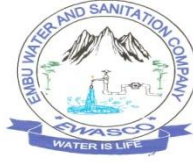


# EMBU WATER AND SANITATION COMPANY LTD

All correspondence to be addressed to:  
**THE MANAGING DIRECTOR**



P.O. BOX 2142  
**EMBU.**  
**TEL: 068-2231156, 31527**  
[embuwasco@yahoo.co.uk](mailto:embuwasco@yahoo.co.uk)  
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## **CONSTRUCTION OF MANHOLES : EWASCO/2016-2017/267**

### **CONTRACT AWARD NOTICE**

EWASCO wishes to Publish the contract award notice for the above mentioned tender for Improvement of Embu Sewerage Phase 1 Project.

#### **1. Name and address of the Borrower's Project Implementing Unit undertaking the procurement, and if different, the Borrower's contracting agency;**

*EMBU WATER AND SANITATION COMPANY LIMITED*

*P.O BOX 2142 EMBU, ALONG EMBU MERU ROAD, OFF MUTERO ROAD NEXT TO KENYA NATIONAL LIBRARY.*

*EMBU TOWN, KENYA*

*Telephone :254-068-22-31156 , 31527*

*info@embuwater.co.ke*

*procurement@embuwater.co.ke*

*www.embuwater.co.ke*

#### **2. Name and reference number of the contract being awarded, and the selection method used;**

Name: CONSTRUCTION OF MANHOLES : EWASCO/2016-2017/267

Selection Method: NATIONAL COMPETITIVE BIDDING

#### **3. Names of all Bidders that submitted Bids , and their Bid prices as read out at Bid opening, and as evaluated;**

	Name of Bidder	Bid Price as read out during bid opening	Bid Price as evaluated
1	NJEKA CONTRACTORS AND GENERAL	73,329,389.37	73,329,389.37
2	SARK KENYA LTD	119,839,215.00	119,839,215.00
3	KATSRAN LTD	104,992,184.60	104,992,184.60

4	MACHINE CENTER LTD	119,489,770.68	119,489,770.68
5	PINNIE AGENCY LTD	106,120,564.20	106,315,444.20
6	BENISA LTD	65,232,912.73	65,664,204.71
7	ZOLA CAPITAL LTD	98,320,434.10	98,320,434.10
8	FAIRHEADS CONSTRUCTION & WATER CO. LTD	99,512,828.40	99,512,828.40
9	MWANJA GENERAL CONSTRUCTORS LTD	63,279,204.66	63,279,204.66
10	MUTAHI ENGINEERING SERVICES	65,785,154.40	65,785,154.40
11	REAL MAX COOPORATION LTD	69,784,006.74	69,784,006.74

**4. Names of all Bidders whose Bids were rejected either as nonresponsive or as not meeting qualification criteria, or were not evaluated, with the reasons therefor; and**

**Bidder No 1 : NJEKA CONSTRUCTION AND GENERAL SUPPLIES**

The bidder was non compliant in the following areas:

1. A copy of the NCA class 7 for roads and civil works or NCA 6 and above was not attached.
- 2.The bidder did not attach a relevant business permit issued by the relevant government authority.
- 3.There was no duly filled and signed form of tender.
  - The letter of bid was indicated - NJEKA CONTRACTORS LTD
  - In the letter head it was indicated NJKEKA CONTRACTORS AND GENERAL SUPPLIERS LTD
  - The stamp was indicated - NJEKA CONTRACTORS AND GENERAL SUPPLIERS

The address on the letter of bid was also different from the address in the stamp. It was not therefore not possible to ascertain the precise business name.

4.There was no serialization of the pages of the bid. It was also noted that on the letter of bid, there were copies without the 2nd page of clause f to l.

5. Because the letter of bid was not completed the following could not be precisely determined and the bidder was not therefore not compliant:

- Conflict of Interest

-Bank Eligibility

- Suspension based on execution of bid/proposal securing declaration by the employer.

6. Form CON 2 was not duly completed. It was therefore not possible to ascertain the following :History of non performing contracts.

7. The bidder did not demonstrate that that it had access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as KSH 25 Million for the subject contract(s) net of the Bidder's other commitments. The bidder submitted a credit facility was for 20 million from Daima Bank.

8. The audited accounts submitted by the bidder were not signed by the directors were not therefore authentic. The format of presenting annual accounts was also found to be unusual.

9. The bidder did not demonstrate a minimum average annual construction turnover of Ksh 75 million, calculated as total certified payments received for contracts in progress and/or completed within the last 5 years, divided by 5years.

10. The bidder did not demonstrate general construction Experience under construction contracts in the role of prime contractor, JV member, sub-contractor, or management contractor for at least the last 5 years, starting 1st January 2012.

11.The bidder did not demonstrate specific construction experience by attaching 3 contracts each of a minimum value of Ksh 75 million.

12. The bidder did not demonstrate that it had the personnel for the key positions that meet the following requirements:( No certificates were attached)

No	Position	Total Work Similar Experience (years)	In Similar Works Experience (years)
1	Project Director (Key Partner )	10	5
2	One Site Agent/Contract Manager (Civil Engineer )	5	5
4	A Surveyor (Must be holders of at least Ordinary National Diploma (OND) in water engineering or equivalent)	5	5

13. The Bidder did not demonstrate that it had the following key equipment listed hereafter: ( No ownership documents / evidence of ownership or access through a legally binding arrangement with a leaser was provided )

No.	Equipment Type and Characteristics	Minimum Number required
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No.	Equipment Type and Characteristics	Minimum Number required
1	0.6 -1 m3Mini Excavator (2fvff0Hp) with hammer or equivalent	1
2	7ton Lorry	1
3	1m3 Concrete mixers	1
4	40mm Concrete vibrators	2
5	Air compressor with jack hammers (30m3/min at 10bars	1
6	Portable Dewatering Pumps	2
7	Survey Equipment	Set

Ms NJEKA CONTRUCTION AND GENERAL SUPPLIES provided a financial quote of Ksh 73,329,389.37

In view of the above,Ms NJEKA CONTRUCTION AND GENERAL SUPPLIES did not meet the qualification criteria.

### **Bidder No 2: SARK KENYA LTD**

The bidder was non compliant in the following areas:

1. The bidder did not attach a Copy of Official tender purchase receipt (letter of acknowledgment of the firm's details as sent by the Employer)
2. There was no serialization of the pages of the bid.
3. The bidder submitted 1 original and 2 copies of the Tender Document. The Tender required submission of one original of the Bid, the number of copies is: THREE (3 No)
4. The Bidder did not complete Form CON -2 .
5. The Bidder did not demonstrate that it had access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as KSH 25 Million for the subject contract(s) net of the Bidder's other commitments. The Bank Statements submitted indicated figures that were below Ksh 25 million. A letter from the bank was not also attached.
6. The Financial Statements attached were not authentic because they were not audited.
7. The firm did not demonstrate a Minimum average annual construction turnover of Ksh 75 million, calculated as total certified payments received for contracts in progress and/or completed within the last 5 years, divided by 5years.

8.The firm did not provide evidence of having undertaken 3 contracts of a minimum value of Ksh 75,000,000.00. Only one contract for Construction of MTAWA DAM of Ksh 82 million was attached.

9. The Bidder did not demonstrate that it had the following key equipment: ( There was no evidence of ownership or access through a legally binding arrangement with a lessor )

No.	Equipment Type and Characteristics	Minimum Number required
3	1m3 Concrete mixers	1
4	40mm Concrete vibrators	2
5	Air compressor with jack hammers (30m3/min at 10bars)	1
6	Portable Dewatering Pumps	2
7	Survey Equipment	Set

Ms. SARK KENYA LTD provided a financial quote of Ksh 119,839,215.00

In view of the above, Ms SARK KENYA LTD was non responsive.

**Bidder No 3: KATSRAN LIMITED.**

The bidder was non compliant in the following areas:

1. The bidder did not submit a valid relevant business permit issued by relevant government authority. The certificate submitted had the Letter Head of City Council of Nairobi which does not exist.

2.The letter of bid ( Form of Tender ) was not signed.

3. Because the letter of bid was not duly signed, the following information could not be ascertained:

- a) Conflict of Interest- Information of existence of conflict of interest
- b)Bank Eligibility- Information on not having been declared ineligible by the bank
- c)Information on Suspension based on execution of bid/proposal securing declaration by employer.

2. Form CON- 2 was duly completed .

3.The firm did not demonstrate a Minimum average annual construction turnover of Ksh 75 million, calculated as total certified payments received for contracts in progress and/or completed within the last 5 years, divided by 5years.

4. The firm did not demonstrate specific contract experience by attaching 3 contracts each of a minimum of Ksh 100 million. Only two contracts were attached of KURA ( upgrading of Kibokoni road of sewerage and drainage system of Ksh

211,126,168 and Improvement of Eastlands crescent road and construction of manholes.

Ms KASTRAN LIMITED provided a financial quote of Ksh 104,992,184.00

In view of the above Ms KASTRAN LIMITED was non Responsive.

#### **Bidder No 4: MACHINE CENTER LIMITED**

Ms MACHINE CENTER LIMITED was compliant in all aspects of the technical evaluation Criteria hence subjected to financial evaluation.

Ms MACHINE CENTER LIMITED quoted Ksh 119,489,770.68

The firm was not the lowest evaluated.( The firm was not the most advantageous bidder)

#### **Bidder No 5 : PINNIE AGENCY LIMITED**

Ms PINNIE AGENCY LIMITED was compliant in all aspects of the technical evaluation Criteria hence subjected to financial evaluation.

Ms PINNIE AGENCY LIMITED provided a financial quote of Ksh 106,120,564.20

The firm was not the lowest evaluated.( The firm was not the most advantageous bidder)

#### **Bidder No 7: ZOLA CAPITAL LIMITED**

The bidder was non compliant in the following areas:

1. There was no Serialization of the pages of the bid
2. The Power of Attorney was not signed and stamped by a Commissioner of Oaths.
3. Form CON -2 was not duly filled and completed.
4. The bidder provided conflicting financial statements in the Original and Copies of the bid. It was therefore not possible to determine the authenticity of the financial statements.
5. Because the financial statements were not authentic, it was not possible to determine the precise minimum annual construction turnover. The Tender required a Minimum average annual construction turnover of Ksh 75 million, calculated as total certified payments received for contracts in progress and/or completed within the last 5 years, divided by 5 years
6. The Bidder did not demonstrate that it had the following personnel that meet the requirements: ( Mr Kimata Zacheus who was proposed for Surveyor graduated in year 2013 thus not meeting the total and similar work experience.

No	Position	Total Work Similar Experience (years)	In Similar Works Experience (years)
4	A Surveyor (Must be holders of at least Ordinary National Diploma (OND) in water engineering or equivalent)	5	5

Ms ZOLA CAPITAL LIMITED provided a financial quote of Ksh 98,320,434.10

In view of the above, Ms ZOLA CAPITAL LIMITED was non Responsive.

**Bidder No 8 : FAIRHEADS**

The bidder was non compliant in the following areas:

1. The Bidder did not demonstrate that it had access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as KSH 25 Million for the subject contract(s) net of the Bidder's other commitments. The Credit letter did not indicate the exact amount of the credit. In addition, the bank statements had a bank balance of Ksh 1 million.
2. The bidder did not demonstrate a minimum average annual construction turnover of Ksh 75 million, calculated as total certified payments received for contracts in progress and/or completed within the last 5 years, divided by 5 years.
3. The bidder did not provide evidence of a minimum of 3 contracts of a minimum of Ksh 75 million.
4. The Bidder did not demonstrate that it had the personnel for the key positions that meet the following requirements: ( No relevant certificates were attached for the proposed personnel )

No	Position	Total Work Similar Experience (years)	In Similar Works Experience (years)
2	One Site Agent/Contract Manager (Civil Engineer )	5	5
3	At least 1 No. Construction Supervisor/Clerk of Works (Must be holders of Diploma in Civil Engineering or Building Works or Equivalent )	5	5

4	A Surveyor (Must be holders of at least Ordinary National Diploma (OND) in water engineering or equivalent)	5	5
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Ms FAIRHEADS provided a financial proposal of Ksh 99,512,828.40

In view of the above Ms FAIRHEADS did not meet qualification criteria.

**Bidder No 9: MWANJA GENERAL CONTRACTORS**

The bidder was non compliant in the following areas:

1. The Bidder did not demonstrate that it had access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as KSH 50 Million for the subject contract(s) net of the Bidder’s other commitments. The letter submitted from Cooperative Bank was for year 2014 ( 4 years ago ) and it was for a loan agreement. In addition, the letter from Eslon Plastics of year 2013 was not relevant in this case because the promised credit was for supply of pipes. ( The contact for Construction of Manholes nothing to do with supply/laying of pipes )

2. The submitted annual accounts were not authentic. They were not stamped by the auditor as necessary.

3. The firm did not demonstrate a minimum average annual construction turnover of Ksh 150 million, calculated as total certified payments received for contracts in progress and/or completed within the last 5 years, divided by 5 years. Because the accounts were not authentic, it was not possible to determine the accurate turnover.

The firm quoted for Ksh 63,2779,204.66

In view of the above, Ms MWANJA GENERAL CONTRACTORS did not meet qualification criteria.

**Bidder No 10: MUTAHI ENGINEERING**

The Bidder was not responsive in the following areas:

1. The bidder did not attach a work schedule/Work Plan.

2. The Bidder did not demonstrate that it had access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as KSH 25 Million for the subject contract(s) net of the Bidder’s other commitments. There were no certified bank statements submitted or letter of credit from a bank.



2. The bidder did not demonstrate that it had the key equipment listed hereafter: ( No evidence of ownership or access through a legally binding arrangement with a lessor )

No.	Equipment Type and Characteristics	Minimum Number required
4	40mm Concrete vibrators	2
5	Air compressor with jack hammers (30m <sup>3</sup> /min at 10bars)	1
6	Portable Dewatering Pumps	2
7	Survey Equipment	Set

Ms MUTAHI ENGINEERING quoted Ksh 65,785,154.00

In view of the above, Ms MUTAHI ENGINEERING was non Responsive.

**Bidder No 11: REALMAX CORPORATION LTD**

The Bidder was not Compliant in the following areas:

1. The bidder did not attach 3 No Contracts each of a minimum value of Ksh 75 Million. Apart from one contract for St Peters Premier School for proposed construction of Modern residential hostel ( Ksh 89,753,011.53, the other attachments were letters of notification and certificates of completion of a value that is less than Ksh 75 million.

2. The Bidder did not demonstrate that it had the personnel for the following key position that meet the requirements:( The Proposed Mr James Kilonzo graduated in the year 2014 thus not having the necessary total work and similar experience)

No	Position	Total Work Similar Experience (years)	In Similar Works Experience (years)
4	A Surveyor (Must be holders of at least Ordinary National Diploma (OND) in water engineering or equivalent)	5	5

3. The Bidder did not demonstrate that it has the key equipment listed hereafter: ( There was no evidence of ownership or access through a legally binding arrangement with a leaser )

No.	Equipment Type and Characteristics	Minimum Number required
6	Portable Dewatering Pumps	2
7	Survey Equipment	Set

Ms REALMAX CORPORATION LTD quoted Ksh 69,784,006.74.

In view of the above, Ms REALMAX CORPORATION LTD did not meet qualification criteria .

**5. the name of the successful Bidder, the final total contract price, the contract duration and a summary of its scope.**

Name: Ms Benisa Limited , P.O BOX 22885-00400 NAIROBI Kenya, Eastern By pass, Next to Engen, Ruiru.

The Contract price of the successful Bid: The corrected tender sum of Ksh 65,664,204.71 ( Sixty Five Million, Six hundred and Sixty four thousand, two hundred and four and seventy one cents ONLY)

Contract Duration: 9 months

Summary of Scope: The Contract is to specifically to construct manholes at various chainages along the sewer line on trunks and branches of trunks A, B,C, D and E.

**6. Conclusion**

All unsuccessful bidders were notified vide letters of notification of intention to award dated 2nd October 2017. The letters of Notification of Intention to Award contained the following information:

- (a) the name and address of the Bidder submitting the successful Bid;
- (b) the Contract price of the successful Bid;
- (c) the names of all Bidders who submitted Bids, and their Bid prices as readout, and as evaluated;
- (d) a statement of the reason(s) the Bid (of the unsuccessful Bidder to whom the letter is addressed) was unsuccessful, unless the price information in c) above already reveals the reason;
- (e) the expiry date of the Standstill Period; and
- (f) instructions on how to request a debriefing and/or submit a complaint during the standstill period;

