

## 1. Invitation to Tender

<b>Tender Name: Proposed Lkwasi And Lolkuniani water systems rehabilitation works</b>		<b>Tender No: MCK-NBO-WTR WRKS-022-012</b>
<b>Location: Lkwasi And Lolkuniani in Wamba North Ward, Samburu East sub-county, Samburu County</b>		<b>Correspondence Language(s): English</b>
<b>Brief Summary Description of Project:</b> USAID Nawiri is working collaboratively with community and Samburu County to improve water reticulation systems within Samburu East and North sub-counties among malnutrition hotspots areas. This will improve the community water access both for domestic use and hygiene practices. Lkwasi and Lolkuniani villages are in Wamba North Ward, Samburu East sub-county. The communities are in a pastoral livelihood zone and livestock trading. Lkwasi community has a total of 600HH while Lolkuniani has a total of 420HH. In Lkwasi and Lolkuniani there are existing water systems currently non-functional. The newly drilled borehole by the county department of agriculture through Drought Resilient and Sustainable Livelihood Programme (DRSLP) was recently completed and has no reticulation systems. USAID Nawiri aims to collaborate with Samburu County to leverage on co-investing in expanding the water distribution to reach the last mile connectivity to vulnerable communities. The project will source water from the borehole dug by County Government through DRSLP. USAID Nawiri aims to achieve at least 20 liters/person/per day of access to safe drinking water that is within the Sphere standards requirement.		

<b>Tender Package Available from:</b> (29 / 11 / 2022)	<b>Tender Package Pickup Location:</b> <a href="https://www.mercycorps.org/tenders">https://www.mercycorps.org/tenders</a>
<b>Deadline for Offer Submission:</b> (8 / 12 / 2022; 1700hrs)	<b>Submit Offers to:</b> <ol style="list-style-type: none"><li><b>Hard Copy Submissions:</b> Tender box at Mercy Corps Nairobi Offices located at Almont Park, 3rd Floor, Behind Medanta Hospital and Opposite Toyota Westlands</li><li><b>Electronic Submissions:</b> <a href="mailto:ke-bids@mercycorps.org">ke-bids@mercycorps.org</a></li></ol> <b>Clearly state Tender number “MCK-NBO-WTR WRKS-022-012” on the subject line of the email.</b>

*Mercy Corps reserves the right to accept or reject any late offers*

# Tender Package — Request for Bid (RFB)



Questions and Answers (Q&A)	
If any, Submit Questions in writing to: <a href="mailto:ke-pr@mercy Corps.org">ke-pr@mercy Corps.org</a> Clearly state Tender number “MCK-NBO-WTR WRKS-022-012” on the subject line of the email.	
Last Day for Questions: (5 / 12 / 2022; 1700hrs)	Questions will be answered by: (6 / 12 / 2022; 1700hrs)
Questions will be answered through: All questions and answers will be posted in Mercy Corps website	

Documentation Checklist		
These documents are contained within this tender package:	✓	Invitation to Tender
	✓	General Conditions for Tender
	✓	Criteria and Submittals
	✓	Price Offer Sheet
	✓	Supplier Information Form
	✓	Scope of Work/Technical Specifications/BoQ
	✓	Sample Contract

## 2. General Conditions for Tender

Mercy Corps invites offers for the goods, services and/or works described and summarized in these documents, and in accordance with procedures, conditions and contract terms presented herein. Mercy Corps reserves the right to vary the quantity of work/materials specified in the Tender Package without any changes in unit price or other terms and conditions and to accept or reject any, all, or part of submitted offers.

### 2.1 Mercy Corps' Anti-Bribery and Anti-Corruption Statement

**Mercy Corps strictly prohibits:**

- Any form of bribe or kickback in relation to its activities

This prohibition includes any *request* from any Mercy Corps employee, consultant or agent for anything of value from

any company or individual in exchange for the employee, consultant or agents taking or not taking any action related to the award of a contract or the contract once awarded. It also applies to any *offer* from any company or individual to provide anything of value to any Mercy Corps employee, consultant or agent in exchange for that person taking or not taking any action related to the award of the contract or the contract.

- *Conflicts of interests in the awarding or management of contracts*

If a company is owned by, whether directly or indirectly, in whole or in part, any Mercy Corps employee or any person who is related to a Mercy Corps employee, the company must ensure that it and the employee disclose the relationship as part of or prior to submitting the offer.

- *The sharing or obtaining of confidential information*

Mercy Corps prohibits its employees from sharing, and any offerors from obtaining, confidential information related to this solicitation, including information regarding Mercy Corps' price estimates, competing offerors or competing offers, etc. Any information provided to one offeror must be provided to all other offerors.

- *Collusion between/among offerors*

Mercy Corps requires fair and open competition for this solicitation. No two (or more) companies submitting bids can be owned or controlled by the same individual(s). Companies submitting offers cannot share prices or other offer information or take any other action intended to pre-determine which company will win the solicitation and what price will be paid.

- *Any form of exploitation, abuse, human trafficking or internal sexual misconduct*

Mercy Corps requires its partners to adhere to its Safeguarding policies including its policies on Child Safeguarding, Prevention of Sexual Exploitation and Abuse of Beneficiaries and Community Members, Anti-Trafficking and Sexual Misconduct (available at <https://www.mercycorps.org/who-we-are/ethics-policies>). Companies will be expected to ensure that they have the capacity to abide by these policies, that their employees and subcontractors understand these policies, and that they communicate to its employees and subcontractors the duty to report any violation or suspected violation. Mercy Corps will not engage with a company that is found to be in violation of these policies.

Violations of these prohibitions, along with all evidence of such violations, should be reported to:

**<http://mercycorps.org/integrityhotline>**

Mercy Corps will investigate allegations fully and will take appropriate action. Any company, or individual that participates in any of the above prohibited conduct, will have its actions reported to the appropriate authorities, will be investigated fully, will have its offer rejected and/or contract terminated, and will not be eligible for future contracts with Mercy Corps.

Employees participating in such conduct will have his/her employment terminated.

Violations will also be reported to Mercy Corps' donors, who may also choose to investigate and debar or suspend companies and their owners from receiving any contract that is funded in part by the donor, whether the contract is with Mercy Corps or any other entity.

## **2.2 Tender Basis:**

- All offers shall be made in accordance with these instructions, and all documents requested should be furnished, including any required (but not limited to) supplier-specific information, technical specifications, drawings, bill of quantities, and/or delivery schedule. If any requested document is not furnished, a reason should be given for its omission in an exception sheet.
- No respondent should add, omit, or change any item, term or condition herein.
- If suppliers have any additional requests and conditions, these shall be stipulated in an exception sheet.
- Each offeror may make one response only.
- Each offer shall be valid for the period of [180 days] from its date of submission.
- All offers should indicate whether they include taxes, compulsory payments, levies and/or duties, including VAT, if applicable.
- Suppliers should ensure that financial offers are devoid of calculation errors. If errors are identified during the evaluation process, the unit price will prevail. If there is ambiguity on the unit price, the Selection Committee may decide to disqualify the offer.
- Any requests for clarifications regarding the project that are not addressed in written documents must be presented to Mercy Corps in writing. The answer to any question raised in writing by any offeror will be issued to that offeror. In some cases Mercy Corps may choose to issue clarifications to all offerors. It is a condition of this tender that no clarification shall be deemed to supersede, contradict, add to or detract from the conditions hereof, unless made in writing as an Addendum to Tender and signed by Mercy Corps or its designated representative.
- This Tender does not obligate Mercy Corps to execute a contract, nor does it commit Mercy Corps to pay any costs incurred in the preparation and submission of bids. Furthermore, Mercy Corps reserves the right to reject any and all offers, if such action is considered to be in the best interest of Mercy Corps.

## **2.3 Supplier Eligibility**

Suppliers may not apply, and will be rejected as ineligible, if they:

- Are not registered companies
- Are bankrupt or in the process of going bankrupt

- Have been convicted of illegal/corrupt activities, and/or unprofessional conduct
- Have been guilty of grave professional misconduct
- Have not fulfilled obligations related to payment of social security and taxes
- Are guilty of serious misinterpretation in supplying information
- Are in violation of the policies outlined in Mercy Corps Anti Bribery or Anti-Corruption Statement
- Supplier (or supplier's principals) are on any list of sanctioned parties issued by; or are presently excluded or disqualified from participation in this transaction by: the United States Government or United Nations by the United States Government, the United Kingdom, the European Union, the United Nations, other national governments, or public international organizations.

Additional eligibility criteria, if applicable, are stated in section 3.2 of this tender package.

## **2.4 Response Documents**

Offerors must submit an offer in their own format and ensure it contains all the required documents and information specified in this tender. Where an itemized Price Offer Sheet is included in the tender package, the offeror must complete and submit it with the rest of their offer.

## **2.5 Acceptance of Successful Response**

Documentation submitted by offerors will be verified by Mercy Corps. The winning offeror will be required to sign a contract for the stated, agreed upon amount.

## **2.6 Certification Regarding Terrorism**

It is Mercy Corps' policy to comply with humanitarian principles and the laws and regulations of the United States, the European Union, the United Nations, the United Kingdom, host nations, and other applicable donors concerning transactions with or support to individuals or entities that have engaged in fraud, waste, abuse, human trafficking, corruption, or terrorist activity. These laws and regulations prohibit Mercy Corps from transacting with or providing support to any individuals or entities that are the subject of government sanctions, donor rules, or laws prohibiting transactions or support to such parties.

## 3. Criteria & Submittals

### 3.1 Contract Terms

Mercy Corps intends to issue a **Fixed Price/Cost** contract to one or several company(ies) or organization(s). The successful offeror(s) shall be required to adhere to the statement of work and terms and conditions of the resulting contract. The anticipated contract is incorporated in Section 6 herein. By submitting an offer, offerors certify that they understand and agree to all the terms and clauses contained in Section 6.

### 3.2 Specific Eligibility Criteria

Eligibility criteria must be met, and the corresponding supporting documents listed below under “Tender Submittals” **must** be submitted with offers. Offerors who do not submit these documents may be **disqualified** from any further technical or financial evaluation.

#### Eligibility Criteria:

- The offeror must be legally registered
- The offeror must be in good standing with its governing tax authority
- Valid business permit
- Must be registered with National construction authority (NCA) class 6 and above on the following categories:  
building works, water works

### 3.3 Tender Submittals

Documents and required information listed in tender submittals are necessary in order to support the eligibility criteria and to conduct technical evaluations of received offers (and due diligence). While absence of these documents and/or information does not denote mandatory disqualification of suppliers, the lack of these items has the potential to impact the technical evaluation of an offer severely and negatively.

#### Documents supporting the Eligibility Criteria:

- Company/ business registration certificate or CR12
- Valid tax compliance certificate
- Valid / current business permit
- Proof of Registration/ certificate with National construction authority (NCA) class 6 and above on the following categories: building works, water works

## Documents to conduct the Technical Evaluation and additional Due Diligence:

### Price Offer:

The Price offer is used to determine which offer represents the best value and serves as a basis of negotiation before award of a contract. As a Fixed-Price contract, the price of the contract to be awarded will be an all-inclusive fixed price basis, either in the form of a total fixed price or a per-unit/deliverable fixed price. No profit, fees, taxes, or additional costs can be added after contract signing. Offerors must show unit prices, quantities, and total price, as displayed in the Offer Sheet in Section 4. All items must be clearly labeled and included in the total offered price.

Offerors must include VAT and customs duties in their offer.

### 3.4 Currency

Offers should be submitted in: **KES**

Payments will be made in: **KES**

### 3.5 Tender Evaluation (Trade-Off Selection Method)

Based on the above submittals, a Mercy Corps Tender Committee will conduct a tender evaluation process. Mercy Corps reserves the right to accept or reject any or all proposals, and to accept the offer(s) deemed to be in the best interest of Mercy Corps. MC will not be responsible for or pay for any expenses or losses which may be incurred by any Offeror in the preparation of their tender.

Evaluations will be conducted as described in the following subsections:

#### 3.5.1 Scoring Evaluation

##### *Trade-Off Method*

Mercy Corps Tender Committee will conduct a technical evaluation which will grade technical criteria on a weighted basis (each criteria is given a percentage, all together equaling 100%). Offeror's proposals should consist of all required technical submittals so a Mercy Corps committee can thoroughly evaluate the technical criteria listed herein and assign points based on the strength of a technical submission.

Award criteria shall be based on the proposal's overall **"value for money"** (quality, cost, delivery time, etc.) while taking into consideration donor and internal requirements and regulations. Each individual criteria has been assigned a weighting prior to the release of this tender based on its importance to Mercy Corps in this process.

Offeror(s) with the best score will be accepted as the winning offeror(s), assuming the price is deemed fair and reasonable and subject to the additional due diligence in section 3.5.2.

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When performing the Scoring Evaluation, the Mercy Corps tender committee will assign points for each criteria based on the following scale:

Point	Rationale
0	Not acceptable; has not met any part of the specified criteria
1-4	Has met only some minimum requirements and may not be acceptable
5	Acceptable
6-9	Acceptable; has met all requirements and exceeds some
10	Acceptable; has exceeded all requirements

			Marks
No.	Description	Key areas to consider	Maximum Weight (%)
1	Company Profile – with verifiable physical location / address	Brief company introductory statement with verifiable physical address and location, areas of specialty Company introduction statement i.e mission, vision etc - 5 Brief on company area of specialty – 5 Physical address and location – 5	15
2	Technical proposal	A brief technical proposal explaining how the contractor will undertake the works as per the given scope: Understanding of the scope of works – 3 Technical specifications for pump – 3 Technical specifications for solar panels – 3 Tank fabrication methodology – 3 Building works quality control measures - 3	15
3	A brief Statement detailing contractors'	Provide work areas or sections to consider hiring local casual workers to the extent possible et al. Provide the	10



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	proposal on how he/she will ensure community engagement during the project's execution with Proposed work schedule and projected completion timeline	estimates Numbers of local casuals to be hired in those work areas stated above. Provide the local materials to be sourced under the approval of the technical personnel Statement on community involvement – 3 No. of casuals to be engaged – 3 Local materials to be used in the project - 4	
4	List of Key Equipment – Owned / lease agreement	Lease agreements, purchase receipts, logbooks (Each x 2 mks)	10
5	Number of Years in Operation	Each previous year x 1 mark. More than 5 years	5
6	Evidence of Past Similar Works – Completion certificates, contracts, recommendation letters (general)	Must annex or attach at least 5 previous works in form of; certificates of successful completion, executed local purchase orders, or other related information and reference from organizations worked within the past three years (5 evidence of previous works x4mks)	20
7	Evidence of experience in specific county (Samburu)	Must annex or attach at least 5 previous works in form of; certificates of successful completion, executed local purchase orders, or other related information and reference from organizations worked within the past three years specifically in Samburu County (5 evidence of previous works x2mks)	10
8	Cvs for key staff	Project engineer - 3 Foreman - 3 Supervisor - 1 Artisans – 3	10
9	Detailed works schedule / program of works	Within 12 weeks – 5 Above 12 weeks – 0	5
	TOTAL		<b>100%</b>

### 3.5.2 Additional Due Diligence

Upon completion of both the technical and financial evaluations Mercy Corps may choose to engage in additional due diligence processes with a particular offeror or offeror(s). The purpose of these processes is to ensure that Mercy Corps engages with reputable, ethical, responsible Suppliers with solid financials and the ability to fulfill the contract. Additional due diligence may take the form of the following processes (though it is not limited to):

- Reference Checks
- Supplier's facility visits
- Analysis of audited financial statements
- Other appropriate documented method giving Mercy Corps increased confidence in the supplier's ability to perform

## 4. Offer Form

**Offerors must submit their own independent offer including at least (but not limited to):**

- All documents requested in the "Eligibility Criteria" section of this Tender Package
- All documents requested in the "Tender Submittals" section of this Tender Package
- All information listed in the "Documents Comprising the Bid" section below

**All offers must be duly signed (including position and full name of the signer) and stamped, with the date of completion.**

### *Documents Comprising the Bid*

The following information must be included in the offer of any potential offeror:

- ☐ **Cover Letter** explaining interest to be a contracted vendor or supplier. The content of the cover letter shall include the following information:
  - ☐ A detailed specification of the offered works
  - ☐ Warranty (if necessary and appropriate)
  - ☐ Delivery time
  - ☐ Price validity date (for this purpose and as stated on the advertisement, quote given shall remain unchanged for 180 working days)
- ☐ A Price Offer detailing the unit price only using the **Price Offer Sheet** template provided

- ☐ Completed and signed Mercy Corps **Supplier Information Form** (template provided)
- ☐ Other important documents offeror feels need to be attached to support their bid

The original bid shall be signed by the offeror, or a person or persons duly authorized to bind the offeror to the contract. Financial offer pages of the bid shall be initialed by the person or persons signing the bid and stamped with the company seal. Any interlineations, erasures, or overwriting shall be valid only if they are initialed by the person or persons signing the bid.

## 5. Scope of Work

### 5.1 Background

- i. Project signboard
- ii. Pipeline extension
- iii. Installation of solar pump
- iv. Rehabilitation of existing solar pumping system
- v. Installation of elevated steel section water tank 32 cubic on a 6M high steel tower
- vi. Construction of animal watering trough
- vii. Construction of water kiosk
- viii. Borehole fencing
- ix. Construction of protection chamber

### 5.2 Bill of Quantities and design drawings for Lkwasi.



3.0 Specifications &  
BoQ for proposed LI



4.0 Lkwasi Pipeline  
Profiles and Layout.



5.0 Lkwasi 50 cubic  
meter Elevated Steel



6.0 Lkwasi Water  
Kiosk Technical Drawings



7.0 Lkwasi Livestock  
Water trough Design

### 5.3 Bill of Quantities and design drawings for Lolkuniani.



3.0 Specifications &  
BoQ for proposed LI



4.0 Lolkuniani  
pipeline profile and



5.0 32 Cubic Meters  
Elevated steel tank I



6.0 Lolkuniani  
Water Kiosk Technic



7.0 Lolkuniani  
Livestock water trou

## 6. Annexes

### Annex 1: Sample Contract

This is the anticipated service contract. However, if required, additional terms and conditions may be added by Mercy Corps in the final contract.



Service Contract  
Template (2) (1).docx

### Annex 2: Supplier Information Form



Supplier  
Information.docx