

# KENYA INFRASTRUCTURE AND PPP PROJECT

## SOUTH EASTERN KENYA UNIVERSITY HOSTELS PPP PROJECT

DEVELOPMENT, OPERATION AND MAINTENANCE

Tender Number: [SEKU/PPP/HP-01/2017-2018]

ADDENDUM TO REQUEST FOR QUALIFICATION (RFQ)

12<sup>th</sup> February 2018



Section / Clause number	Page Number	RfQ dated 11 <sup>th</sup> December 2017	Addendum (12 <sup>th</sup> February 2018)
2. Definitions Clause 2.1	8	<b>Eligible PPP Project</b> means an Eligible Project procured as a PPP design, construct, finance, operate and maintain project having been in operation (post-construction completion) for not less than one (1) year preceding the RFQ Submission Date and valued at not less than USD 45 million in which the Prospective Bidder or a Consortium Member held a minimum twenty six percent (26%) shares in the project company responsible for the Eligible PPP Project at any time during the five (5) year period preceding the RFQ Submission Date. For the purposes of calculating the Eligible PPP Project where the value is other than USD, refer to Section 4.14 for the applicable exchange rate.	<b>“Eligible Project</b> means a project entailing development, investment and property management or other similar basis for providing its output or services to a public or private sector entity, where the project having been in operation (post-construction completion) for not less than one (1) year preceding the RFQ Submission Date and valued at not less than <b>USD 50 million</b> . For the avoidance of doubt and with reference to “finance”, the Prospective Bidder must demonstrate the capacity to mobilise finance for a project of this nature, refer to Section 5.3. For the purposes of calculating the Eligible Project where the value is other than USD, refer to Section 4.17 for the applicable exchange rate.”
Clause 5.1.3	28	An Eligible Project may qualify as one or more of an Eligible PPP Project, an Eligible Construction Project and an Eligible O&M Project.	An Eligible Project may qualify as one or more of an Eligible Project, an Eligible Construction Project and an Eligible O&M Project.
Clause 5.2.1.1	28/29	The Prospective Bidder shall demonstrate that in the five (5) years preceding the RFQ Submission Date, the Entity whose Eligible PPP Project is proposed has:  (a) undertaken Eligible PPP Projects whose value in aggregate exceeds USD 45 million;  (b) experience of undertaking Eligible PPP Projects on BOT, BLT, BOO, BOOT or other similar basis for providing its output or services to a public sector entity;  (c) paid for the development of the Eligible PPP Project (excluding the cost of the land); or  (d) collected and appropriated the revenues from third parties accessing the fixed assets of the Eligible PPP Project.	The Prospective Bidder shall demonstrate that in the five (5) years preceding the RFQ Submission Date, the Entity whose Eligible Project is proposed has:  (a) undertaken Eligible Projects whose value in aggregate exceeds USD 45 million;  (b) experience of undertaking Eligible Projects or services to a public or private sector entity;  (c) paid for the development of the Eligible Project (excluding the cost of the land); or  (d) collected and appropriated the revenues from third parties accessing the fixed assets of the Eligible Project.  For the avoidance of doubt and with reference to finance, the Prospective Bidder must demonstrate the capacity to mobilise finance for a project of this nature, refer to Section 5.3.
Clause 5.2.1.2	29	The Entity whose Eligible PPP Project is proposed must provide documents evidencing that it holds or has held a share of not less than twenty six percent (26%) in the project company responsible for the Eligible PPP Project.	The Entity whose Eligible Project is proposed must provide documents evidencing that it holds or has held a share of not less than twenty six percent (26%) in the project company responsible for the Eligible Project.
Clause 6.1.5	31	Public Private Partnership (PPP) Experience, using the form in <b>Annex QD-4</b> . The following must be provided by an Entity proposed to meet the PPP	The following must be provided by an Entity proposed to meet the eligible project requirements, as identified in the <b>revised Annex QD-4 found in this addendum</b> .

		Experience requirements, as identified in the Business Structure:	
Clause 6.1.5.1	31	Documentary evidence from each Eligible PPP Project owner regarding the status of the operation phase of the Eligible PPP Project or confirming that the construction of such Eligible PPP Project has been completed and accepted by the project owner and specifying the date of completion and acceptance of such Eligible PPP Project (e.g. completion certificate). The documentary evidence for each Eligible PPP Project shall be accompanied by a certified statement from the authorized representative of the Entity claiming the PPP Experience that the documentary evidence provided is the standard form of project acceptance in the jurisdiction from which Eligible Project is presented; and	“Documentary evidence from each Eligible Project owner regarding the status of the operation phase of the Eligible Project or confirming that the construction of such Eligible Project has been completed and accepted by the project owner and specifying the date of completion and acceptance of such Eligible Project (e.g. completion certificate). The documentary evidence for each Eligible Project shall be accompanied by a certified statement from the authorized representative of the Entity claiming the Experience that the documentary evidence provided is the standard form of project acceptance in the jurisdiction from which Eligible Project is presented; and”
Clause 6.1.5.2	31/32	project data sheets specifying the name and location of the Eligible PPP Project, the total development cost specifying the amount of debt and the amount of equity used to finance the project, and economic return(s) achieved, client name and contact details, and details including percentage shareholding of such Entity in the Eligible PPP Project.	project data sheets specifying the name and location of the Eligible Project, the total development cost, client name and contact details, and if applicable details specifying the amount of debt and the amount of equity used to finance the project, and economic return(s) achieved, including percentage shareholding of such Entity in the Eligible Project.
Annex QD-2A: Business Structure (For A Prospective Bidder Which Is A Single Prospective Bidder)  2. PPP Experience	44	Aggregate value of Eligible PPP Projects undertaken in the last 3 years prior to the RFQ Submission Date in USD	Aggregate value of Eligible Project development experience undertaken in the <b>last 5 years</b> prior to the RFQ Submission Date in USD
Annex QD-2A: Business Structure (For A Prospective Bidder Which Is A Single Prospective Bidder)  3. Construction Experience	44	Average annual turnover from construction activities in the last 3 years prior to the RFQ Submission Date in USD	Average annual turnover from construction activities in the <b>last 5 years</b> prior to the RFQ Submission Date in USD
Annex QD-2B: Business Structure (For A Prospective Bidder Which Is A Consortium)	42	Aggregate value of Eligible PPP Projects undertaken in the last 3 years prior to the RFQ Submission Date in USD	Aggregate value of Eligible Projects undertaken in the <b>last 5 years</b> prior to the RFQ Submission Date in USD

3. Consortium Member who fulfils the PPP Experience Requirement			
Annex QD-2B: Business Structure (For A Prospective Bidder Which Is A Consortium)  4. Consortium Member(s) or Construction Contractor, if any, which fulfils the Construction Experience Requirement	47/48	Average annual turnover from construction activities in the last 3 years prior to the RFQ Submission Date in USD	Average annual turnover from construction activities in the <b>last 5 years</b> prior to the RFQ Submission Date in USD
Annex QD-4: PPP Experience	52	Herein, the bidder is required to demonstrate their PPP experience.	Annex QD-4 to be replaced by the Revised <b>Annex QD-4 found in this addendum.</b>
Annex QD-5: Construction Experience	55	Annual turnover from the construction activities over the last 3 years prior to the RFQ Submission Date in USD (based on the Audited Financial Statement of the last 3 years)	Annual turnover from the construction activities over the <b>last 5 years</b> prior to the RFQ Submission Date in USD (based on the Audited Financial Statement of the <b>last 5 years</b> )
Annex QD-5: Construction Experience	55/56	Required Attachments:  b. Certification of the authorized representative of the Entity certifying that the Average annual turnover from the construction activity of the Entity meeting the Construction Experience, over the last 3 (three) years preceding RFQ Submission Date, is equal to or more than [AMOUNT].  c. Copies of Audited Financial Statement of last 3 (three) years preceding RFQ Submission Date duly certified by the authorized representative.	Required Attachments:  b. Certification of the authorized representative of the Entity certifying that the Average annual turnover from the construction activity of the Entity meeting the Construction Experience, over the <b>last 5 (five) years</b> preceding RFQ Submission Date, is equal to or more than [AMOUNT].  c. Copies of Audited Financial Statement of <b>last 5 (five) years</b> preceding RFQ Submission Date duly certified by the authorized representative.
Appendix 1: Minimum Qualification Requirements  Clause 2 (a)	68	i. Aggregate value of Eligible PPP Projects undertaken exceeds USD 45 million in the last 5 years. ii. Experience in undertaking Eligible PPP Projects on BOT, BLT, BOOT or other similar basis for providing its output or services to a public sector entity Construction Experience in the last 5 years. iii. Evidence of payments made for Eligible PPP Projects in the last 5 years. iv. Evidence of revenue collected from third parties accessing the fixed assets of the Eligible PPP Project in the last 5 years. v. Evidence of shareholding above 26% in the project company	i. Aggregate value of Eligible Projects undertaken exceeds USD 45 million in the last 5 years. ii. Experience in undertaking Eligible Projects or services to a public sector entity Construction Experience in the last 5 years. iii. Evidence of payments made for Eligible Projects in the last 5 years. iv. Evidence of revenue collected from third parties accessing the fixed assets of the Eligible Project in the last 5 years. v. Evidence of shareholding above 26% in the project company responsible for the Eligible Project in the last 5 years. vi. Completion Certificate or documentary evidence from each Eligible Project owner.

		<p>responsible for the Eligible PPP Project in the last 5 years.</p> <ul style="list-style-type: none"> <li>vi. Completion Certificate or documentary evidence from each Eligible PPP Project owner.</li> <li>vii. Certification from the authorized representative of the Entity for correctness of the information furnished in the prescribed form.</li> <li>viii. Project data sheets specifying the details of the Eligible PPP Project.</li> </ul>	<ul style="list-style-type: none"> <li>vii. Certification from the authorized representative of the Entity for correctness of the information furnished in the prescribed form.</li> <li>viii. Project data sheets specifying the details of the Eligible Project.</li> </ul>
<p>Appendix 1: Minimum Qualification Requirements</p> <p>Clause 3 (c)</p>	69	<p>Net Worth of not less than USD 45 million, as per its Latest Audited Financial Statements.</p>	<p>Net Worth of not less than <b>USD 20 million</b>, as per its Latest Audited Financial Statements.</p>

**REVISED Annex QD-4: PROJECT DEVELOPMENT EXPERIENCE**

To be submitted by each Entity proposed as fulfilling the relevant project experience requirement, as identified in the Business Structure (Annex QD-2A or QD-2B).

Name of Prospective Bidder

Name of the Entity proposed as fulfilling Experience Requirement

Relationship to the Prospective Bidder (Single Prospective Bidder itself/Consortium Member)

**List of Eligible Projects**

**Name of Entity meeting the Experience      Name of project      Value of the project**

(Insert rows as necessary)

**Description of each Eligible Project**

Ref #	
Name of project	
Country	
Description	
Name of contracting authority	
Name and contact details of contracting authority's contact person	
Name of Entity undertaking the project	
Percentage shareholding by Single Prospective Bidder/Consortium Member in the Project Company	
Value of the project	
Date of Contract	
Date of Completion of Construction	

[Note: If more than one project is submitted, replicate table above]

**Required Attachments:**

- a. Documentary evidence from each Eligible Project owner that the construction of such Eligible Project has been completed and accepted by the project owner and specifying the date of completion and acceptance of such Eligible Project (e.g. completion certificate).
- b. Certification from the authorized representative of the Entity for correctness of the information furnished should be done in the following manner:

**Certificate from the authorized representative**

This is to certify that the abovementioned information provided by \_\_\_\_\_ (*Details of the Entity*) are true and correct based on the authenticated record of the (Company/Corporation/Partnership).

Name:

Seal/stamp (if any):

Date:

(Signature)

For

and on behalf of (Name of Prospective Bidder/if Consortium, Name of Consortium and Lead Member)

(Signature of authorized representative)

(Signature of authorized representative\*)

(Name, Title, and Date)

(Name, Title, and Date)

Note: *Fill in the complete description/ strike out the non-applicable text, as applicable, so as to provide sufficient explanation mentioned within the ( ) or [ ] parenthesis / brackets.*

\* *Authorized representative of the Lead Member shall sign in case of a Consortium.*