

TENDER FOR SERVICE CONTRACT PUBLICATION REFERENCE: CIG 89642350BE
***“Implementation of Wei-Wei River Catchment Restoration Project in
Cherangani Water Tower (WRCRP) – West Pokot”***

Frequently Answered Questions – FAQs

1. Q: Page 35 of the Tender Dossier, Other experts, support staff & backstopping states: “The Contractor must select and hire other experts as required according to the profiles identified in the Organisation & Methodology. It must clearly indicate the experts’ profile so that the applicable daily fee rate in the budget breakdown is clear”. Our understanding is that the Consultant can allocate part of the costs for the macro budget lines 1-4 to experts (Non-Key Experts) who will be deployed to support the relevant activities under 1-4. Can you confirm that this understanding is correct or clarify? As the ANNEX V: BUDGET does not allow the breakdown of the budget, where should such costs for these Non-Key Experts be specified in the proposal?

A: Please note that in this case the CVs for non-key experts should not be submitted in the tender but the tenderer will have to demonstrate in their technical proposal that, if necessary, they have access to short-term experts with the required profiles. This is a global price contract, hence is a lump sum contract where specified outputs are set out, in the form of clearly defined deliverables. Then, it is the responsibility of the tenderer to use the various budget lines to hire non-key technical experts if needed to achieve the specific outputs detailed in the TOR. It is not required to indicate in annex 5 the breakdown of the budget. Unlike the short-term experts, budgets for key-experts must be catered for only under the macro-budget line for “Project Support”

2. Q: The financial proposal should follow the format presented in *Annex V*. Please confirm that on line 5 of the Financial Offer, the Contractor shall only provide the total Project Support Costs without any further breakdown?

A: Yes, being a global price contract, it is not necessary to further breakdown the total Project Support Cost

3. Q: In the *Publication Reference* (point 4 on page 6) it is stated that the maximum budget available is 1 million euros. However, the total of the figures allocated to the five macro budget lines only amounts to less than 980.000. Can we assume that the 1 million figure was an approximation and that the correct maximum budget is 980.000€? Please confirm also that the budget has to be considered maximum and not estimated.

A: It is not clear how do you arrived at a total budget of Euro 980,000. The maximum budget available for this contract, as stated in the contract notice, is **EUR 1,000,000**. The fixed budget allocated to the macro-budget lines 1 to 4 amounts to Euro 601,000, while it is not assigned a predefined budget for the fifth macro-budget line - Project Support Cost - since this latter is at the discretion of the tenderer. Hence, under this tender the financial offer will only depend on the macro-budget line n. 5 - Project Support. You must make sure that your financial offer for Project Support will not bring the total budget above the max amount available of 1 million euro.

4. Q: Please confirm that PMU, acting as implementing agency, will be located in Kapenguria. As capacity building activities should be programmed, would you please provide an indication of the types of experts that will form the PMU and if they will be based full-time in Kapenguria.

A: Yes, the PMU shall be based in Kapenguria since this is the headquarter town for the county authorities. The types of experts that shall form the PMU and their requirements in terms of qualifications and skills, general and specific professional experience are spelt out in the TOR

5. Q: Page 33, 4.3.2 *Management structure* states that: "A significant task of the PMU will also be related to the capacity building of county government staff to enable them to appropriately implement and sustain the various initiatives spearheaded under the project. The PMU staff will be composed of experts in NRM and environmental restoration, including green financing and climate change adaptation". Our understanding is that the PMU based in Kapenguria can be run by Non-Key Experts and on a part-time basis. Can you confirm that this understanding is correct or clarify?

A: This is not correct. the PMU shall be based in Kapenguria and must include all Key-Experts as indicated in the TOR

6. Q: Also, “The PMU shall closely liaise with AICS Nairobi and shall submit for approval progress reports and operation plans, request for budget variations and no-cost extension requests (if any). Considering the distance between the two locations, how it is expected for the PMU -based in Kapenguria- to provide adequate support to AICS in Nairobi?”

A: This can be done through the periodic Steering Committee meetings to be held either in Kapenguria or in Nairobi and through specific missions of the Project coordinator in Nairobi. Moreover, transmission of project documents can be done both electronically and through post service. Finally, AICS-Nairobi staff plans to conduct several field missions in the project area.

7. Q: Do you confirm that the contractual parties will be AICS and Consultant?

A: Yes, the consultant (contractor) will sign a service contract with the Director of AICS Nairobi Office (contracting authority).

8. Q: Furthermore, the Terms of Reference do not suggest adding any local taxes to the financial proposal. Do you confirm that this contract will not be subject to national taxation? Will the Consultant only pay his income taxes in the origin country?

A: Please refer to annex VIII of the tender dossier, point 2. (b): “profits and/or income arising from the performance of contracts shall be taxable according to the internal fiscal arrangements of the ACP State concerned, provided that the natural or legal persons who realise such profit and/or income have a permanent place of business in that State, or that the performance of the contract takes longer than six months”. In this case, the Kenyan Financial Management Act 2015 and subsequent circular no 15/2019 from Treasury confirm that experts and other persons engaged in the execution of the project and residing in Kenya are subject to the Income Tax

9. Q: The “INSTRUCTIONS AND GUIDELINES TO EVALUATORS FOR A GLOBAL PRICE CONTRACT” Evaluation of experts (page 61) states that: “even if exceptionally key experts are required there is no specific evaluation criterion for the key experts but the assessment is part of the strategy”. Do you confirm that there are no specific evaluation criteria for Key Experts except for the subjective assessment of the evaluator?”

A: The evaluation of experts will be important and will significantly contribute to the score related to the strategy (total 60 points). A good strategy will strongly depend on the skills and experience of the Key-Staff proposed. Minimum requirements of the PMU staff must be ensured as spelt out in the TOR.

Nairobi, 18/02/2022