

18th OCTOBER, 2024

TO: ALL BIDDERS

ADDENDUM NO. 1

TENDER CLARIFICATION - TENDER FOR PROVISION OF GENERAL INSURANCE SERVICES (POLICIES FOR YEAR-2024/2025, 2025/2026 AND 2026/2027) Tender No: KWS/ONT/ADM/37/2024-2025

Pursuant to Section 75 of the PPADA, 2015, Kenya Wildlife Service wishes to clarify the following matters:

Tender is open to Insurance Service Providers.

Invitation to tender: Tender Notice date is 18th October, 2024.

SECTION II and Part III– Tender Data Sheet **ITT 2.2** and Special Condition of the Contract **SCC 2.2** has been amended as follows:

ITT 2.2	The date of commencement of the Insurance Services is as per contract. The insurance duration for each item will be Three Years; renewal in second and third years is subject to satisfactory performance. The contract will commence on 01 st December, 2024 to 30 th November, 2027.
----------------	--

SCC 2.2	The Commencement date of the insurance cover shall be: Commencement date: 01st December, 2024 to completion date of 30th November, 2027 . Duration of the coverage: 3 Years
----------------	--

SECTION II – Tender Data Sheet **ITT 7.1** has been amended as follows:

ITT 7.1	<p>The Tenderer will submit any request for clarifications in writing to Director General, Kenya Wildlife Service, P.O. Box 40241-00100, NAIROBI, KENYA between 8 am- 1 pm & 2pm-4pm during weekdays, Tel. 020-2379407/15 Cell: 0726610508/9, or email: director@kws.go.ke . To reach the procuring entity not later than 24th October, 2024</p> <p>b) The Procuring Entity shall publish its response at the website: www.kws.go.ke . All clarifications and /or amendments will be published in the KWS website and tenderers are required to check for any addendums or amendments in the course of the bidding period prior to the closing date.</p>
----------------	---

SECTION III -1a) Mandatory Requirements for the Broker the tender Requirements have been amended as follows:

MR6	<i>Tender Security</i>	<p><i>The technical bid documents MUST be accompanied by a bid security of Kshs 500,000 in its original form, in The Tender shall be in the form of a bank guarantee from a reputable bank recognized by the Central Bank of Kenya or Insurance company (self-insured tender securities are not allowed). The bid security must be Valid for a period of 126 days from the tender closing date. E- Tender securities are acceptable and shall be authenticated by the legible QR scanner.</i></p>
------------	------------------------	--

SECTION III -1b) Mandatory Requirements for The Insurance Company the tender Requirements have been amended as follows:

MR6	<i>Tender Security</i>	<p><i>The technical bid documents MUST be accompanied by a bid security of Kshs 500,000 in its original form, in The Tender shall be in the form of a bank guarantee from a reputable bank recognized by the Central Bank of Kenya or Insurance company (self-insured tender securities are not allowed). The bid security must be Valid for a period of 126 days from the tender closing date. E- Tender securities are acceptable and shall be authenticated by the legible QR scanner.</i></p> <p>Note: <i>Not required if participating through a broker.</i></p>
------------	------------------------	---

Responses to Clarifications from interested bidders:-

	CLARIFICATION SOUGHT BY INTERESTED BIDDERS	KWS' RESPONSE
1	<p>The tender submission date is extremely short given that the document was made available on 15th October 2024. The delay to upload the document, combined with the forth coming public holiday on 20th October, means that bidders have six (6) days to effectively work on the document and submit qualifying bids. We therefore request that you extend the submission date by at least the Seven (7) lost days.</p>	<p>The deadline for the Tender submission has been extended from 24th October, 2024 to 4th November, 2024 at 11:30 am EAT</p>
2	<p>Under Mandatory requirement for Insurance Companies (MR23) Branch networks, it states that underwriter must have fifteen (15) or more branches country wide and should attach evidence of business permits stamped & signed by a commissioner for oaths. Requirements. Kindly note this requirement contravenes the Public Procurement and Asset Disposal Act of 2022 under fairness of requirements and circular 3 of 2023 1 procurement of insurance services- Tender in Kenya , from the list of top 10 insurance companies, (IRA report 2023) less than 3 insurance companies have 15 branch networks across the country hence in our opinion, the document has been tailored or it's skewed to favor those less than 3 insurance companies and knock out more players which contravenes section 60 of the procurement act . Hence , we kindly request that you consider removing or changing this mandatory requirement as its punitive and meant to knock out majority of the insurance companies contrary to fairness of requirements as per the procurement Act.</p>	<p>The purpose of Section 60 is to ensure fairness and transparency in the procurement process by ensuring that only tenders that fully comply with the outlined criteria are considered for evaluation.</p> <p>The requirement is included to ensure that the Insurance Service Provider branch networks has ability to serve KWS in its areas of operations as outlined in the Schedule Of Requirements.</p> <p>Insurance Company Branch networks MR23 has been revised as follows:</p> <p><i>"Must have five (5) or more branches country wide. Attach evidence of business permits stamped and signed by a commissioner for oaths."</i></p>

	CLARIFICATION SOUGHT BY INTERESTED BIDDERS	KWS' RESPONSE
3	<p>Mandatory requirement for Insurance Companies (MR23), it states that underwriters must have fifteen (15) or more branches country wide and should attach evidence of business permits stamped & signed by a commissioner for oaths.</p> <p>We wish to point out that this requirement contravenes the Public Procurement and Asset Disposal Act of 2022 on fairness of requirements and circular 3 of 2023, procurement of insurance services- tender Requirements.</p> <p>It appears that this particular requirement is designed deliberately favor the 3 Insurance companies who have 15 branches and above. This contravenes section 60 of the procurement act and the spirit of competition envisaged in our procurement laws.</p> <p>Additionally, this requirement has no direct correlation to insurer's ability to honor and discharge their obligations to the clients in any way. It is our prayer that you will strike out this requirement.</p>	<p>This has been elaborated and revised in response No. 2 above.</p>
4	<p>Requirement: MR23 Branch Network- Must have fifteen (15) or more branches country wide. Attach evidence of business permits stamped & signed by a commissioner for oaths.</p> <p>Proposed Criteria: - Request for the criteria to be expunged</p> <p>Justification: - In line with PPRA guidelines regarding promotion of fairness and equity in Procurement and Disposal of Public Assets, we believe that the criteria would best suit in assessing the technical capabilities for the interested bidders as opposed to mandatory criteria section. Additionally, existence of physical offices is as impactful as availability of digital engagement platforms which enable customer interaction with service providers in any part of the country, enabling seamless administration of insurance services. Thus, we propose for the criteria to be expunged from the mandatory section completely to allow for a significant participation.</p>	<p>This has been elaborated and revised in response No. 2 above.</p>

	CLARIFICATION SOUGHT BY INTERESTED BIDDERS	KWS' RESPONSE
5	<p>Broker Requirements "MR 23 Branch Network Must have five (5) or more branches countrywide. Attach evidence of business permits stamped & signed by a commissioner for oaths"</p> <p>We kindly request your consideration to amend or provide a waiver for this specific requirement.</p> <p>We firmly believe that despite this, we are well-positioned to meet or exceed your expectations and would love to continue supporting your organization.</p> <p>We would appreciate your guidance on how best to proceed and remain committed to delivering exceptional results, as we have in the past.</p>	<p>In line with Response No.2 above the Insurance Company Branch networks MR has been revised as follows:</p> <p><i>"Must have two (2) or more branches in Kenya. Attach evidence of business permits stamped and signed by a commissioner for oaths."</i></p>

The deadline for the Tender submission has been extended from 24th October, 2024 to **4th November, 2024 at 11:30 am EAT.**

This Addendum shall be construed to form part of the tender.

All other Conditions of the Tender remain the same.

DEPUTY DIRECTOR, SUPPLY CHAIN MANAGEMENT
FOR: DIRECTOR GENERAL

SUPPLIER ACKNOWLEDGEMENT OF ADDENDUM No.1

We, the undersigned hereby certify that the Addendum No.1 is an integral part of document and the alterations set out in Addendum No.1 has been incorporated in our Bid.

Signed.....

Tenderer.....

Date.....