Authority to seek references from the tenderer's bankers with details of Name, address and telephone numbers and Account numbers	2
11	Litigation and arbitration history (Provide affidavit)	2
12	Completeness and clarity of the tender document in accordance with	2

Item	Parameter	Maximum points
	Clause 3 of instructions to tenderers	
13	Work plan and methodology of the execution of works	15
	<b>TOTAL</b>	<b>100</b>

**DETAILED SCORING MATRIX FOR TECHNICAL EVALUATION (PASSMARK 70%)**

Name of Evaluator: .....

Sign: .....

Date: .....

Item	Description	Scoring breakdown	Max-points	Score
1	<p><b>Building construction experience</b> (as evidenced in business registration/certificate of incorporation)</p> <p>Over ten (10) years 5-10 years</p>	<p>(Aggregate score)</p> <p>10 6</p>	10	
2	<p><b>Physical Facilities</b> Evidence of Physical address e.g. title deed/lease agreement/utility bills</p> <p>Provided and satisfactory Not provided</p>	<p>(Aggregate score)</p> <p>2 0</p>	2	
3	<p><b>Similar Works:</b> Experience as a main Contractor in works of a similar nature and size completed within the last five years <b>Similar works completed in the last five (5) years.</b></p> <p><b>Similar works completed within the last five (5) years each with a value of at least Kshs. Twenty (25) Million, that have been successfully and substantially completed</b> (Present in a table format and attach completion certificates, handing over certificates LSO)</p> <p>5 projects and above successfully completed 4 projects and above successfully completed 3 projects and above successfully completed</p>	<p>(Aggregate score)</p> <p>15 12 9</p>	15	





Item	Description	Scoring breakdown	Max-points	Score
	2 projects and above successfully completed 1 project successfully completed None or no relevant project	6 3 0		
4	<b>Current Commitments:</b> Details of similar work underway or contractually committed i.e. Schedules of on-going projects each with a value of at least KShs. Fifty (50) million. (Attach award letters or interim certificates or contracts) 5 projects and above ongoing well 4 projects and above ongoing well 3 projects and above ongoing well 2 projects and above ongoing well 1 project ongoing well None or no relevant project	(Aggregate score)  5 4 3 2 1 0	5	
5	<b>Names and addresses of clients who may be contacted</b> for further information on the completed projects. (in a table format with the following details; Name of the contact person, Firm, Project/Assignment and Contact - Postal Address, E-mail Address, Tel: No. etc). Also attach reference letters from the clients.  5 Clients and above 4 Clients 3 Clients 2 Clients 1 Client No Client	(Aggregate score)  5 4 3 2 1 0	5	
6	<b>Equipment Holding:</b> Major items of construction equipment proposed to carry out the Contract (Owned, leased or hired) and an undertaking that they will be available for the Contract i.e. Schedule of contractor's equipment <i>(Submit Evidence of Ownership/Leasing (Mandatory) e.g. log books for vehicles, purchase receipts for equipment or lease agreements or any other acceptable documentary evidence)</i>  Excavation equipment Concrete mixer	(Add Individual item score)  2 2	10	

Item	Description	Scoring breakdown	Max-points	Score
	Transportation vehicles Grading Machine Compaction Machine Any other acceptable relevant major item of construction equipment not listed above will be awarded 1 mark each up to a Max. of 5 (Total marks will however not exceed 10)	2 2 2		
	<b>Total</b>	<b>10</b>		
7	<p><b>Qualifications and experience</b> of key site management and technical personnel proposed for the Contract and an undertaking that they shall be available for the Contract i.e.</p> <p>Qualifications and experience of key personnel (Attach current signed original CVs (signed by both the employer and owner) and copy of relevant certificates).</p> <p>Project Engineer to have at least a degree in Engineering and be a member of a relevant professional body with at least Six (6) years relevant experience. <i>Academic Qualification (2 points) &amp; Experience for the Period Indicated (4 Points). Submission of detailed C.V and membership of a relevant professional body (1 Point each)</i></p> <p>Site Manager to have at least a relevant professional qualification with Five (5) years' experience in the proposed position or works of a similar nature. <b>Academic Qualification (2points) &amp; Experience for the Period Indicated (3 Points). Submission of detailed C.V (1 Points)</b></p> <p>Supervisor to have at least a relevant professional qualification with Three (3) years' experience in the proposed position or works of a similar nature. <i>Academic Qualification (1 points) &amp; Experience for the Period Indicated (2 Points). Submission of detailed C.V (1 Points)</i></p>	<p>(Add individual item score)</p> <p>8</p> <p>6</p> <p>4</p>	20	



Item	Description	Scoring breakdown	Max-points	Score
	Any other qualified and relevant personnel proposed with adequate experience and with necessary documentation submitted as above will be awarded 1 marks each up to a maximum of 2 marks	2		
8	<b>Financial Situation:</b> The current soundness of the applicant's financial position and its respective long-term profitability. Submit Audited financial statements reported within the last three (3) years (2018, 2017, and 2016).  Turnover greater or equal to 3 times the cost of the project Turnover greater (but less than 3 times the cost of the project) or equal to the cost of the project  Turnover below the cost of the project	(Aggregate score)  3 2  0	3	
9	<b>Reports on financial Standing</b> such as profit and loss statement and auditors report for the <b>past three years</b> signed by Auditor(s) who are approved by ICPAK for  Determining solvency and liquidity of the company  Letter from banker regarding credit worthiness of the firm  Clearance certificate from Credit Reference Bureau for the firm	(Aggregate score)  3 3 3	9	
10	<b>Authority to seek references from the tenderer's bankers</b> with details of Name, address and telephone numbers and Account numbers  Provided and satisfactory None	(Aggregate score)  2 0	2	
11	<b>Litigation and arbitration history.</b> Information regarding any litigation, current or during the last five years, in which the tenderer is involved, the parties concerned and disputed	(Aggregate score)	2	

Item	Description	Scoring breakdown	Max-points	Score
	amount (Provide current affidavit)	2		
	Provided and satisfactory	0		
	None			
12	<b>Completeness and clarity of the tender documents</b>	(Aggregate score)	2	
	Satisfactory	2		
	Not satisfactory	0		
13	Work plan and methodology of the execution of works		15	
	<b>Total</b>		<b>100</b>	

**NOTE: TO QUALIFY FOR THE FINANCIAL EVALUATION STAGE BIDDERS ARE EXPECTED TO SCORE AT LEAST 70% AT THE TECHNICAL EVALUATION STAGE**

**B) FINANCIAL EVALUATION**

Only bidders who score 70 marks and above will be subjected to financial evaluation. Those who score below 70 marks will be eliminated at this stage from the entire evaluation process and will not be considered further.

Name of Evaluator: .....

Sign: .....

Date: .....

**Stage 1**

- 1) This will include the following: -
  - a) Confirmation of and considering Bill of Quantities completed and signed.
  - b) Conducting a financial comparison for the firms that passed technical evaluation
- 2) Tenders shall also be checked for errors, inconsistencies and frontloading.

The following tenders shall be **automatically disqualified**.

- i) Tenders with an arithmetic error of more than 5%, unless the tenderers demonstrate and confirm in writing that they will satisfactorily deliver



- ii) Tenders that are frontloaded, unless the tenderer (if successful) agrees with the employer on interim certificates payment plan that do not disadvantage the employer and enhancement of performance security
- iii) Tenders that have errors or inconsistencies in pricing that are significant enough to cause distortion in a successful contractor's cash flow or put the client in a contractually unfavorable or risky position.

3) The Tenderer should have at least 20% of the total tender value in cash assets in the Balance Sheet provided as part of the audited financial statements.

**Stage 2 and Post Qualification**

Meru University of Science and Technology shall carry out due diligence on the successful tenderer to seek information on the validity and authenticity of the documents submitted by the tenderer prior to tender award.

Any bidder who shall be found to have supplied false or misleading information shall be disqualified and the next lowest tender that has passed stage 1 shall be considered. Record of unsatisfactory or default in performance obligations in any contract shall also be considered at this stage. This shall include any tenderer with unresolved case(s) in its performance obligations for more than two (2) months in any contract. These bidders shall be shall be disqualified and the next lowest tender that has passed stage 1 shall be considered.

**AWARD OF CONTRACT**

The tender will be awarded to the successful tenderer whose tender has been determined to be substantially responsive, determined to be the lowest evaluated bidder/tenderer, and is qualified to perform the contract satisfactorily.

**Note:**

In case of a tie in the technical score, the bidder with the lowest tender sum shall be awarded the contract.

In case of a tie in the tender sum, the bidder with the highest technical score shall be awarded the contract.

Name of Evaluator: .....

Sign: .....

Date: .....

### **STAGE 3: FINANCIAL EVALUATION**

Only bidders who score 70 marks and above will be subjected to financial evaluation. Those who score below 70 marks will be eliminated at this stage from the entire evaluation process and will not be considered further.

### **FINANCIAL SCORE**

Tenderers who score 70 marks and above under Technical Evaluation will be ranked and the lowest evaluated tenderer will be awarded the tender.

### **AWARD OF CONTRACT**

The tender will be awarded to the successful tenderer whose tender has been determined to be substantially responsive, determined to be the lowest evaluated bidder/tenderer, and is qualified to perform the contract satisfactorily.

### **STAGE 4: POST QUALIFICATION**

Meru University of Science and Technology shall carry out due diligence on the successful tenderer to seek information on the validity and authenticity of the documents submitted by the tenderer prior to tender award.





**SELF-DECLARATION FORM  
ANTI-CORRUPTION DECLARATION**

We (*insert the name of the company*) \_\_\_\_\_  
declares and guarantees that no offer, gift or payment, consideration or  
benefit of any kind, which constitutes an illegal or corrupt practice, has been  
or will be made to anyone by our organization or agent, either directly or  
indirectly, as an inducement or reward for the award or execution of this  
procurement.

In the event the above is contravened we accept that the following to apply—

- a) The person shall be disqualified from entering into a contract for the procurement; or
- b) If a contract has already been entered into with the person, the contract shall be voidable at the option of EACC.
- c) The voiding of a contract by the procuring entity under subsection (b) does not limit any other legal remedy That EACC may have.

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Company Seal / Business Stamp



## ANTI-FRAUDULENT PRACTICE DECLARATION

We (insert the name of the company)

\_\_\_\_\_ declares and guarantees that no person in our organization has or will be involved in a fraudulent practice in any procurement proceeding.

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Company Seal / Business Stamp

A handwritten signature in black ink, appearing to be the initials 'WR' followed by a long horizontal stroke.



**NON - DEBARMENT DECLARATION**

We (insert the name of the company)

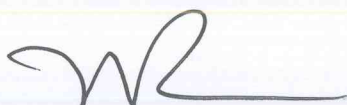
\_\_\_\_\_ declares and guarantees that no director or any person who has any controlling interest in our organization has been debarred from participating in a procurement proceeding.

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Company Seal / Business Stamp

A handwritten signature in black ink, consisting of a stylized 'W' followed by a horizontal line.