



Ref: **CWWDA/AFD/PQ/W4/2022-2023/70**

Date: 23rd September, 2024

To: All Bidders,

LOT 1 – CONSTRUCTION OF THE MWACHE TRUNK MAIN (SECTION 1), SOUTH MAINLAND TRANSMISSION MAIN AND DONGO KUNDU RESERVOIR - TENDER NO.: CWWDA/AFD/PQ/W4/2022-2023

RE: Clarification No.1

Reference is made to the ongoing procurement of Works for **Lot 1 – Construction of The Mwache Trunk Main (Section 1), South Mainland Transmission Main and Dongo Kundu Reservoir - Tender No.: CWWDA/AFD/PQ/W4/2022-2023**

Pursuant to Clause 7 of the Instruction to Bidders (ITB), please find attached **Clarification No. 1** and responses to clarifications received from bidders.


Eng. Martin Tsuma

Ag. CHIEF EXECUTIVE OFFICER

Encl. Documents: *Updated BoQ (Bill 2.2 pg 16 of 17 & 3.2 pg 3 of 20) and responses to clarifications.*



P.O. Box 90417 - 80100
Mombasa Kenya

Tel: No. 041 - 2315230
0731 231523

Email: info@cwwda.go.ke
Website: www.cwwda.go.ke
complaints@cwwda.co.ke

Improvement of Drinking Water and Sanitation Systems in Mombasa, Lot 1 - Construction of the Mwache Trunk Main (Section 1), South Mainland Transmission Main and Dongo Kundu Reservoir (CWWDA/AFD/W4/2022-2023)

REQUESTS FOR CLARIFICATIONS BY BIDDERS AND RESPONSES – set 01

S/No.	Request for Clarification / Query	Response
1.	<p><u>Conditions of Contract</u></p> <p>Volume I - Section VIII indicates that the General Conditions are the Multilateral Development Banks Harmonized Edition of the Conditions of Contract for Construction prepared and copyrighted by FIDIC, edition 2010.</p> <p>However, Volume II - Section 1 - Part II 'Particular Specifications clause 104' — indicates that General Conditions are the Conditions of Contract for Construction for Building and Engineering Works Designed by the Employer ("Red book") Second edition 2017.</p> <p>Kindly confirm that the General Conditions to be considered are the Multilateral Development Banks Harmonized Edition of the Conditions of Contract for Construction prepared and copyrighted by FIDIC), edition 2010.</p>	<p>We confirm that the General Conditions to be considered are the Multilateral Development Banks Harmonized Edition of the Conditions of Contract for Construction prepared and copyrighted by FIDIC), edition 2010.</p> <p>Volume II - Section 1 - Part II 'Particular Specifications clause 104' of the Bidding Documents is hereby amended as follows;</p> <p><i>"The General Conditions are the Multilateral Development Banks Harmonized Edition of the Conditions of Contract for Construction prepared and copyrighted by FIDIC, edition 2010."</i></p>
2	<p><u>Bid Security</u></p> <p>The Bid Security amount stated in the Instructions to Bidders is "Kshs. 52,000,000 (Kenya Shillings Fifty-Five Million)". There is therefore a discrepancy between figures and words. Could you please clarify?</p>	<p>The amount and currency of the Bid security shall be: Kshs. 55,000,000 (Kenya Shillings Fifty Five Million) or equivalent in Euro</p>
3	<p><u>Quotations from Manufacturers</u></p> <p>BDS ITB 11.1(b) indicates that the Contractor shall submit Schedule of Manufacturers and quotations from manufacturers for the key materials within their bid.</p> <ol style="list-style-type: none"> 1. We presume that Bidders are entitled to propose several manufacturers for each key materials. Is our understanding correct? If so, how will the Employer compare and assess the rates in the Bill of Quantities and the quotations submitted by the Bidder? 2. The supply of pipes, fittings, valves and ancillaries has to be priced in specific Bills of Quantities. However, and as per the notes in those Bills, the unit rates shall include <ol style="list-style-type: none"> a. The procurement of pipes & fittings and the transport to the Contractor's site store and storage b. The supply of all required jointing materials, bolts, nuts, gaskets... c. All relevant Government of Kenya duties and taxes, except value added tax <p>Considering that the manufacturers will typically quote on an incoterms CFR or CIF, the quotation to be submitted within the bid will not cover a significant part of the unit price proposed by the Bidder. As such, how</p>	<p>Bidders are entitled to propose several manufacturers for the quotations, provided these manufacturers are in compliance with the Technical Specifications.</p> <p>See the last paragraph of ITB 11.1 (b). <i>"A Bid comprising unit prices of key materials in the Bill of Quantities that are more than 20% lower than the quotations from suppliers may be rejected, unless justifiable."</i></p> <p>Amend ITB 11.1(b) (2) to include the following paragraph at the end of third bullet;</p>

Improvement of Drinking Water and Sanitation Systems in Mombasa, Lot 1 - Construction of the Mwache Trunk Main (Section 1), South Mainland Transmission Main and Dongo Kundu Reservoir (CWWDA/AFD/W4/2022-2023)

REQUESTS FOR CLARIFICATIONS BY BIDDERS AND RESPONSES – set 01

	<p>will the Employer compare and assess the rates in the Bill of Quantities and the quotations submitted by the Bidder?</p>	<p><i>“Quotations from Manufactures as reference in this context shall be CIF or CFR”</i></p> <p>The Employer will compare the unit costs in the BoQ against the lowest quoted rates from manufacturers in case of multiple quotation, to assess that the BoQ rates meet the above criteria.</p>
<p>4.</p>	<p>Bid prices BDS ITB 14.5 indicates that the Contractor is required, within 2 months of receipt of Advance Payment, to place orders, pay deposit to suppliers and secure the key materials in order to minimize the risk of price escalation. We understand the Employer's concerns on that matter. However, the requirements only appears in the BDS, but isn't reflected in the Contract documents. Could you advice and, whenever applicable, provide some contractual information? We would like to bring to the attention of the Employer that, prior to any order.</p> <ol style="list-style-type: none"> 1. The Contractor will have to perform detailed engineering of the Works, including establishment of level datum, topographical survey, preparation of an updated layout plans with contours at 1m interval, prepare and submit survey drawings to the Resident Engineer and set out the required structures and pipelines site investigations. 2. The Contractor will have to obtain the Approval of the Resident Engineer on the detailed engineering documents and the proposed manufacturers 3. The Contractor will have to, before placing the order, negotiate with the manufacturers the order terms and conditions, delivery schedule & incoterms. As a common practice, the Contractor doesn't order at once 100% of the Goods to be procured, in order to allow some adjustments in quantities that might popup during the execution of the Works. <p>The completion of the above within a 2 months period following the receipt of the Advance Payment appears to be more than challenging. Additionally, it is of our opinion that the '2 months requirements' will mitigate the Employer's concern as:</p> <ol style="list-style-type: none"> 1. Time of manufacture & delivery will be agreed between the Contractor and the Manufacturer. 2. Payment for plant & materials are only possible when delivered to site as per PC 14.5(c)(i). The Contractor will then only entitled to request the payment of Plant and Material within its IPC once Goods are delivered to site. 	<p>The BDS, ITB 14.5 is modified by deleting the following clause:</p> <p><i>“In addition, to minimize the risk of price escalation, the Contractor is required, within 2 months of receipt of Advance Payment, to place orders, pay deposit to suppliers and secure the following key materials:</i></p> <ul style="list-style-type: none"> • All Pipes and Fittings (Steel/ Ductile Iron), • Valves (Gate Valves, Butterfly Valves, Air Valves, Altitude Valves) • Flow Meters • Reinforcement Steel <p><i>Contractor to submit to the Engineer Documentary Evidence of the secured orders and deposits paid.”</i></p>

Improvement of Drinking Water and Sanitation Systems in Mombasa, Lot 1 - Construction of the Mwache Trunk Main (Section 1), South Mainland Transmission Main and Dongo Kundu Reservoir (CWWDA/AFD/W4/2022-2023)

REQUESTS FOR CLARIFICATIONS BY BIDDERS AND RESPONSES – set 01

5	<p><u>Alternatives</u> BDS ITB 13.2 indicates that alternative technical solutions shall not be permitted. However, clause 229 of Particular Specifications allows the Bidders to propose an alternative method of 'Trenchless Road/Railway Crossings including Horizontal Directional Drilling or any other sui-table method'. Could you please clarify?</p>	<p>Clause 229 of the Particular specifications may not be applicable (there are no trenchless works envisaged at the present time), but is retained in case of change in existing conditions (necessary crossing of a paved road or a railway).</p>
6	<p><u>Section III – Evaluation and Qualification Criteria</u> Clause 1.8 'Equipment' - Could you confirm that the requirements for key equipment remain applicable and unchanged whatever the Bidder's choice of pipeline material is?</p>	<p>The list of requirements is the minimum equipment required. Bidders are free to adopt additional equipment depending on their methodology for installing pipes.</p>
7	<p><u>Section III – Evaluation and Qualification Criteria</u> Clause 3.2'Update of Information Provided during Prequalification' states that the Bidder shall - update the information provided during the corresponding prequalification exercise to demonstrate that he continues to meet the criteria used at the time of Prequalification by using the relevant Forms included in Section IV - Bidding Forms. However, such Section doesn't include any form linked with eligibility. For sake of clarity, could you specify the information to be updated in the bid and confirm that forms used for the prequalification exercise are acceptable for such update?</p>	<p>The Bidders are required to submit all the forms listed in Section IV (Bidding Forms) duly filled with appropriate information. In addition, Bidders may also resubmit any of the forms submitted during prequalification stage with updated information if there has been any change in the information.</p>
8	<p><u>Schedule of Adjustment Data</u> Section IV - Bidding Forms - Appendix 1 to Bid describes the information to be provided by the Bidder in relation with the Price Adjustment. Sources of indices for foreign currency refer to Kenyan sources, but also offer the possibility to propose another equivalent approved sources of index. Does this mean that the Bidder has the possibility to propose its own sources of indices in its bid? In such a case, will this be considered as an 'approved' sources of index by the Employer?</p>	<p>The sources of indices for local currency cannot be changed, but the ones for the foreign currency shall be proposed by the Bidder in its Bid / Appendix 1. Sources of indices for foreign currency shall be official indices from a country, having the indices published regularly in a specific dedicated website. In which case, the sources of indices proposed by the Bidder shall be approved for Contract negotiation.</p>
9	<p><u>Bill No. 1 - Preliminaries and General Items</u> Items related to Specified Requirements and Attendance upon Resident Engineer's Staff consider a period of 28 months. However as per Clause 801 of Particular Specifications, the Contractor shall be responsible for</p>	<p>28 days is derived based on the need during construction and DLP. Kindly price accordingly.</p>

Improvement of Drinking Water and Sanitation Systems in Mombasa, Lot 1 - Construction of the Mwache Trunk Main (Section 1), South Mainland Transmission Main and Dongo Kundu Reservoir (CWWDA/AFD/W4/2022-2023)

REQUESTS FOR CLARIFICATIONS BY BIDDERS AND RESPONSES – set 01

	maintaining the Resident Engineer's Site Office throughout the contract period and Defects Liability Period, except during the first 16 weeks of the Contract Period (which are deemed to be covered by provisional sums). Could you confirm that the 28 months period is correct? If so, could you kindly detail the reason why?																
10	<p>Bill of Quantities We understood that only one of the two pipelines foreseen for the TWIN TRUNK MAIN SECTION 1 (LINE TM1) will have to be constructed under the Contract, the second one to be built on a later stage. However, it seems that the wording of the item covering the proposed Cathodic Protection System (Bill 2.2 item X995) wasn't updated as it indicates a length of 6.1km. is our understanding correct?</p>		<p>The length of item X995 of Bill 2.2 is corrected by 3.05 km. Please see attached the updated BoQ page with the relevant Item. All Bidders are required to update the item on the excel version before submitting the Bid. (Bill 2.2 Page 16 of 17)</p>														
11	<p>Bill of Quantities The definition for CLASS I 'Pipes Works — Pipes' in the Bill No. 3.2 doesn't mention transport from Site Store while the definition for CLASS I 'Pipes Works — Pipes' in the Bill No. 2.2 does. Could you please clarify?</p>		<p>Please see updated BOQ with amendment. (Bill 3.2 Page 3 of 20)</p>														
12	<p>Bill of Quantities -We identify a discrepancy, in item X995.3 description and quantity, between the Excel and PDF bill of quantities as shown below. Please clarify which Bill of Quantity file bidders should refer to.</p> <table border="1" data-bbox="421 917 1451 1279"> <thead> <tr> <th rowspan="2">Item No.</th> <th colspan="2">EXCEL</th> <th colspan="2">PDF BoQ</th> </tr> <tr> <th>Description</th> <th>Quan.</th> <th>Description</th> <th>Quan.</th> </tr> </thead> <tbody> <tr> <td>X995.3</td> <td>Bi-monthly assistance by the Specialized Sub-Contractor to verify the performance of the Cathodic Protection System, to carry out the appropriate maintenance if needed and to train MOWASSCO staff on there issues, during the Defects Liability Period.</td> <td>6 item</td> <td>Test running and maintenance of the installed Cathodic Protection system for a duration of 1 Year during the Defects Liability Period including training of MOWASSCO staff.</td> <td>L.S</td> </tr> </tbody> </table>		Item No.	EXCEL		PDF BoQ		Description	Quan.	Description	Quan.	X995.3	Bi-monthly assistance by the Specialized Sub-Contractor to verify the performance of the Cathodic Protection System, to carry out the appropriate maintenance if needed and to train MOWASSCO staff on there issues, during the Defects Liability Period.	6 item	Test running and maintenance of the installed Cathodic Protection system for a duration of 1 Year during the Defects Liability Period including training of MOWASSCO staff.	L.S	<p>The correct description is the one in the Excel file. Please see attached a revised pdf version. (Bill 2.2 Page 16 of 17)</p>
Item No.	EXCEL			PDF BoQ													
	Description	Quan.	Description	Quan.													
X995.3	Bi-monthly assistance by the Specialized Sub-Contractor to verify the performance of the Cathodic Protection System, to carry out the appropriate maintenance if needed and to train MOWASSCO staff on there issues, during the Defects Liability Period.	6 item	Test running and maintenance of the installed Cathodic Protection system for a duration of 1 Year during the Defects Liability Period including training of MOWASSCO staff.	L.S													
13	Bill of Quantities		- Interruption of service of the Marere pipeline during interconnection works shall be														

Improvement of Drinking Water and Sanitation Systems in Mombasa, Lot 1 - Construction of the Mwache Trunk Main (Section 1), South Mainland Transmission Main and Dongo Kundu Reservoir (CWWDA/AFD/W4/2022-2023)

REQUESTS FOR CLARIFICATIONS BY BIDDERS AND RESPONSES – set 01

	<p><u>Interconnection to Existing Marere Pipeline</u> The Works includes the interconnection between the existing Marere Pipeline and the proposed South Mainland pipeline. This tie-in might be a cause of shutdown(s) of the whole or part of the existing network during a limited period of time. As such, could you indicate: -Is there any requirements to be considered for shutdown(s), for instance but not limited to maximum duration, mandatory period of the year, period of notification prior any shutdown, continuity of service... -Who is responsible of the coordination of any shutdown(s) during the implementation of the Contract</p>	<p>minimized and with a maximum duration of 20 consecutive hours (a maximum of two periods of 20 consecutive hours are allowed provided they occur at a minimum of 24 hours intervals). - Interruptions of service (shutdowns) shall be coordinated by MOWASCO on the basis of the Contractor's and Engineer's proposals and shall be planned well in advance.</p>
14	<p><u>Geotechnical survey & trial pit information?</u> We understand that a Geotechnical Survey has been carried out during the preparation of the tender, as we noticed that some geotechnical information is available (in the drawings) at some locations along the pipeline route. Could you please share the full survey and its conclusions with the Bidders?</p>	<p>Please see attached the complete Geotechnical Survey Report. We have included the relevant geotechnical information in the Drawings and Specifications. The Bidder may extract additional information from the complete report. The Bidder shall be fully responsible for using the information provided.</p>

IMPROVEMENT OF DRINKING WATER AND SANITATION SYSTEMS IN MOMBASA: MWACHE CKE 1103**LOT 1: CONSTRUCTION OF THE MWACHE TWIN TRUNK MAIN (TM1), SOUTH MAINLAND TRANSMISSION PIPELINE AND DONGO KUNDU RESERVOIR****BID No. CWWDA/AFD/PQ/W4/2022-2023****BILL No. 2.2 - TWIN TRUNK MAIN SECTION 1 (LINE TM1)****PIPELINE CONSTRUCTION**

ITEM No.	DESCRIPTION	UNIT	QUANTITY	RATE (Kshs)	AMOUNT (Kshs)
	(iii) Sloping Formwork - Class F2 Finish				
X993.4.4	Sloping face of column head	m ²	2,050		
X993.5	Pipe Support Details				
	Provide all materials, fabricate and install 75mm wide x 15mm thick flat GMS Strap on pipes on piers at Aerial Crossings; Rate to include for supply and installation of Rag Bolts, Rubberoid layers, etc. all as detailed in Drg. No. M430/SD/13; to Engineer's approval.				
X993.5.1	DN 1000	Nr	48		
X993.6	Method Related Charges for Construction of Transverse Supports on Steep Cross-fall Section				
X993.6.1	Method related charges for keeping excavations free of water which may occur through ground water seepage, rain or other means.	Item	L.S		
X993.6.2	Allow for provision of mechanized access and working within the Steep Section of the Cross-fall.	Item	L.S		
X993.6.3	Allow for any other method related charges the Bidder feels may be required. These should be indicated below with pricing of each item.				
	i)	Item	L.S		
	ii)	Item	L.S		
X994	Miscellaneous Works (Provisional)				
X994.1	Allow a Provisional Sum for other Miscellaneous Works that may be required on site to be carried out as directed by the Engineer.	Item	P.S	10,000,000.00	10,000,000.00
X995	CATHODIC PROTECTION FOR STEEL PIPES AND FITTINGS:				
	NOTE: THIS ITEM SHOULD ONLY BE PRICED IF THE BIDDER HAS QUOTED FOR STEEL PIPES AND FITTINGS. BIDDERS QUOTING FOR DUCTILE IRON PIPES AND FITTINGS SHOULD NOT PRICE FOR THESE ITEMS.				
X995.1	Carry out Detailed Design of Cathodic Protection system for the Mwache Twin Trunk Main, total length of pipeline 3.05km. Rate to include for all requisite confirmatory field tests and analysis such as soil resistivity, current drain, natural potential survey, etc., system design and approval. Design to be based on impressed current Cathodic Protection system.	Item	L.S		
X995.2	Supply of all required materials, Installation, Testing and commissioning of the Impressed Current Cathodic Protection system on Steel Mwache Twin Trunk Main as per approved design, total length of pipeline not exceeding 3.05km.	Item	L.S		
X995.3	Bi-monthly assistance by the Specialized Sub-Contractor to verify the performance of the Cathodic Protection System, to carry out the appropriate maintenance if needed and to train MOWASSCO staff on these issues, during the Defects Liability Period.	Item	6		
PAGE TOTAL CARRIED TO BILL COLLECTION SHEET					

IMPROVEMENT OF DRINKING WATER AND SANITATION SYSTEMS IN MOMBASA: MWACHE CKE 1103**LOT 1: CONSTRUCTION OF THE MWACHE TWIN TRUNK MAIN (TM1), SOUTH MAINLAND TRANSMISSION PIPELINE AND DONGO KUNDU RESERVOIR**

BID No. CWWDA/AFD/PQ/W4/2022-2023

BILL No. 3.2 - SOUTH MAINLAND WATER TRANSMISSION PIPELINE (LINE SM)**PIPELINE CONSTRUCTION**

ITEM No.	DESCRIPTION	UNIT	QUANTITY	RATE (Kshs)	AMOUNT (Kshs)
A35.7	Allow a Provisional Sum for re-alignment of existing services, both buried and above ground, as may be required and directed on site, to create space for laying of proposed Transmission Mains. This item covers re-alignment/re-routing of existing water mains, Telecommunication cables, buried and overhead power lines where appropriate.	Item	P.S	2,500,000.00	2,500,000.00
A35.8	Allow for any other method related charges the Bidder feels may be required. These should be indicated below with pricing of each item (Bidder may attach additional sheets if necessary):				
	i)	Item	L.S		
	ii)	Item	L.S		
CLASS D: DEMOLITION AND SITE CLEARANCE					
D110	General site clearance along easement	ha	17		
D2	Tree Cutting				
	Cut down trees, grub up roots and cart away to tips				
D210.1	Girth: 0.5 m - 1.0 m	Nr	50		
D210.2	Girth: 1.0 m - 2 m	Nr	120		
D220.1	Girth 2.0 m - 3 m	Nr	200		
D220.2	Girth 3.0 m - 5 m	Nr	60		
D310	Remove stump dia. 0.5 - 1m	Nr	30		
D320	Remove stump dia. exceeding 1m	Nr	30		
CLASS E: EARTHWORKS					
E220	Mass Excavation in selected areas to level localized high points and to remove imported deposited material on pipeline alignment to original ground level as directed by the Engineer prior to excavation of pipeline trenches. Include for transportation and disposal of excavated material to approved tips identified by the Contractor in liaison with Local Authorities.	m ³	45,000		
CLASS I: PIPE WORK - PIPES					
Transport from Site Store, Lay and Joint Pipes in Trenches, include for excavation, preparation of Surfaces, Disposal of Excavated Material, Shoring Sides of Excavation and Backfilling					
Note: Trench width and minimum cover to pipes is as per the Specification. The cost shall include for strutting, shuttering, stabilizing the earth faces of trenches and keeping the trenches free of water from whatever source by pumping or other means and cost of use of selected soil from the excavated material for compaction in bed and surround to backfilling of trenches, etc., all as specified.					
PAGE TOTAL CARRIED TO BILL COLLECTION SHEET					