



REPUBLIC OF KENYA
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When Replying Please Quote

Ref: PPPD/O&S/RFP/05/2024-2025

20th May, 2025

REF: REQUEST FOR PROPOSALS (RFP) FOR PROVISION OF CONSULTANCY SERVICES FOR TRANSACTION ADVISORY SERVICES FOR DEVELOPMENT OF TRANSMISSION LINES PROJECTS THROUGH SOLICITED PUBLIC PRIVATE PARTNERSHIPS PROJECTS.

RFP NO. PPPD/O&S/RFP/05/2024-2025

ADDENDUM III

The National Treasury and Economic Planning, has issued an addendum to the request for proposals (RFP) for provision of consultancy services for Transaction Advisory Services for Development of Transmission Lines' Projects through Solicited Public Private Partnerships Projects.

All other terms and conditions remain the same.

HEAD, SUPPLY CHAIN MANAGEMENT SERVICES
FOR: PRINCIPAL SECRETARY/THE NATIONAL TREASURY

**ADDENDUM III-RFP FOR TRANSACTION ADVISORY SERVICES FOR DEVELOPMENT OF TRANSMISSION LINES PROJECTS
THROUGH SOLICITED PUBLIC PRIVATE PARTNERSHIPS PROJECTS.**

| S/No | Query | Clarification |
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| 1. | Can you please clarify if the services are funded through national budget from the National Treasury or if it benefits from financing of international donors? | Funds are available, and payments will be made from the Project Facilitation Fund, established under the Public Private Partnerships Act, 2021. |
| 2. | How is the participation of Kenyan citizens among proposed Key Experts going to be evaluated? What will be the minimum criteria to reach the maximum score in the evaluation? | As responded under Item 2 in Addendum 1, The requirement is for 4 Key Experts to earn the maximum score. |
| 3. | From article 25.2 of the Data Sheet we understand that the financial evaluation will be done on the financial proposal value excluding taxes and that taxes will be finalized at contract negotiation stage, can you please confirm? | As responded under Item 16 in Addendum II, For evaluation purposes, all proposals shall be assessed exclusive of taxes. Nonetheless, the financial forms must clearly indicate all applicable taxes relevant to the proposal. During contract negotiations, the Procuring Entity will itemize the applicable taxes and include them as a separate line in the Contract amount. The Contract will also specify which taxes are to be paid directly by the Consultant and which will be withheld and paid by the Procuring Entity on behalf of the Consultant |
| 4. | Can you please confirm Form Fin 3-B, 3-C, 3-D are not applicable as we are in a lumpsum contract? | Yes, Forms FIN-3B, FIN-3C, and FIN-3D are applicable only for time-based contracts and are therefore not |

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| | | applicable for this RFP. |
| 5. | Should we differentiate phase 1 and phase 2 in the Financial Proposal? If yes what should be the relevant template to be used? | Bidders should not separate phase 1 and phase 2 in the financial proposal. The disbursement criteria was clarified through Annex 1 which was uploaded on the website: https://pppkenya.go.ke/procurement-of-goods-services/ |
| 6. | <p>Could you elaborate on what the expected scope is of these geotechnical surveys under Task 1.5</p> <p>a. What kind of survey is expected i.e. Borehole drilling, Standard Penetration Tests, Trial Pitting, DCP test, Soil resistivity test, laboratory test on soil sample?</p> <p>b. How extensive should the survey be? Is it expected that all the potential locations of transmission towers are being drilled? Or is a sampling method sufficient enough?</p> <p>Have geotechnical surveys (drilling on-line route and substation locations) been performed in the past?</p> <p>c. If yes could we access this</p> | <p>The Consultant will be expected to undertake engineering design for substation and transmission lines to enable specifications to be developed and accurate cost estimates known. The activities will include:</p> <ul style="list-style-type: none"> • Carrying out sample geotechnical investigation on-line route and substation locations, and thereafter design the foundations. • Design of substation layout and transmission line towers and alignment/profile. <p>The extent of the engineering design and geotechnical investigation should be such that the Consultant will be able to estimate project cost up to Class 2 Estimates as per AACE - 96r-18 Cost Estimate Classification System. The Consultant is expected to disclose in their methodology the nature of</p> |

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| | <p>documentation? If it is not possible to access the documentation, could you elaborate on the scope of the performed survey i.e. type of drilling, depth of drilling, type of geotechnical & soil tests, and drilling location</p> <p>d. If no geological surveys have been performed. Can we have access to i) Geological maps, ii) Soil maps iii) Topographic maps iv) Hydrological maps and v) Geological test reports in the vicinity of the transmission line & substation locations. Depending on the granularity of these maps & reports it should be possible to perform pre-sizing & calculation costs without performing extensive (and expensive) drilling survey</p> | <p>geotechnical investigations that will enable them arrive at this Class 2 estimates.</p> <p>Any geological surveys that have been undertaken before shall be availed to the selected bidder.</p> |
| 7. | <p>Technical and Commercial Analysis requires the advisors to review existing studies and propose alternative technical configurations. Could you please confirm that the previously conducted feasibility studies concluded that the proposed</p> | <p>The projects are necessary and considered for development as scheduled in the Transmission master Plan.</p> <p>Alternative configurations are only welcome where improvement of cost effectiveness and efficiency is</p> |

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| | transmission lines are indeed necessary? Additionally, may we assume that any potential alternative configurations will not significantly differ from those outlined in the ToR? Meaning in our financial proposal we should assume the design and engineering (Phase 1 – Task 1.5) of the 4 transmission lines and corresponding substations. | demonstrated. |
| 8. | Are early-stage concept or full engineering designs required for the tender and as part of Phase 1 – Task 1.5? What level of “accuracy” is needed for cost estimates (e.g. Class levels)? | A minimum Project definition level shall be that required of Class 2 Estimates as per AACE - 96r-18 Cost Estimate Classification System – EPC Power Transmission Line Infrastructure Industries. |
| 9. | Is a full Bill of Quantities required? | Yes. Bills of Quantities are required for estimation of the project cost as part of Task 1.1 in the Terms of Reference under Section 5 of the RFP. |
| 10. | Are design criteria and standard specifications required for the tender documentation? | Yes. Design criteria and standard specifications are required. |
| 11. | Can you confirm whether participation in this proposal will exclude us from equipment supply for the projects in future? | Conflict of interest conditions apply to future procurements in relation to the project. |
| 12. | Does KETARCO have a definitive list of engineering design deliverables needed? | The designs should be able to facilitate a minimum of Class 2 Cost estimates. Bidders are expected to |

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| | | disclose in their methodologies how they will achieve Class 2 Cost estimates. |
| 13. | In addition to a JV structure, is an unincorporated JV structure allowed? | <p>Unincorporated JVs and/or teaming agreements are allowed at this bidding stage. For unincorporated JVs, the following conditions will need to be fulfilled prior to contract execution:</p> <ul style="list-style-type: none"> • Joint Venture Agreement: The JV must submit a copy of the joint venture agreement entered into by all members. • Legal Binding: The bid must be signed so as to legally bind all partners, jointly and severally. • Authorization: The JV must provide written confirmation authorizing the signatory of the tender to commit the joint venture. <p>It's important to note that unincorporated JVs must comply with all relevant legal and regulatory requirements, including those related to taxation and competition.</p> |
| 14. | Addendum II, Query 18, mentions that 'Sub-consultant experience shall not be considered for the purpose of demonstrating relevant | This means that the prior experience of the JV members or sole bidders will be considered including their prior experience as sub-consultants. However, |

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| | experience.' Please clarify if this means that the inclusion of prior experience of organizations as sub-consultants is not allowed, however prior experience of the organizations as lead consultants, proposed as sub-contractors under this engagement is allowed. | <p>the experience of participants listed in this activity as sub-consultants shall not be considered to qualify firm's experience.</p> <p>The Sub-consultant's experience shall be taken into account solely for the purpose of assessing compliance with the key expert requirements.</p> |
| 15. | The RFP has references to Annexures, however, the document does not include an Annexures section. For instance, Phase 1, Task 2.4 requires 'preparation of a comprehensive feasibility report in accordance with the requirements of the PPP Act, and the template provided in Annex 5.' Please clarify if any annexures need to be considered. | <p>Section. 32 of the PPP Act, 2021 provides that the following should be considered in undertaking the feasibility study:</p> <ul style="list-style-type: none"> • The technical requirements; • The legal requirements; • The social, economic and environmental impacts of the project; • The affordability and value of money proposition; and • The project's land requirements and required site preparatory activities necessary for effective and efficient project initiation <p>A sample feasibility report template has been uploaded as Annex 5. The feasibility template is not meant to be prescriptive and is provided as a guide</p> |

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| | | only, however, all the conditions for feasibility under Section 32 of the PPP Act, 2021 must be fulfilled as per the Terms of Reference. |
| 16. | Section 9 of the RFP, Remuneration Schedule and Disbursement Arrangements, mentions 'There shall be proportional reduction of payments in case fewer number of projects are taken up from the seven project(s) and/or if one of the project fails during the transaction process'. However, Table 2 under TORs mentions provision of transaction advisory services for only 4 (four) transmission lines. Kindly clarify if there are four or seven transmission lines. | There are four Transmission lines. a) Kwale-Shimoni (Kibuyuni) 220Kv line b) Kipevu-Mbaraki 132kV line c) Kiambere-Maua-Isiolo 220Kv line d) Meru-Maua 132kV line |
| 17. | As per Clause 16.4 ITC, Currency of Proposal, 'the portion of price representing local costs shall be stated in Kenyan Shillings.' Please confirm whether the payment for such costs can be in a currency other than Kenyan Shillings (even when represented in Kenyan Shillings in the proposal) | For any component quoted in Kenya Shillings, payment shall be made in Kenya Shillings. |
| 18. | The Self-declaration forms (namely, Form SD1, Form SD2, Declaration and Commitment to the Code of Ethics), Form Tech-9, and Form FIN-1 needs to be filled separately by each of the sub- | Each JV member must fill out their own copies of Form SD1, Form SD2, the Declaration and Commitment to the Code of Ethics, and Form Tech-9. Bidders will not be penalized if sub-consultants do not |

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| | consultant involved or only by the lead consultant? | submit these forms. Form FIN-1 should be submitted as a single form by the Lead Firm representing the consortium. |
| 19. | <p>The FIN FORM - 4 mentions, "When used for Lump-Sum contract assignment, information to be provided in this Form shall only be used to demonstrate the basis for calculation of the Contract ceiling amount, to calculate applicable taxes at contract negotiations and, if needed, to establish payments to the Consultant for possible additional services requested by the Procuring Entity. This form shall not be used as a basis for payments under Lump- Sum contracts. This form shall be filled for Time-Based Contracts to form the basis of contract negotiations."</p> <p>Hence, please clarify whether FIN FORM - 4 needs to be filled.</p> | Confirmed. FIN Form 4 must be duly completed to demonstrate the basis for calculating the contract ceiling amount, to facilitate the determination of applicable taxes during contract negotiations, and, if necessary, to support the calculation of payments for any additional services requested from the Consultant. |
| 20. | The PPP Financial Expert requires at least 10 year of professional experience. Request you to relax this requirement to 9 years of experience. | Criteria remains unchanged. |
| 21. | Section 6.2 of TORs, Key Personnel and Time Input, mentions "Bidders may propose the same | The consultant should not assign the same individual to more than one key expert roles as clarified under |

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| | <p>individual and CV for more than one position if that individual is qualified for more than one position" and "Bidders may also propose two complementary (not alternative) CVs for one position."</p> <p>However, under Clarification of Query 13 of Addendum II, it was stated that the consultant should not assign the same individual to more than one key expert roles. Request you to kindly clarify the stance on both the above points.</p> | Addendum II. |
| 22. | <p>Are Kenyan registered land surveyor certificates (Institution of Surveyors of Kenya, ISK) that are currently in the renewal process also accepted?</p> <p>This is because the renewal process is taking longer than expected, the request for renewal was submitted before the publication of this RFP</p> | Submission of the land surveyor certificate together with evidence that the land surveyor certificate is currently under renewal will suffice such as a receipt confirming the submission for renewal by the Institution of Surveyors of Kenya (ISK) or a letter from ISK confirming the renewal is in progress. |
| 23. | For the submission of a comprehensive proposal, request you to kindly extend the deadline further by 2 (two) weeks. | RFP Closing Date remains 30 th May 2025 at 11:00 Hrs |