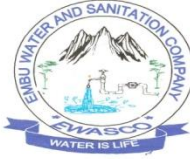


EMBU WATER AND SANITATION COMPANY LTD

All correspondence to be addressed to:
THE MANAGING DIRECTOR



P.O. BOX 2142
EMBU.
TEL: 068-2231156, 31527
embuwasco@yahoo.co.uk
Email-embuwasco@yahoo.co.uk

LAYING OF SEWER PIPES : EWASCO/2016-2017/268

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;

LAYING OF SEWER PIPES : EWASCO/2016-2017/268

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 opening | Bid Price as evaluated (after adding 16% VAT to each bid price) | Remarks |
|---|------------------------|---|---|----------------|
| 1 | ZOLA CAPITAL LTD | 136,687,314.75 | 158,557,284.24 | |
| 2 | MACHINE CENTER LTD | 138,152,449.05 | 167,808,440.90 | |
| 3 | TAMANI CONSTRUCTION CO | 130,188,659.52 | 151,018,845.04 | |

| | | | | |
|----|-----------------------------------|----------------|----------------|--|
| | LTD | | | |
| 4 | KATSRAN LTD | 139,996,899.30 | 162,396,403.19 | |
| 5 | MUTAHI ENGINEERING SERVICES | 133,384,725.60 | 154,726,281.70 | |
| 6 | BENISA LTD | 166,485,246.00 | 154,675,525.29 | The Bills of quantities indicated two summaries: (i.) Laying of Sewers- Ksh133,340,970.08 (ii.) Construction of Ponds Ksh 166,485,246.00 |
| 7 | SARK KENYA LTD | 148,980,193.00 | 172,817,023.88 | |
| 8 | ZURI CONSTRUCTION CO LTD | 136,500,000.00 | 158,340,000.00 | |
| 9 | ABBEY CONSTRUCTION | 142,432,649.19 | 165,221,873.06 | |
| 10 | MWANJA GEN CONTRACTORS | 127,176,207.23 | 147,524,400.39 | |

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 : ZOLA CAPITAL LTD

The Bidder was non Compliant in the following areas :

The bidder did not provide a written confirmation of authorization to sign on behalf of the bidder (Power of Attorney).The power Attorney provided was for Construction of Manholes.

Ms ZOLA CAPITAL LTD provided a financial proposal of Ksh 136,687,314.75

In view of the above, Ms ZOLA CAPITAL LTD was Non Responsive.

Bidder No 2 : MACHINE CENTER LTD

Ms Machine Center met the qualification Criteria.

Ms Machine Center provided a financial proposal of 138,152,449.05 (Excluding VAT)

The bidder was not the most advantageous bidder. (The lowest Evaluated)

Bidder No 3: TAMANI CONSTRUCTION LIMITED

The bidder was non compliant in the following areas:

1. The bidder did not attach a copy of Valid Relevant Business permit issued by relevant government authority. The attached Permit was invalid because of the discrepancies in the day of application. The date of application was April 2016 while the permit was for the year 2017, yet the document was valid for 3 months.
2. There was no serialization of the bid document.
3. The Bid Security attached (From Bank of Africa) was for construction of Ponds.
4. 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 Kshs.15 Million for the subject contract(s) net of the Bidders other commitments.
5. The Financial Statements attached were not signed and stamped by the auditor. The financial statements were not authentic.
6. The bidder did not demonstrate a Minimum average annual construction turnover of Kshs.30,000,000/- calculated as total certified payments received for contracts in progress and/or completed within the last Five (5) years. This is because the financial statements were not authentic.
7. The bidder did not attach ONE contract of a minimum Vale of Ksh 30 million.
8. The Bidder did not demonstrate that it had the following key equipment: (The bidder provided pictures instead of ownership/lease documents .)

| No. | Equipment Type and Characteristics | Minimum required | Number |
|-----|--|------------------|--------|
| 3 | 1m3 Concrete mixers | 1 | |
| 4 | 0.75m3 Concrete dumpers | 1 | |
| 5 | 40mm Concrete vibrators | 2 | |
| 6 | Air compressor with jack hammers (30m3/min at 10bars | 1 | |
| 7 | Portable Dewatering Pumps | 2 | |
| 8 | Survey Equipment | Set | |

The bidder provided documents for YOGI PLUMBERS a firm that was not related in any way to the tender proceedings.

Ms TAMANI CONSTRUCTION LIMITED provided a financial proposal of Ksh 130,188,659.52.

In view of the above, Ms TAMANI CONSTRUCTION LIMITED was not Responsive.

Bidder No 4: 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.The firm did not demonstrate that it had access to, or had 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 asKshs.15 Million for the subject contract(s) net of the Bidders other commitments. The name of the responsible officer who signed the letter was not indicated inthe letter of bid .

Ms KATSRAN LIMITEDprovided a financial proposal of Ksh 139,996,899.30.

In view of the above Ms KATSRAN LIMITED was Non Responsive.

Bidder No 5: MUTAHI ENGINEERING

The bidder was not compliant in the following areas:

1. The firm 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 asKshs.15 Million for the subject contract(s) net of the Bidders other commitments. The letter from Cooperative Bank attached is dated 29th April 2015 indicating that the loan was already taken.

2. The Bidder did not demonstrate that it had the following key equipment: (No evidence of ownership or access through a legally binding arrangement with a leaser was shown)

| No. | Equipment Characteristics | Type and | Minimum required | Number |
|-----|---------------------------|----------|------------------|--------|
| 5 | 40mm Concrete vibrators | | 2 | |

| No. | Equipment Type and Characteristics | Minimum Number required |
|-----|--|-------------------------|
| 6 | Air compressor with jack hammers (30m ³ /min at 10bars) | 1 |
| 7 | Portable Dewatering Pumps | 2 |
| 8 | Survey Equipment | Set |

In View of the above Ms MUTAHI ENGINEERING was Non Responsive.

Bidder No 7: 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 (or 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 was : 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 15 Million for the subject contract(s) net of the Bidder's other commitments. A letter from the bank was not also attached.
6. The Financial Statements attached were not authentic because they were not audited. In addition, the accounts were for 1 year.
7. The firm did not demonstrate a Minimum average annual construction turnover of Ksh 30 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 30,000,000.00.
9. The Bidder did not demonstrate that it had the personnel for the key positions that meet the following requirements:

| No. | Position | Total Work Experience (years) | In Similar Works Experience (years) |
|-----|-------------------------|-------------------------------|-------------------------------------|
| 4 | A Sociologist/Community | | |

| | | | |
|--|---|---|---|
| | Development Officer (Must have at least Diploma in Social science or Community development) | 5 | 3 |
|--|---|---|---|

10. 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 leaser)

| No. | Equipment Type and Characteristics | Minimum required | Number |
|-----|---|------------------|--------|
| 3 | 1m3 Concrete mixers | 1 | |
| 4 | 0.75m3 Concrete dumpers | 1 | |
| 5 | 40mm Concrete vibrators | 2 | |
| 6 | Air compressor with jack hammers (30m3/min at 10bars) | 1 | |
| 7 | Portable Dewatering Pumps | 2 | |
| 8 | Survey Equipment | Set | |

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

Bidder No 8 : ZURI CONSTRUCTION COMPANY LIMITED

The bidder was non compliant in the following areas:

1. The firm did not attach a Copy of the Organization structure
2. There was no Serialization of the pages of the bid
3. There was no written confirmation of authorization to sign on behalf of the Bidder (Power of Attorney)
4. The Financial Statements for the last 3 years were not submitted.
5. Because the financial statements were not submitted, the Minimum annual construction turnover of Ksh 30,000,000.00 could not be determined.
6. The bidder did not demonstrate Specific Construction and Contract Management experience by attaching one contract of a minimum value of Ksh 30 million.
7. The Bidder did not demonstrate that had the following key equipment: (There was no proof of ownership or access through a legally binding arrangement with a leaser)

| No. | Equipment Type and Characteristics | Minimum required | Number |
|-----|--|------------------|--------|
| 1 | 0.6 -1 m3Mini Excavator (20Hp) with hammer or equivalent | 1 | |
| 2 | 3ton tippers/lorry | 1 | |

| No. | Equipment Type and Characteristics | Minimum required | Number |
|-----|---|------------------|--------|
| 3 | 1m3 Concrete mixers | 1 | |
| 4 | 0.75m3 Concrete dumpers | 1 | |
| 5 | 40mm Concrete vibrators | 2 | |
| 6 | Air compressor with jack hammers (30m3/min at 10bars) | 1 | |
| 7 | Portable Dewatering Pumps | 2 | |
| 8 | Survey Equipment | Set | |

Ms ZURI CONSTRUCTION COMPANY LIMITED provided a financial proposal of Ksh 136,500,000.00

In view of the above, Ms ZURI CONSTRUCTION COMPANY LIMITED Non Responsive.

Bidder No 9 : ABBEY CONSTRUCTION

The bidder was non compliant in the following areas:

1. There was no written confirmation of authorization to sign on behalf of the Bidder (Power of Attorney)
2. The Bidder did not demonstrate that it had the following personnel that meet requirements: (No certificate was attached for the Proposed Sociologist Betty Kamami)

| No. | Position | Total Work Experience (years) | In Similar Works Experience (years) |
|-----|---|-------------------------------|-------------------------------------|
| 4 | A Sociologist/Community Development Officer (Must have at least Diploma in Social science or Community development) | 5 | 3 |

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

| No. | Equipment Type and Characteristics | Minimum required | Number |
|-----|---|------------------|--------|
| 4 | 0.75m3 Concrete dumpers | 1 | |
| 6 | Air compressor with jack hammers (30m3/min at 10bars) | 1 | |
| 7 | Portable Dewatering Pumps | 2 | |
| 8 | Survey Equipment | Set | |

Ms ABBEY CONSTRUCTION provided a financial proposal of Ksh 142,432,649.19

In view of the above, Ms ABBEY CONSTRUCTION was non Responsive .

Bidder No 10 : 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 15 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). 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 treatment works had 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.

Ms MWANJA GENERAL CONTRACTORS provided a financial proposal of Ksh 127,176,207.23.

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

5. the name of the successful Bidder/Proposer/Consultant, 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; Ksh 154,675,525.29 (VAT Inc.) (One hundred and fifty four, six hundred and seventy five, five hundred and twenty five, twenty nine cents ONLY)

Duration: 9 months

Summary of Scope: This contract is for laying of sewer pipes that are expected to be supplied as a result of the tender for supply of pipes EWASCO/RFB/2016-2017/268.

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;