



**REPUBLIC OF KENYA MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND
COOPERATIVES STATE DEPARTMENT FOR FISHERIES, AQUACULTURE AND THE BLUE
ECONOMY**

**PRE-QUALIFICATION OF FIRMS FOR CONSTRUCTION OF PROPOSED HACCP COMPLIANT ULTRA
MODERN TUNA FISH HUB AT LIWATONI MOMBASA COUNTY**

TENDER NO. MOALF&C/SDFA&BE/4/2021-2022

Invitation for Pre-qualification No: **MOALF&C/SDFA&BE/4/2021-2022**

Contract Name: PRE-QUALIFICATION OF FIRMS FOR CONSTRUCTION OF PROPOSED
HACCP COMPLIANT ULTRA MODERN TUNA FISH HUB AT LIWATONI MOMBASA
COUNTY

Procuring Entity: STATE DEPARTMENT FOR FISHERIES AQUACULTURE AND
BLUE ECONOMY

Issued on: *12/10/2021*

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INVITATION TO APPLY FOR PREQUALIFICATION

Name of Contract: PRE-QUALIFICATION OF PROPOSED HACCP COMPLIANT
ULTRA MODERN TUNA FISH HUB AT LIWATONI MOMBASA COUNTY

Contract No:..... **MOALF&C/SDFA&BE/4**/2021-2022

Prequalification Reference No.: **MOALF&C/SDFA&BE/ 4 /2021-2022**

1. The **State Department of Fisheries, Aquaculture and Blue Economy** intends to prequalify contractors for PRE-QUALIFICATION OF PROPOSED HACCP COMPLIANT ULTRA MODERN TUNA FISH HUB AT LIWATONI MOMBASA COUNTY
2. It is expected that the Invitation to Tender will be made in November 2021. Tendering will be conducted through International Competitive Tendering procedures using a standardized tender document and will be open to all applicants who prequalify.
3. Qualified and interested applicants may obtain further information and inspect the Prequalification Document during office hours 0800 hours to 1700 hours
4. A complete set of Prequalification Document in English may be purchased or obtained by interested applicants upon payment of a non-refundable fees of Kenya shillings 1,000 KSHS in cash or Banker's Cheque and payable to the address given below. Tender documents obtained electronically will be free of charge.
5. Prequalification Document may be viewed and downloaded for free from the website www.tenders.go.ke, www.kilimo.go.ke Applicants who download the Prequalification Document must forward their particulars immediately to Psfisheries@kilimo.go.ke to facilitate any further clarification or addendum.
6. Applications for prequalification should be submitted by postal service, or hand/courier delivery, clearly marked envelopes and delivered to the address given below by 1st November 2021 at 1000 hours Alternatively, documents may be sent electronically to the email address psfisheries@kilimo.go.ke
7. Late applications will be rejected.
8. Address where to submit Applications

Principal Secretary
State Department for Fisheries, Aquaculture and the Blue Economy
P.O. Box 58187 00200
Kilimo House
NAIROBI

OR
Drop at Tender Box located at Maji House
3rd Floor
NGONG ROAD

PART 1 - APPLICATION PROCEDURES

SECTION I - INSTRUCTIONS TO APPLICANTS (ITA)

A. General

1 Scope of Application

1.1 The name of the Procuring Entity inviting for applications is defined in the Prequalification Data Sheet (**PDS**). The particular type of contract (works, goods or Non-Consulting Services required) and its name and description of the contract(s) and its reference number are defined in the **PDS**. If the scope of contract so defined is in multiple contracts, it will be specified in the **PDS** if prequalification will be based on individual contracts or multiple contracts. The Full scope of Works or Goods or Non-Consulting Services are described in Section V (Scope of Works or goods contract).

2 **Source of Funds** to be specified in the PDS, if deemed necessary.

3 Fraud and Corruption

3.1 The Government of Kenya requires compliance with its Anti-Corruption laws and its prevailing sanctions policies and procedures.

3.2 In further pursuance of this policy, Applicants shall permit and shall cause their agents (where declared or not), subcontractors, sub consultants, service providers, suppliers, and their personnel, to permit the Public Procurement Regulatory Authority (PPRA) to inspect all accounts, records and other documents relating to any initial selection process, prequalification process, tender submission (in case prequalified), proposal submission, and contract performance (in the case of award), and to have them audited by auditors appointed by the PPRA.

4 Collusive practices

4.1 The Procuring Entity requires compliance with the provisions of the Competition Act 2010, regarding collusive practices in contracting. Any applicant found to have engaged in collusive conduct shall be disqualified and criminal and/or civil sanctions may be imposed. To this effect, applicants shall be required to complete and sign a Certificate of Independent Tender Determination” annexed to the Form of applicant.

5 Eligible Applicants

5.1 Applicants shall meet the eligibility criteria as per this ITA and ITA 5.1 and 5.2. An Applicant may be a firm that is a private entity, a state-owned enterprise or institution subject to ITA 5.9 or any combination of such entities in the form of a joint venture (“JV”) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the entire Contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, tendering (in the event the JV submits a Tender) and during contract execution (in the event the JV is awarded the Contract). Members of a joint venture may not also make an individual tender, be a subcontractor in a separate tender or be part of another joint venture for the purposes of the same Tender. The maximum number of JV members shall be specified in the PDS.

5.2 Public Officers of the Procuring Entity, their Spouses, Child, Parent, Brothers or Sister. Child, Parent, Brother or Sister of a Spouse, their business associates or agents and firms/organizations in which they have a substantial or controlling interest shall not be eligible to be prequalified. Public Officers with such relatives are also not allowed to participate in any procurement proceedings.

5.3 A firm may apply for prequalification both individually, and as part of a joint venture, or participate as a subcontractor. If prequalified, it will not be permitted to tender for the same contract both as an individual firm and as a part of the joint venture or as a subcontractor. However, a firm may participate as a subcontractor in more than one Tender, but only in that capacity. Tenders submitted in violation of this procedure will be rejected.

5.4 A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, only one prequalified Applicant will be allowed to tender for the. All Tenders submitted in violation of this procedure will be rejected.

5.5 An Applicant may have the nationality of any country, subject to the restrictions pursuant to ITA 5.1 and 5.2. An Applicant shall be deemed to have the nationality of a country if the Applicant is constituted, incorporated or registered in and operates in conformity with the provisions of the laws of that country, as evidenced by its

articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be. sub-contractors or suppliers for any part of the Contract including related Non-Consulting Services.

- 5.6 Applicants shall not have a conflict of interest. Applicants shall be considered to have a conflict of interest, if they, or any of their affiliates, participated as a consultant in the preparation of the design or technical specifications or have been hired or proposed to be hired by the Procuring Entity as Engineer for contract implementation of the contract(s) that are the subject of this prequalification. In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff of the Procuring Entity who:
- a are directly or indirectly involved in the preparation of the prequalification Document or Invitation to Tender (ITT), Document or specifications of the Contract, and/or the Tender evaluation process of such Contract; or
 - b would be involved in the implementation or supervision of such Contract, unless the conflict stemming from such relationship has been resolved in a manner acceptable to the Procuring Entity throughout the prequalification, ITT process and execution of the Contract.
- 5.7 An Applicant that has been debarred shall be ineligible to be initially selected for, prequalified for, tender for, propose for, or be awarded a contract during such period of time as the PPRA shall have determined. The list of debarred firms and individuals is available at www.ppra.go.ke
- 5.8 Applicants that are state-owned enterprise or institutions in Kenya may be eligible to prequalify, compete and be awarded a Contract(s) only if they can establish, in a manner accept able to the Procuring Entity, that they (i) are legally and financially autonomous (ii) operate under commercial law, and (iii) are not under supervision of any public entity.
- 5.9 An Applicant shall not be under sanction of debarment from Tendering by the PPRA as the result of the execution of a Tender/Proposal–Securing Declaration.
- 5.10 An Applicant that is a Kenyan firm or citizen shall provide evidence of having fulfilled his/her tax obligations by producing a current tax clearance certificate or tax exemption certificate issued by the Kenya Revenue Authority.
- 5.11 An Applicant shall provide any other such documentary evidence of eligibility satisfactory to the Procuring Entity, as the Procuring Entity shall reasonably request.

6 Eligibility

- 6.1 Firms and individuals may be ineligible if they are nationals of ineligible countries as indicated herein. The countries, persons or entities are in eligible if:
- a. As a matter of law or official regulations, Kenya prohibits commercial relations with that country, or
 - b. By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, Kenya prohibits any import of goods or contracting of works or Non- Consulting Services from that country, or any payments to any country, person, or entity in that country.
- 6.2 When the Works, supply of Goods or provision of non-consulting services are implemented a cross jurisdictional boundary (and more than one country is a Procuring Entity, and is involved in the procurement), then exclusion of a firm or individual on the basis of ITA 5.1 (a) above by any country may be applied to that procurement a cross other countries involved, if the Procuring Entities involved in the procurement so agree.
- 6.3 Any goods, works and production processes with characteristics that have been declared by the relevant national environmental protection agency or by other competent authority as harmful to human beings and to the environment shall not be eligible for procurement.

B. Contents of the Prequalification Documents

7 Sections of Prequalification Document

- 7.1 This Prequalification Document consists of parts 1 and 2 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with IT A8.

PART 1 - Prequalification Procedures

- i) Section I- Instructions to Applicants (ITA)
- ii) Section II - Prequalification Data Sheet (PDS)
- iii) Section III - Qualification Criteria and Requirements
- iv) Section IV- Application Forms

PART 2 - Works, Goods, or Non-Consulting Services Requirements

- i) Section VII- Scope of Works, Goods, or Non-Consulting Services

7.2 Unless obtained directly from the Procuring Entity, the Procuring Entity accepts no responsibility for the completeness of the document, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Prequalification Document in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Procuring Entity shall prevail.

7.3 The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Document and to furnish with its Application all information or documentation as is required by the Prequalification Document.

8 Clarification of Prequalification Documents, site visit(s) and Pre-Application Meeting

8.1 An Applicant requiring any clarification of the Prequalification Document shall contact the Procuring Entity in writing at the Procuring Entity's address indicated in the **PDS**. The Procuring Entity will respond in writing to any request for clarification provided that such request is received no later than fourteen (14) days prior to the deadline for submission of the applications. The Procuring Entity shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Document directly from the Procuring Entity, including a description of the inquiry but without identifying its source. If so indicated in the **PDS**, the Procuring Entity shall also promptly publish its response at the webpage identified in the **PDS**. Should the Procuring Entity deem it necessary to amend the Prequalification Document as a result of a clarification, it shall do so following the procedure under ITA 8. And in accordance with the provisions of ITA 17.2.

8.2 The Applicant, at the Applicant's own responsibility and risk, is encouraged to visit and examine and inspect the Site of the required contracts and obtain all information that may be necessary for preparing the application. The costs of visiting the Site shall be at the Applicant's own expense. The Procuring Entity shall specify in the **PDS** if a pre-application meeting will be held, when and where. The Procuring Entity shall also specify in the **PDS** if a pre-arranged Site visit will be held and when. The Applicant's designated representative is invited to attend a pre- application meeting and a pre-arranged site visit. The purpose of the meetings will be to clarify issues and to answer questions on any matter that may be raised at that stage.

8.3 The Applicant is requested to submit any questions in writing, to reach the Procuring Entity not later than the period specified in the **PDS** before the submission date of applications.

8.4 Minutes of a pre-arranged site visit and those of the pre-application meeting, if applicable, including the text of the questions asked by Applicants and the responses given, together with any responses prepared after the meeting, will be transmitted promptly to all Applicants who have acquired the prequalification documents. Minutes shall not identify the source of the questions asked.

8.5 The Procuring Entity shall also promptly publish anonymized (*no names*) Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page identified **in the PDS**. Any modification to the Prequalification Documents that may become necessary as a result of the pre-arranged site visit and those of the pre-application meeting shall be made by the Procuring Entity exclusively through the issue of an Addendum pursuant to PDS 8 and not through the minutes of the pre-application meeting. Non-attendance at the pre-arranged site visit and the pre-tender meeting will not be a cause for disqualification of a Tenderer.

9 Amendment of Prequalification Document

9.1 At any time prior to the deadline for submission of Applications, the Procuring Entity may amend the Prequalification Document by issuing an Addendum.

9.2 Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all Applicants who have obtained the Prequalification Document from the Procuring Entity. The Procuring Entity shall promptly publish the Addendum at the Procuring Entity's webpage identified in the PDS.

- 9.3 To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the Procuring Entity may, at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2.

C. Preparation of Applications

10 Cost of Applications

- 10.1 The Applicant shall bear all costs associated with the preparation and submission of its Application. The Procuring Entity will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.

11 Language of Application

- 11.1 The Application as well as all correspondence and documents relating to the prequalification exchanged by the Applicant and the Procuring Entity, shall be written in English Language. Supporting documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the English language, in which case, for purposes of interpretation of the Application, the translation shall govern.

12 Documents Comprising the Application

- 12.1 The Application shall comprise the following:
- a. Application Submission Letter, in accordance with ITA 13.1;
 - b. Eligibility: documentary evidence establishing the Applicant's eligibility, in accordance with ITA 14.1;
 - c. Qualifications: documentary evidence establishing the Applicant's qualifications, in accordance with ITA 15; and
 - d. Any other document required as specified in the PDS.
- 12.2 The Applicant shall furnish information on commissions and gratuities, if any, paid or to be paid to agents or any other party relating to this Application.

13 Application Submission Letter

- 13.1 The Applicant shall complete an Application Submission Letter as provided in Section IV (Application Forms). This Letter must be completed without any alteration to its format.

14 Documents Establishing the Eligibility of the Applicant

- 14.1 To establish its eligibility in accordance with ITA 4, the Applicant shall complete the eligibility declarations in the Application Submission Letter and Forms ELI (eligibility) 1.1 and 1.2, included in Section IV (Application Forms).

15 Documents Establishing the Qualifications of the Applicant

- 15.1 To establish its qualifications to perform the contract(s) in accordance with Section III, Qualification Criteria and Requirements, the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV (Application Forms).
- 15.2 Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the Kenya Shilling equivalent using the rate of exchange determined as follows:
- a For construction turnover or financial data required for each Year-Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted).
 - b Value of single Contract-Exchange rate prevailing on the date of the contract.
- 15.3 Exchange rates shall be taken from the publicly available source identified in the PDS. Any error in determining the exchange rates in the Application may be corrected by the Procuring Entity.
- 15.4 Applicants shall be asked to provide, as part of the data for qualification, such information, including details of ownership, as shall be required to determine whether, according to the classification established by the Procuring Entity, a particular contractor or group of contractors qualifies for a margin of preference. Further the information will enable the Procuring Entity identify any actual or potential conflict of interest in relation to the

procurement and/or contract management processes, or a possibility of collusion between Applicants, and thereby help to prevent any corrupt influence in relation to the procurement processor contract management.

- 15.5 The purpose of the information described in ITT 6.2 above overrides any claims to confidentiality which an Applicant may have. There can be no circumstances in which it would be justified for an Applicant to keep information relating to its ownership and control confidential where it is tendering to undertake public sector work and receive public sector funds. Thus, confidentiality will not be accepted by the Procuring Entity as a justification for an Applicant's failure to disclose, or failure to provide required information on its ownership and control.
- 15.6 The Applicant shall provide further documentary proof, information or authorizations that the Procuring Entity may request in relation to ownership and control which information on any changes to the information which was provided by the Applicant under ITT 6.3. The obligations to require this information shall continue for the duration of the procurement process and contract performance and after completion of the contract, if any change to the information previously provided may reveal a conflict of interest in relation to the award or management of the contract.
- 15.7 All information provided by the Applicant pursuant to these requirements must be complete, current and accurate as at the date of provision to the Procuring Entity. In submitting the information required pursuant to these requirements, the Applicant shall warrant that the information submitted is complete, current and accurate as at the date of submission to the Procuring Entity.
- 15.8 If an Applicant fails to submit the information required by these requirements, its application will be rejected. Similarly, if the Procuring Entity is unable, after taking reasonable steps, to verify to a reasonable degree the information submitted by an Applicant pursuant to these requirements, then the application will be rejected.
- 15.9 If information submitted by an Applicant pursuant to these requirements, or obtained by the Procuring Entity (whether through its own enquiries, through notification by the public or otherwise), shows any conflict of interest which could materially and improperly benefit the Applicant in relation to the procurement or contract management process, then:
- If the procurement process is still ongoing, the Applicant will be disqualified from the procurement process,
 - If the contract has been awarded to that Applicant, the contract award will be set aside,
- 15.10 the Applicant will be referred to the relevant law enforcement authorities for investigation of whether the Applicant or any other persons have committed any criminal offence.
- 15.11 If an Applicant submits information pursuant to these requirements that is incomplete, inaccurate or out-of-date, or attempts to obstruct the verification process, then the consequences ITT 6.7 will ensue unless the Applicant can show to the reasonable satisfaction of the Procuring Entity that any such act was not material, or was due to genuine error which was not attributable to the intentional act, negligence or recklessness of the Applicant.

16 Signing of the Application and Number of Copies

- 16.1 The Applicant shall prepare one original of the documents comprising the Application as described in ITA 11 and clearly mark it "ORIGINAL". The original of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant. In case the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.
- 16.2 The Applicant shall submit copies of the signed original Application, in the number specified in the PDS, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

D. Submission of Applications

17 Sealing and Marking of Applications

- 17.1 The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall:
- Bear the name and address of the Applicant;
 - Be addressed to the Procuring Entity, in accordance with ITA 17.1; and
 - Bear the specific identification of this prequalification process indicated in the PDS 1.1.
- 17.2 The Procuring Entity will accept no responsibility for not processing any envelope that was not identified as

required in ITA 16.1 above.

18 Deadline for Submission of Applications

- 18.1** Applicants may either submit their Applications by mail or by hand. Applications shall be received by the Procuring Entity at the address and no later than the deadline indicated in the PDS. When so specified in the PDS, Applicants have the option of submitting their Applications electronically, in accordance with electronic Application submission procedures specified in the **PDS**.
- 18.2** The Procuring Entity may, at its discretion, extend the deadline for the submission of Applications by amending the Prequalification Document in accordance with ITA 8, in which case all rights and obligations of the Procuring Entity and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.

19 Late Applications

- 19.1** The Procuring Entity reserves the right to accept applications received after the deadline for submission of applications, unless otherwise specified in the **PDS**. If late applications will be accepted, they must be received not later than the date specified in the **TDS** after the deadline for submission of applications.

20. Opening of Applications

- 20.1** The Procuring Entity shall open all Applications at the date, time and place specified in the **PDS**. Late Applications shall be treated in accordance with ITA 19.1.
- 20.2** Applications submitted electronically (if permitted pursuant to ITA 17.1) shall be opened in accordance with the procedures specified in the **PDS**.
- 20.2** The Procuring Entity shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.

E. Procedures for Evaluation of Applications

21 Confidentiality

- 21.1** Information relating to the Applications, their evaluation and results of the prequalification shall not be disclosed to Applicants or any other persons not officially concerned with the prequalification process until the notification of prequalification results is made to all Applicants in accordance with ITA 28.
- 21.2** From the deadline for submission of Applications to the time of notification of the results of the prequalification in accordance with ITA 28, any Applicant that wishes to contact the Procuring Entity on any matter related to the prequalification process may do so only in writing.

22 Clarification of Applications

- 22.1** To assist in the evaluation of Applications, the Procuring Entity may, at its discretion, ask an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Procuring Entity and all clarifications from the Applicant shall be in writing.
- 22.1** If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Procuring Entity's request for clarification, its Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.

23 Responsiveness of Applications

- 23.1** The Procuring Entity may reject any Application which is not responsive to the requirements of the Prequalification Document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 21.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of the Applicant.

24 Margin of Preference

- 24.1** Unless otherwise specified in the **PDS**, a margin of preference shall not apply in the Tendering process resulting

from this prequalification.

25 Nominated Subcontractors

- 25.1 Unless otherwise stated in the PDS, the Procuring Entity does not intend to execute any specific elements of the works by sub-contractors selected in advance by the Procuring Entity (so-called “Nominated Subcontractors”).
- 25.2 The Applicant shall not propose to subcontract the whole of the Works or Goods. The maximum limit of subcontracting permitted under the contract may be specified by the Procuring Entity in the Tendering Document. The Procuring Entity, in ITA 25.2, may permit the Applicant to propose subcontractors for certain specialized parts of the contract as indicated there in as (“Specialized Subcontractors”). Applicants planning to use such Specialized Subcontractors shall specify, in the Application Submission Letter, the activity(ies) or parts of the Works proposed to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

F. Evaluation of Applications and Prequalification of Applicants

26 Evaluation of Applications

- 26.1 The Procuring Entity shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The Procuring Entity reserves the right to waive min or deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.
- 26.2 Subcontractors proposed by the Applicant shall be fully qualified and meet the minimum specific experience criteria as specified for their parts of the proposed contract for Works or Goods or non-consulting services. The subcontractor's qualifications shall not be used by the Applicant to qualify for the Works or Goods or non-consulting services unless their parts of the Works or Goods or non-consulting services were previously designated by the Procuring Entity in the PDS as can be met by Specialized Subcontractors, in which case:
- i) The Specialized Subcontractors shall meet the minimum qualification requirements specified in Section III, and
 - ii) the qualifications with respect to specific experience of the Specialized Subcontractor proposed by the Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation. Unless the Applicant has been determined prequalified on its own without taking into account the qualification and experience of the proposed specialized sub-contractor, the tender submitted by the Applicant shall include the same specialized sub-contractor failing which, such tender may be rejected unless a change in the specialized sub-contractor was requested by the Applicant and approved by the Procuring Entity subsequent to prequalification but before the tender submission deadline in accordance with ITA 30.
- 26.3 In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Procuring Entity shall prequalify each Applicant for each lot and for a combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements the Eligibility and Qualification Criteria.
- 26.4 Further, in the case of multiple contracts, the Procuring Entity will prepare the Eligibility and Qualification Criteria Form for items 3.1, 3.2, 4.2(a) and 4.2(b) for each Lot, to be completed by applicants.
- 26.5 Only the qualifications of the Applicant shall be considered. The qualifications of other firms, including the Applicant's subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 25.2 above) or any other firm(s) different from the Applicant shall not be considered.

27 Procuring Entity's Right to Accept or Reject Applications

- 27.1 The Procuring Entity reserves the right to accept or reject any Application, and to annul the prequalification process and reject all Applications at any time, without thereby incurring any liability to the Applicants.

28 Prequalification of Applicants

- 28.1 All Applicants whose Applications substantially meet or exceed the specified qualification requirements will be

prequalified by the Procuring Entity. The Procuring Entity shall notify all Applicants in writing of the names of those Applicants who have been prequalified or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately.

28.32 Applicants that have not been prequalified may write to the Procuring Entity to request, in writing, the grounds on which they were disqualified.

28 Invitation to Tender

29.1 Promptly after the notification of the results of the prequalification, the Procuring Entity shall invite Tenders from all the Applicants that have been prequalified or conditionally prequalified.

28.2 Applicants may be required to provide a Tender Security or a Tender-Securing Declaration acceptable to the Procuring Entity in the form and an amount to be specified in the tendering document.

28.3 The successful Applicant shall be required to provide a Performance Security as specified in the tendering document.

29 Changes in Qualifications of Applicants

30.1 Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to tender (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor whose qualifications were considered to prequalify the Applicant) shall be subject to the written approval of the Procuring Entity prior to the deadline for submission of Tenders. Such approval shall be denied if (i) a prequalified applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members; (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III (Qualification Criteria and Requirements); or (iii) in the opinion of the Procuring Entity, the change may result in a substantial reduction in competition. Any such change should be submitted to the Procuring Entity not later than fourteen (14) days after the date of the Invitation to Tender.

31 Procurement Related Complaints and Administrative Review

31.1 The procedures for making a Procurement-related Complaint are as specified in the PDS.

31.2 A request for administrative review shall be made in the form provided.

SECTION II - PREQUALIFICATION DATA SHEET (PDS)

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITA 1.1	<p>The Procuring Entity is: State Department for Fisheries, Aquaculture and the Blue Economy P.O. Box 58187 00200 NAIROBI</p> <p>The identification of the Invitation for Prequalification is: MOALF&C/SDFA&BE/4/2021-2022 - PRE-QUALIFICATION OF FIRMS FOR CONSTRUCTION OF PROPOSED HAZARD ANALYSIS CRITICAL CONTROL POINT(HACCP) COMPLIANT ULTRA MODERN TUNA FISH HUB AT LIWATONI MOMBASA COUNTY</p> <p>The particular type of contract is on _ PRE-QUALIFICATION OF FIRMS FOR CONSTRUCTION OF PROPOSED HACCP COMPLIANT ULTRA MODERN TUNA FISH HUB AT LIWATONI MOMBASA COUNTY</p> <p>The application is for PRE-QUALIFICATION OF FIRMS FOR CONSTRUCTION OF PROPOSED HACCP COMPLIANT ULTRA MODERN TUNA FISH HUB AT LIWATONI MOMBASA COUNTY</p> <p>Prequalification will be based on one contract.</p>
ITA 2	The Source of funds shall be The Government of Kenya _____
ITA 5.2	Maximum number of members in the JV shall be: <u> 5 </u>
B. Contents of the Prequalification Document	
	<p>For clarification purposes, the Procuring Entity's address is: State Department for Fisheries, Aquaculture and the Blue Economy</p> <p>Attention: Dr. F. O. Owino, PhD, CBS Principal Secretary State Department for Fisheries, Aquaculture and the Blue Economy P.O. Box 58187 00200 Nairobi Physical Address: Kilimo House, 6th floor NAIROBI</p> <p>OR</p> <p>Drop at Tender Box located at Maji House 3rd Floor NGONG ROAD</p> <p>Telephone:</p> <p>Electronic mail address: psfisheries@kilimo.go.ke</p> <p>Web page: www.tenders.go.ke, www.kilimo.go.ke</p>
ITA 8.2	<p>A pre-application meeting will be held on _____ N/A _____ at _____</p> <p>A pre-arranged Site visit will be held on _____ N/A _____ At _____</p>

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITA 8.3	Questions and requests for clarification made in writing or by email shall reach the Procuring Entity not later than 22 nd November,2021
ITA 8.5	Minutes of the pre-arranged site visit and those of the pre-proposal meeting at the web page _____ N/A _____
ITT 9.2	Addendum issued shall be published at the website _____ www.tenders.go.ke,www.kilimo.go.
ITA 8.2	Pre-Application Meeting will be held: [No]
C. Preparation of Applications	
ITA 12.1 (d)	<p>The Applicant shall submit with its Application, the following additional documents:</p> <ol style="list-style-type: none"> 1. <i>Certificate of Registration/Incorporation in the country of origin</i> 2. <i>Evidence of eligibility for construction works by the National Construction Authority of Kenya</i> 3. <i>Evidence of availability of technical personnel to undertake design, installation and construction services</i> 4. <i>Evidence of financial resources audited accounts, Bank references and supplier references for the works</i> 5. <i>Evidence of having constructed a tuna canning plant. Such evidence should include project completion certificates (attestations) and contact address, email and telephone of such clients.</i> 6. <i>Valid Tax registration Certificate by Kenya Revenue Authority for local contractors and Tax compliance certificate</i> <i>International bidders will be required to register with KRA after award of tender</i> 7. <i>Commitment of sourcing at least 40% of the supplies and process from the local market.</i> 8. <i>Original and three copies of the prequalification document</i> 9. <i>Works plan indicating completion period and milestones</i> 10. <i>For hard copy submissions, tape bound is required (book bound) tender document (loose document or spiral document shall be disqualified)</i> <i>Submitted prequalification document must be serialized (failure to serialize shall be automatically be disqualified)</i>
ITA 15.2(b)	The source for determining exchange rates is Central Bank of Kenya Website
ITA 16.2	In addition to the original, the number of copies to be submitted with the Application is: 3
D. Submission of Applications	
ITA 17.1	<p>The deadline for Application submission is: Date: 1ST November, 2021 Time: 1000 Hours For Application submission purposes only, the Procuring Entity's address is:</p> <p><i>Principal Secretary State Department for Fisheries, Aquaculture and the Blue Economy P.O. Box 58187 00200 Kilimo House NAIROBI</i></p>

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
	<p><i>OR</i></p> <p><i>Drop at Tender Box located at Maji House 3rd Floor NGONG ROAD</i></p> <p>Attention: Dr. F.O. Owino, (Ph.D), CBS Principal Secretary</p> <p>Address: Kilimo House Nairobi Country: <i>Kenya</i> Telephone: +254 2718870 Email address: <i>psfisheries@kilimo.go.ke</i> Applicants <i>shall</i> have the option of submitting their Applications electronically.</p> <p>The electronic Application submission procedures shall be: <i>via email-psfisheries@kilimo.go.ke</i></p>
ITA 18.1	Late Applications will be returned unopened to the Applicants.
ITA 19.1	The Procuring Entity will not accept late applications.
ITA 20.1	The opening of the Applications shall be on <i>1st November, 2021</i> <i>Nairobi Maji house 6th floor Boardroom at 1000Hrs</i>
ITA 20.2	<p>The electronic Application opening procedures shall be:</p> <hr/> <p>Opening official email provided and availing all submissions</p>
E. Procedures for Evaluation of Applications	
ITA 24.1	A margin of preference <i>shall</i> apply.
ITA 25.1	At this time the Procuring Entity <i>does not intend</i> to execute certain specific parts of the Works by sub-contractors selected in advance.
ITA 25.2	<p>The parts of the Works for which the Procuring Entity permits Applicants to propose Specialized Subcontractors are designated as follows:</p> <ol style="list-style-type: none"> i. Design of the tuna hub ii. Ice Plant iii. Fish meal plant iv. Waste water treatment plant v. General Construction vi. Fish landing jetty vii. Cold storage facility

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
	<p>viii. Auction market</p> <p>ix. Water treatment and storage facility</p> <p>For the above-designated parts of the Works that may require Specialized Subcontractors, the relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Applicant for the purpose of evaluation.</p>
ITA 31.1	<p>An Applicant wishes to make a Procurement-related Complaint, the Applicant should submit its complaint in writing (by the quickest means available, that is either by hand delivery or email), to:</p> <p>For the attention: <i>DR. F.O Owino</i></p> <p>Title/position: <i>Principal Secretary</i></p> <p>Procuring Entity: <i>State Department for Fisheries, Aquaculture and the Blue Economy</i></p> <p>Email address: <i>psfisheries@kilimo.go.ke</i></p> <p>In summary, at this stage, a Procurement-related Complaint may challenge any of the following:</p> <p>the terms of the Prequalification Documents; and</p> <p>the Procuring Entity's decision not to prequalify an Applicant.</p>

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
1. Eligibility							
1.1	Nationality	Nationality in accordance with ITA 6.1	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.2	Conflict of Interest	No conflicts of interest in accordance with ITA 5.6	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.3	Eligibility	Not declared ineligible by not meeting any of the conditions in ITA 5 and 6.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
1.4	State-owned Entity in Kenya	Applicant required to meet conditions of ITA 5.9	Must meet requirement	Must meet requirement	Must meet requirement	N / A	Forms ELI -1.1 and 1.2, with attachments
1.5	United Nations resolution or laws of Kenya	Not having been excluded as a result of prohibition in the laws of Kenya or official regulations against commercial relations with Kenya, or by an act of compliance with UN Security Council resolution, both in accordance with ITA 6.1 and 6.2 and Section V.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
2. Historical Contract Non-Performance							
2.1	History of Non-Performing Contracts	Non-performance of a contract ¹ did not occur as a result of contractor's default since 1st January 2005	Must meet requirement ¹	Must meet requirements	Must meet requirement ²	N/A	Form CON-2
2.2	Suspension Based on Execution of Tender/Proposal Securing Declaration by the Procuring Entity	Not under suspension based on execution of a Tender/Proposal Securing Declaration pursuant to ITA 5.10.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Letter
2.3	Pending Litigation	Applicant's financial position and prospective long-term profitability still sound according to criteria established in 3.1 below and assuming that all pending litigation will be resolved against the Applicant	Must meet requirement	N/A	Must meet requirement	N/A	Form CON – 2
2.4	Litigation History	No consistent history of court/arbitral award decisions against the Applicant ³ since 1st January 2005	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form CON – 2
3. Financial Situation and Performance							
3.1	Financial Capabilities	(i) The Applicant shall demonstrate that it has 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 300,000,000 <i>KENYA SHILLINGS</i> for the subject contract(s) net of the Applicants other commitments (ii) The Applicant shall also demonstrate, to the satisfaction of the Procuring Entity, that it has	Must meet requirement Must meet requirement	Must meet requirement Must meet requirement	N/A N/A	N/A N/A	Form FIN – 3.1, with attachments

¹ Nonperformance, as decided by the Procuring Entity, shall include all contracts where (a) nonperformance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Nonperformance shall not include contracts where Procuring Entity's decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the applicant have been exhausted.

² This requirement also applies to contracts executed by the Applicant as JV member.

³ The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of awards against the Applicant or any member of a joint venture may result in rejection of the Application.

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments. (iii) The audited balance sheets or, if not required by the laws of Kenya, other financial statements acceptable to the Procuring Entity, for the last three years shall be submitted and must demonstrate the current soundness of the Applicant's financial position and indicate its prospective long-term profitability.	Must meet requirement	N/A	Must meet requirement	N/A	
3.2	Average Annual Construction Turnover	Minimum average annual construction turnover of KENYA SHILLINGS 1,440,000,000 KENYA SHILLING one billion four hundred forty million], calculated as total certified payments received for contracts in progress and/or completed within the last <i>ten</i> years, divided by <i>ten</i> years	Must meet requirement	Must meet requirement	Must meet twenty %, of the requirement	N/A	Form FIN – 3.2
4. Experience							
4.1 (a)	General Construction Experience	Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last five years, starting 1 st January 2015	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 4.1
4.2 (a)	Specific Construction & Contract Management Experience	(i) A minimum number of one similar contract (tuna canary) specified below that have been satisfactorily and substantially ⁴ completed as a prime contractor, joint venture member ⁵ , management contractor or subcontractor between 1st January, 2005 and Application submission deadline:	Must meet requirement	Must meet requirement ⁶	N/A	N/A	Form EXP 4.2(a)
4.2 (b)		For the above and any other contracts [substantially completed and under implementation] as prime contractor, joint venture	Must meet requirements <i>Sub</i>	Must meet requirements <i>Sub</i>	N/A	N/A	Form EXP – 4.2 (b)

⁴ Substantial completion shall be based on 80% or more works completed under the contract.

⁵ For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, and role and responsibilities shall be considered to meet this requirement.

⁶ In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated.

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<p>member, or sub-contractor between 1st January 2005 and Application submission deadline, a minimum construction experience in the following key activities successfully completed⁷: handle total raw material of at least 25MT tuna per day.</p> <p><i>Under 4.2(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b) define the required capability of the Applicant to execute the Works. There shall not be any inconsistency or repetition of requirement between 4.2(a) and 4.2(b). For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12-month period in the specified period.]</i>⁸</p>	<p><i>contractors may be in the following areas: Design Ice Plant, Fresh and frozen plant, fish meal plant, water treatment and storage plant, waste water treatment plant, jetty fixtures</i></p>	<p><i>contractors may be in the following areas: Design Ice Plant, Fresh and frozen plant, fish meal plant, water treatment and storage plant, waste water treatment plant, jetty fixtures</i></p>			
4.3 (a)	Specific Management Experience in supply of goods	(i) A minimum number of <i>one</i> similar contracts specified below that have been satisfactorily and substantially ⁹ completed as a prime supplier, joint	Must meet requirement	Must meet requirement ¹¹	N/A	N/A	Form EXP 4.3(a)

⁷ Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period.

⁸ The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise.

⁹ Substantial completion shall be based on 80% or more works completed under the contract.

¹¹ In the case of JV, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated.

Eligibility and Qualification Criteria			Compliance Requirements				Document/ Form
No.	Subject	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirement
				All Members Combined	Each Member	One Member	
		<p>venture member ¹⁰, management contractor or subcontractor between 1st January 2005 and Application submission deadline:</p> <p>The similarity of the contracts shall be based on the following: <i>handle raw material of at least 25MT tuna per day</i></p>					
4.3 (b)		<p>For the above and any other contracts [substantially completed and under implementation] as prime supplier, joint venture member, or sub-contractor between 1st January 2005 and Application submission deadline, a minimum construction experience in the following key activities successfully completed¹²: <i>handle raw material of at least 25MT tuna per day</i></p> <p><i>Under 4.3(a), specified requirements define similarity of contracts, whereas the key activities or production rates to be specified under 4.2 (b) define the required capability of the Applicant to execute the Works. There shall not be any inconsistency or repetition of requirement between 4.3(a) and 4.3(b). For the rate of production, specify that the rate of production shall be on the basis of either the average during the entire specified period OR the rate of annual production in any 12-month period in the specified period.]¹³</i></p>	<p>Must meet requirements <i>[Specify activities that may be met through a specialized subcontractor, if permitted in accordance with ITA 25.2]</i></p>	<p>Must meet requirements <i>[Specify activities that may be met through a Specialized Subcontractor, if permitted in accordance with ITA 25.2]</i></p>	N/A	<p>Must meet the following requirements for key activities listed below <i>[if applicable, out of the key activities in the first column of this 4.3 b), list key activities (volume, number or rate of production as applicable) and the corresponding minimum requirements that have to be met by one member, otherwise this cell should state: "N/A".]</i></p>	Form EXP – 4.2 (b)

¹⁰ For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant's share, by value, and role and responsibilities shall be considered to meet this requirement.

¹² Volume, number or rate of production of any key activity can be demonstrated in one or more contracts combined if executed during same time period.

¹³ The minimum experience requirement for multiple contracts will be the sum of the minimum requirements for respective individual contracts, unless specified otherwise.

SECTION IV- APPLICATION FORMS

1. Application Submission Letter

Date:*[insert day, month, and year]*

ITT No. and title: *[insert ITT number and title]*

To:*[insert full name of Procuring Entity]* We, the undersigned, apply to be prequalified for the referenced ITT and declare that:

- a) No reservations: We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s), issued in accordance with ITA 8: *[insert the number and issuing date of each addendum]*.
- b) No conflict of interest: We have no conflict of interest in accordance with ITA 5.7;
- c) Eligibility: We (and our subcontractors) meet the eligibility requirements as stated ITA 5, we have not been suspended by the Procuring Entity based on execution of a Tender/Proposal-Securing Declaration in accordance with ITA 5.8;

Suspension and Debarment: We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the PPRA. Further, we are not ineligible under the Kenya laws or official regulations or pursuant to a decision of the United Nations Security Council;

State-owned enterprise or institution: *[select the appropriate option and delete the other]* *[We are not a state-owned enterprise or institution]* / *[We are a state-owned enterprise or institution but meet the requirements of ITA5.9]*;

- f) Subcontractors and Specialized Subcontractors: We, in accordance with ITA 24.2 and 25.2, plan to subcontract the following key activities and/or parts of the works or supply contracts: *[Insert any of the key activities identified in Section III-4.2 (a) or (b) or 4.3(a) or (b) which the Procuring Entity has permitted under the Prequalification Document and which the Applicant intends to subcontract along with complete details of the Specialized Subcontractors, their qualification and experience]*

- g) Commissions, gratuities, fees: We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process, the corresponding Tendering process or execution of the Contract:

<u>Name of Recipient</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>
<i>[insert full name for each occurrence]</i>	<i>[insert street/ number/city/country]</i>	<i>[indicate reason]</i>	<i>[specify amount currency, value, exchange rate and KENYA SHILLING equivalent]</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[If no payments are made or promised, add the following statement: "No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application"]

- (h) Not bound to accept: We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any Application that you may receive nor to invite the prequalified Applicants to Tender for the contract subject of this Prequalification process, without incurring any liability to the Applicants, in accordance with ITA 26.1.
- (i) True and correct: All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

Signed.....*[insert signature(s) of an authorized representative(s) of the Applicant]*

Name*[insert full name of person signing the Application]*

In the capacity of *[insert capacity of person signing the Application]*

Duly authorized to sign the Application for and on behalf of: Applicant's Name..... *[insert full name of Applicant or the name of the JV]*

Address *[insert street number/town or city/country address]*

Dated on*[insert day number] day of [insert month], [insert year]*

[For a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached]

2 Form ELI -1.1 - Applicant Information Form

Date: [insert day, month, year]

ITT No. and title: [insert ITT number and title]

Page.....[insert page number] of [insert total number] pages

Applicant's name <i>[insert full name]</i>
In case of Joint Venture (JV), name of each member: <i>[insert full name of each member in JV]</i>
Applicant's actual or intended country of registration: <i>[indicate country of Constitution]</i>
Applicant's actual or intended year of incorporation: <i>[indicate year of Constitution]</i>
Applicant's legal address [in country of registration]: <i>[insert street/ number/ town or city/ country]</i>
Applicant's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or documents of registration of the legal entity named above, in accordance with ITA 5.6. <input type="checkbox"/> In case of JV, letter of intent to form JV or JV agreement, in accordance with ITA 5.3. <input type="checkbox"/> In case of state-owned enterprise or institution, in accordance with ITA 5.9 documents establishing: Legal and financial autonomy Operation under commercial law Establishing that the Applicant is not under supervision of the Procuring Entity
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

3. Form ELI-1.2 - Applicant's JV Information Form

[The following form is additional to Form ELI-1.1., and shall be completed to provide information relating to each JV member (incase the Applicant is a JV) as well as any Specialized Subcontractor proposed to be used by the Applicant for any part of the Contract resulting from this prequalification]

Date: *[insert day, month, year]*

ITT No. and title: *[insert ITT number and title]*

Page.....*[insert page number]* of *[insert total number]* pages

Applicant name: <i>[insert full name]</i>
Applicant's JV Member's name: <i>[insert full name of Applicant's JV Member]</i>
Applicant's JV Member's country of registration: <i>[indicate country of registration]</i>
Applicant JV Member's year of constitution: <i>[indicate year of constitution]</i>
Applicant JV Member's legal address in country of constitution: <i>[insert street/ number/ town or city/ country]</i>
Applicant JV Member's authorized representative information Name: <i>[insert full name]</i> Address: <i>[insert street/ number/ town or city/ country]</i> Telephone/Fax numbers: <i>[insert telephone/fax numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are copies of original documents of <input type="checkbox"/> Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity named above, in accordance with ITA 5.6 <input type="checkbox"/> In case of a state-owned enterprise or institution, documents establishing legal and financial autonomy, operation in accordance with commercial law, and they are not under the supervision of the Procuring Entity, in accordance with ITA 5.9.
2. Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.

4. Form CON 2 - Historical Contract Non-Performance, and Pending Litigation and Litigation History

[The following table shall be filled in for the Applicant and for each member of a Joint Venture]

Applicant's Name: [insert full name]
 Date: [insert day, month, year]
 Joint Venture Member's Name: [insert full name]
 ITT No. and title: [insert ITT number and title]
 Page [insert page number] of [insert total number] pages

Non-Performed Contracts in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> Contract non-performance did not occur since 1 st January [insert year] specified in Section III, Qualification Criteria and Requirements, Sub-Factor 2.1. <input type="checkbox"/> Contract(s) not performed since 1 st January [insert year] specified in Section III, Qualification Criteria and Requirements, requirement 2.1			
Year	Non-performed portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and KENYA SHILLING equivalent)
[insert year]	[insert amount and percentage]	Contract Identification: [indicate complete contract name/number, and any other identification] Name of Procuring Entity: [insert full name] Address of Procuring Entity: [insert street/city/country] Reason(s) for nonperformance: [indicate main reason(s)]	[insert amount]
Pending Litigation, in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3. <input type="checkbox"/> Pending litigation in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.3 as indicated below.			
Year of dispute	Amount in dispute (currency)	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)
[insert year]	[insert amount]	Contract Identification: [indicate complete contract name, number, and any other identification] Name of Procuring Entity: [insert full name] Address of Procuring Entity: [insert street/city/country] Matter in dispute: [indicate main issues in dispute] Party who initiated the dispute: [indicate "Procuring Entity" or "Contractor"] Status of dispute: [Indicate if it is being treated by the Adjudicator, under Arbitration or being dealt with by the Judiciary]	[insert amount]
Litigation History in accordance with Section III, Qualification Criteria and Requirements			
<input type="checkbox"/> No Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4. <input type="checkbox"/> Litigation History in accordance with Section III, Qualification Criteria and Requirements, Sub-Factor 2.4 as indicated below.			
Year of award	Outcome as percentage of Net Worth	Contract Identification	Total Contract Amount (currency), USD Equivalent (exchange rate)

<i>[insert year]</i>	<i>[insert percentage]</i>	<p>Contract Identification: [indicate complete contract name, number, and any other identification]</p> <p>Name of Procuring Entity: <i>[insert full name]</i></p> <p>Address of Procuring Entity: <i>[insert street/city/country]</i></p> <p>Matter in dispute: <i>[indicate main issues in dispute]</i></p> <p>Party who initiated the dispute: <i>[indicate "Procuring Entity" or "Contractor"]</i></p> <p>Reason(s) for Litigation and award decision <i>[indicate main reason(s)]</i></p>	<i>[insert amount]</i>
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5. Form FIN – 3.1 - Financial Situation and Performance

Financial Situation and Performance

[The following table shall be filled in for the Applicant and for each member of a Joint Venture]

Applicant's Name: [insert full name]

Date: [insert day, month, year]

Joint Venture Member Name: [insert full name]

ITT No. and title: [insert ITT number and title]

Page..... [insert page number] of [insert total number] pages

1. Financial data

Type of Financial information in (currency)	Historic information for previous <i>[insert number]</i> years, <i>[insert in words]</i> (amount in currency, currency, exchange rate*, USD equivalent)				
	Year 1	Year 2	Year 3	Year4	Year 5
Statement of Financial Position (Information from Balance Sheet)					
Total Assets (TA)					
Total Liabilities (TL)					
Total Equity/Net Worth (NW)					
Current Assets (CA)					
Current Liabilities (CL)					
Working Capital (WC)					
Information from Income Statement					
Total Revenue (TR)					
Profits Before Taxes (PBT)					
Cash Flow Information					
Cash Flow from Operating Activities					

* Refer ITA 14 for the exchange rate

5.2 Sources of Finance

[The following table shall be filled in for the Applicant and all parties combined in case of a Joint Venture]

Specify sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.

No.	Source of finance	Amount (Kenya shilling equivalent)
1		
2		
3		

5.3 Financial documents

The Applicant and its parties shall provide copies of financial statements for *[number]* years pursuant Section III, Qualifications Criteria and Requirements, Sub-factor 3.1. The financial statements shall:

- a) reflect the financial situation of the Applicant or in case of JV member, and not an affiliated entity (such as parent company or group member).
 - b) Be independently audited or certified in accordance with local legislation.
 - c) Be complete, including all notes to the financial statements.
 - d) Correspond to accounting periods already completed and audited.
- Attached are copies of financial statements¹ for the *[number]* years required above; and complying with the requirements

¹If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, the reason for this should be justified.

6 Form FIN - 3.2 - Average Annual Construction Turnover

[The following table shall be filled in for the Applicant and for each member of a Joint Venture] Applicant's

Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page.....*[insert page number]* of*[insert total number]* pages Table A (Complete if Contractor)

Annual turnover data (construction only)			
Year	Amount Currency	Exchange rate*	USD equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Construction Turnover **	

* Refer ITA 14 for date and source of exchange rate.
 ** Total Kenya shilling equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, 3.2.

Table B (Complete if Supplier)

Annual turnover data (Supply contracts)			
Year	Amount Currency	Exchange rate*	USD equivalent
<i>[indicate calendar year]</i>	<i>[insert amount and indicate currency]</i>		
		Average Annual Construction Turnover **	

Refer ITA 15 for date and source of exchange rate.

** Total Kenya shilling equivalent for all years divided by the total number of years. See Section III, Qualification Criteria and Requirements, 3.2.

7 Form EXP - 4.1 - General Construction

[The following table shall be filled in for the Applicant and in the case of a JV Applicant, each Member]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page *[insert page number]* of *[insert total number]* pages

[Identify contracts that demonstrate continuous construction work over the past [number] years pursuant to Section III, Qualification Criteria and Requirements, Sub-Factor 4.1. List contracts chronologically, according to their commencement (starting) dates.]

Starting Year	Ending Year	Contract Identification	Role of Applicant
<i>[indicate year]</i>	<i>[indicate year]</i>	Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KENYA SHILLING equivalent*]</i> Name of Procuring Entity: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and KENYA SHILLING equivalent*]</i> Name of Procuring Entity: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>
		Contract name: <i>[insert full name]</i> Brief Description of the Works performed by the Applicant: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in currency, mention currency used, exchange rate and Kenya shillings equivalent*]</i> Name of Procuring Entity: <i>[indicate full name]</i> Address: <i>[indicate street/number/town or city/country]</i>	<i>[insert "Prime Contractor" or "JV Member" or "Sub-contractor" or "Management Contractor"]</i>

* Refer ITA 15 for date and source of exchange rate.

8 Form EXP - 4.2(a) - Specific Construction and Contract Management Experience

[The following table shall be filled in for contracts performed by the Applicant, each member of a Joint Venture, and Specialized Sub-contractors]

Applicant's Name: *[insert full name]*

Date: *[insert day, month, year]*

Joint Venture Member Name: *[insert full name]*

ITT No. and title: *[insert ITT number and title]*

Page..... *[insert page number]* of..... *[insert total number]* pages

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information			
Contract Identification	<i>[insert contract name and number, if applicable]</i>			
Award date	<i>[insert day, month, year, e.g., 15 June, 2015]</i>			
Completion date	<i>[insert day, month, year, e.g., 03 October, 2017]</i>			
Role in Contract <i>[check the appropriate box]</i>	Prime Contractor <input type="checkbox"/>	Member JV <input type="checkbox"/>	in Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		KENYA SHILLING <i>[insert Exchange rate and total contract amount in KENYA SHILLING equivalent] *</i>	
If member in a JV or sub-contractor, specify share in value in total Contract amount and roles and responsibilities	<i>[insert percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert exchange rate and total contract amount in KENYA SHILLING equivalent] *</i>	
	<i>[insert roles and responsibilities]</i>			
Procuring Entity's Name:	<i>[insert full name]</i>			
Address:	<i>[indicate street / number / town or city / country]</i>			
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>			
E-mail:	<i>[insert e-mail address, if available]</i>			

9 Form EXP - 4.2(a) (cont.) - Specific Construction and/or Contract Management Experience

(cont.)

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information
Description of the similarity in accordance with Sub-Factor 4.2(a) of Section III:	
1. Amount	<i>[insert amount in local currency, exchange rate, KENYA SHILLING in words and in Figures]</i>
2. Physical size of required works items	<i>[insert physical size of items]</i>
3. Complexity	<i>[insert description of complexity]</i>
4. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
5. Construction rate for key activities	<i>[insert rates and items]</i>
6. Other Characteristics	<i>[insert other characteristics as described in Section VII, Scope of Works]</i>

10 Form EXP - 4.2(b) - Construction Experience

Applicant's Name: [insert full name]

Date: [insert day, month, year]

Applicant's JV Member's Name: [insert full name]

Sub-contractor's Name..... (as per ITA 24.2 and 24.3): [insert full name]

ITT No. and title: [insert ITT number and title]

Page.....[insert page number] of..... [insert total number] pages

All Sub-contractors for key activities must complete the information in this form as per ITA 24.2 and 24.3 and Section III, Qualification Criteria and Requirements, 4.2.

1. Key Activity No. One: [insert brief description of the Activity, emphasizing its specificity] Total Quantity of Activity under the contract: _____

	Information			
Contract Identification	[insert contract name and number, if applicable]			
Award date	[insert day, month, year, e.g., 15 June, 2015]			
Completion date	[insert day, month, year, e.g., 03 October, 2017]			
Role in Contract [check the appropriate box]	Prime Contractor <input type="checkbox"/>	Member JV <input type="checkbox"/>	in Management Contractor <input type="checkbox"/>	Sub-contractor <input type="checkbox"/>
Total Contract Amount	[insert total contract amount in contract currency(ies)]		KENYA SHILLING [insert exchange rate and total contract amount in KENYA SHILLING equivalent]	
Quantity (Volume, number or rate of production, as applicable) performed under the contract per year or part of the year [Insert extent of participation indicating actual quantity of key activity successfully completed in the role performed]	Total quantity in the contract (i)	Percentage participation (ii)		Actual Quantity Performed (i) x (ii)
Year 1				
Year 2				
Year 3				
Year 4				
Procuring Entity's Name:	[insert full name]			
Address: Telephone/fax number E-mail:	[indicate street / number / town or city / country] [insert telephone/fax numbers, including country and city area codes] [insert e-mail address, if available]			

2. Activity No. Two

3.

	Information
Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III:	
	<i>[insert response to inquiry indicated in left column]</i>

PART 2 - WORKS REQUIREMENTS

SECTION V - SCOPE OF WORKS

1. Description of the Works or Supply contract.
 2. Construction Period
 3. Site and Other Data.
-

Scope of Work

The tenderer is required to respond to the design notes to be supplied and propose delivery of a design of tuna fish hub, and construction of indicated facilities, that is HACCP compliant for:

1. Architectural, engineering and plant layout designs for the Tuna Fish Hub;
2. Design specifications for all items in the design scope;
3. Bills of Quantities/ Schedule of works and rates for the works;
4. Schedule of machinery, plant and equipment relevant for operationalization of the plants to be constructed;
5. Program for delivery and work methodology of the project;
6. Certification and approval procedures for the work process;
7. HACCP certification and EU establishment plant listing;
8. Training and transfer of technology to Kenya citizens in the operation of the identified plants in the hub to be constructed by the contractor;
9. Completion and handover; and
10. Warranties, maintenance and release from performance.

a) Design of the Ultra-Modern tuna fish hub, including.

- i. Design of the layout of the entire ultra-modern tuna fish hub at Liwatoni, including locations and sizes of each plant in the hub;
- ii. Architectural, engineering and associated drawings of all plant and facilities in the Hub;
- iii. Determination of necessary renovation of existing jetty, and design the detailed layout and equipment for the modern jetty capable offloading 70,000 MT per year (300 MT of fish per day) from the existing jetty of 125 meters;
- iv. Design of a modular ice making plant with at least two complete ice making plants, with a cumulative capacity of 100 MT per day;
- v. Design of a modular cold storage facility (cold storage rooms of minimum 250MT and maximum 500MT) with a combined capacity of 10,000 MT with a minimum temperature range of minus 4deg C, minus 25deg C, minus 45deg C, and minus 60degC.
- vi. Design of a modular fresh and frozen fish processing plant with a capacity of 100MT per day, of which 80% will be tuna and tuna like species, and 20% will be other species. This factory should be designed as integral part of the tuna cannery process;

- vii. Design of a 50 MT per day cooked tuna loins and tuna canning plant (100 MT per day whole fish processing capacity per day).
- viii. Design of a modular fish meal and feed plant with a capacity of 50 MT raw material per day;
- ix. Design of a wastewater treatment plant with capacity to handle wastewater from a 100 MT per day raw material fish processing plant;
- x. Design of potable water storage and treatment plant for raw material of 100 MT per day fish processing plant;
- xi. Design and establish the required power demand for the hub, including Power supply from Grid, standby generators and Grid-Tied solar system (without backup battery) to be utilized only during daylight;
- xii. Design of a 500 square meters net repair and net making facility;
- xiii. Design of 20-stall fish marketing and fish auction facility;
- xiv. Design of a 2-million-liter marine fuels bunkering facility;
- xv. Design of administration offices for key personnel required to operationalize the Hub;

After the approval of the designs as indicated above, the contractor shall be expected to: -

b) Build the facilities below as designed and approved above;

- i. A modular cold storage facility (cold storage rooms of minimum 250MT and maximum 500MT) with a combined capacity of 2,000 MT with a minimum temperature range of minus 4deg C (one store), minus 25deg C (three stores).
- ii. A modular fresh and frozen fish processing plant with a capacity of 50 MT per day, of which 80% will be tuna and tuna like species, and 20% will be other species. This factory should be an integral part of the tuna cannery facilities, and may be used for other fishery species;
- iii. A 25 MT per day tuna cooked loins and tuna canning plant.

c) Supply equipment in the approved designs, according to the following scopes of installations;

	FACILITY	Scope of Installation
1	Jetty Fixtures	Design
2	Flake ice making plant	Design
3	Cold storage facilities	Total 2,000 MT cold storage capacity
4	Fresh and frozen fish processing plant	Plant for 50 MT raw material capacity per day
5	Tuna loining and canning plant	Plant for 25 MT fish loins/fish ready for canning per day
6	Fish meal & feed plant	Design
7	Fish market and auction centre	Design

8	Wastewater treatment plant	Design
9	Water treatment and storage facility	Design
10	Roads, drainage, CCTV, fire protection and external reticulation.	Design
11	Power Reticulation and Distribution	Design
12	Solar Power Generation	Design
13	Power Supply substation	Design
14	Standby Power generators	Design
15	Fishing nets repair facility	Design
16	Diesel fuel bunkering and supply facility (2 million litres)	Design

- d) **Installation of all supplied equipment to the approval of the Project Manager;**
- e) **Testing and commissioning of ultra-modern tuna fish hub;**
- f) **HACCP certification and EU establishment listing; and**
- g) **Training of staff responsible for operation of each installed plant in the Hub.**

NOTE: The client may vary the scope of facilities to be constructed and equipped under this prequalification document. The contractor/ supplier will provide designs of architectural layout, structural and other engineering designs of the buildings and equipment layout for all plants in the hub. The supplier will construct the buildings to comply with approved drawings. All designs, buildings and installed plant should be compliant to HACCP (Hazard Analysis Critical Control Point) System.

DESIGN NOTES

NOTE

These design notes should be considered as suggestions. Bidders are at liberty to modify them as appropriate to ensure they deliver throughputs provided.

The bidder should ensure that all goods and materials to be incorporated in the works are new, unused and the design incorporates latest most recent or current models and incorporates all recent improvements in design and materials

1. Summary

- a. Total raw materials to be landed at the hub: at least 70,000MT fish per annum;
- b. At peak operations of the Hub, this raw material is expected to be at about 80% tunas and tuna-likes (skipjack, yellowfin, bigeye), and 20% other species. Operation capacities may vary depending on the season.
- c. The main sources of fish are expected to be:
 - i. Industrial vessels (EEZ and international waters) (90% of total raw material). This fish is expected to arrive at the jetty and to remain in the condition received as indicated below:
 - (a) Frozen whole-round (minus 25°C & minus 45°C) (mainly purse seiners)
 - (b) Frozen headed & gutted (H&G) (minus 25°C, minus 45°C & minus 60°C) (mainly longlines and pole and line vessels)
 - ii. Artisanal and semi-industrial vessels fishers
(10% of total raw material)
 - Fresh fish on melting ice (0°C)
- d. Hub processing capacity: 100 MT/day raw fish, of which
 - i. 70% will be canned or cooked fishery products
 - ii. 30% will be fresh and frozen products

- e. Final products:
 - i. Whole-round small fishes (sardine-like and other small fish species) (fresh and frozen)
 - ii. Whole gutted fishes (fresh and frozen);
 - iii. Headed and gutted (H&G) fish fresh and frozen;
 - iv. Fish fillets (skin-on, skin-off) (fresh and frozen);
 - v. Tuna loins (fresh and frozen);
 - vi. Cooked tuna loins;
 - vii. Pouched (retorted) fish;
 - viii. Canned fish (mainly tuna and other species); and
 - ix. Fish meal & feed

- f. Main markets:
 - i. Export: EU, Japan, USA, Africa and other destinations;
 - ii. Local market (at the hub fish market, fish markets in the country)

- g. HACCP Compliance:
 - i. Contractor will be required to deliver hub facilities that meets prerequisites for HACCP Certification such as Good Manufacturing Practice (GMP) and Good Hygiene Practices (GHP)
 - ii. The contractor will be required to undertake post-construction maintenance of the constructed hub facilities during the defects and liability period during when completion of other designed facilities and HACCP Certification is expected to be completed.

- h. Reference designs:
 - i. The contractor is at liberty to modify the process flow and reorganize spaces required for each plant as appropriate, subject to approval by the client.
 - ii. The process flow/layout will dictate the provisions / utilization of spaces and ensuing architectural designs.

- i. Proposed mode of operation:
 - i. The contractor is required to indicate optimum number of personnel required to operationalize each plant in the hub.
 - ii. The contractor is required to train key personnel required to operate plants established under this tender.

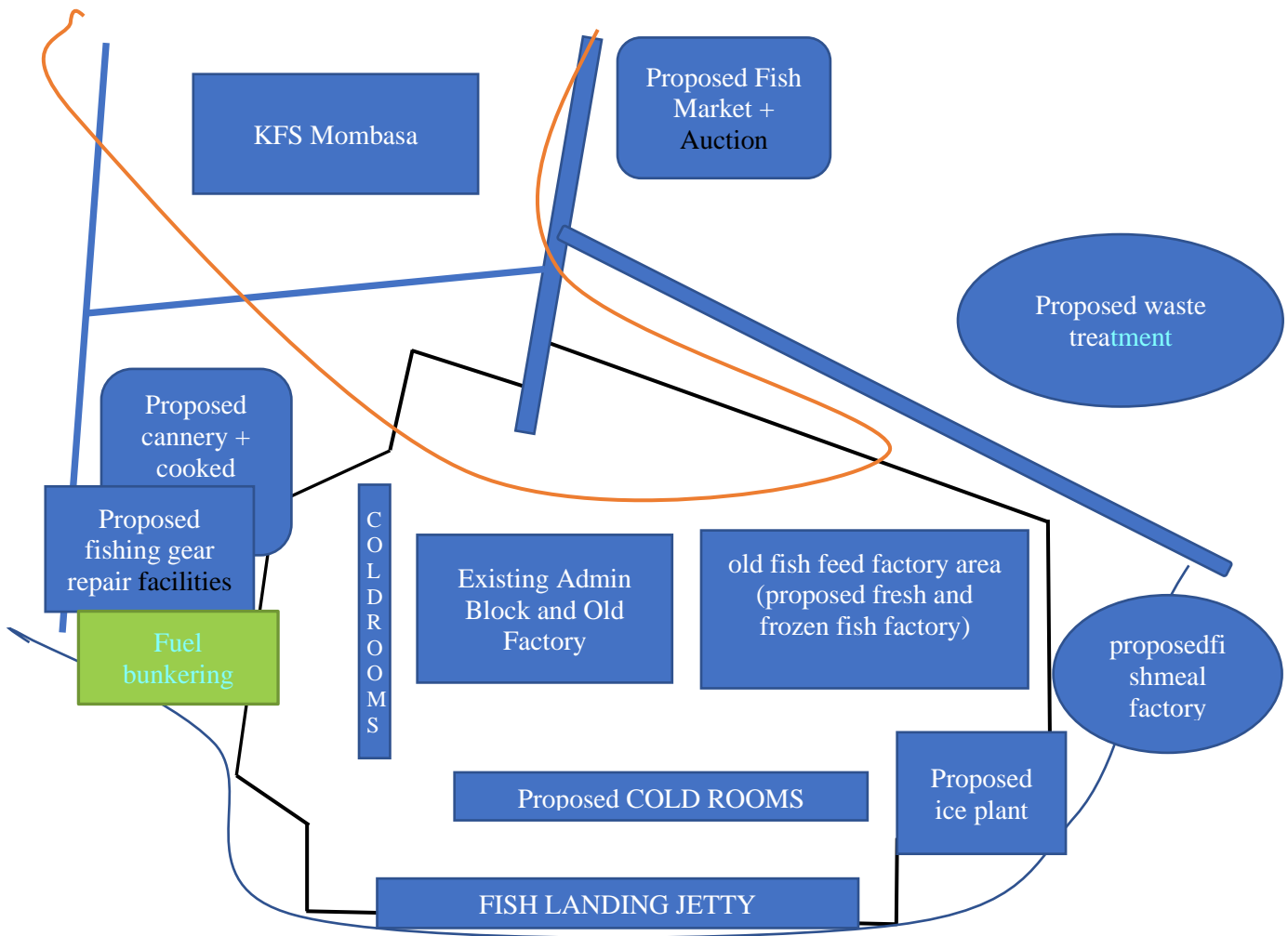
The hub shall consist of the following:

1. A jetty for loading and offloading fish
2. Ice making plant
3. Cold storage facilities
4. Fresh and frozen fish processing plant
5. Tuna loining and canning plant
6. Fish meal & feed plant
7. Fish market and auction centre
8. Fishing gear repair facility
9. Fuel bunkering facility
10. Wastewater treatment plant
11. Water treatment and storage facility
12. Power supply from Grid, standby generators and Grid-Tied solar system. associated internal and external electrical installations
13. General administration/regulatory offices

2. Jetty Design:

- a. The existing fish landing jetty should be designed to land at least 70,000 MT of fish per year (at least 300 MT fish per day), from
 - i. Purse seiner fishing vessels
 - ii. Longliner fishing vessels
 - iii. Pole and line fishing vessels

Fig 1: Proposed Liwatoni Tuna Fisheries Hub Layout



- b. The 70,000 MT landings per year will be stored at the cold storage facilities in the hub:
 - i. For further processing at Liwatoni Hub factory; and
 - ii. For private sector fishing companies wishing to process their fish in their factories.
- c. The Priority in this contract will be to install efficient fish offloading facilities to reduce the turn-around-time for fishing vessels at the jetty. These facilities include:
 - i. Conveyor belts and lifts for moving large fish from ship holds;
 - ii. Fish suction system for small fish sizes;
 - iii. Potable water connections;
 - iv. Marine Fuel pipping connections;
 - v. Ice conveyor systems to the ships;
 - vi. Supplies (food, other consumables and repair and maintenance materials) conveyor belts to the vessels;
 - vii. Shore power connection facilities for vessels
 - These fixtures should be flexible, allowing for movement and mounting on different sizes of vessels.
 - These jetty fixtures shall form part of installations in this contract.
- d. Assessment of jetty and sea walls: The contractor will assess the condition of the jetty & sea walls, reinforce and protect them as necessary.
- e. The contractor should note that a Tsunami early warning /seismic detection equipment is installed on the Jetty. This equipment should not be interfered with.

2. Ice plant:

- a. This should be located in the proximity of the jetty area (see site layout).
- b. To mitigate against downtime, the ice plant should be composed of more than one ice making machine, with a combined total output of 100 MT of ice per day.
- c. The ice should be conveyed conveniently to:
 - i. The fresh and frozen fish factory. At least 100 MT ice will be required by the factory, and its associated facilities such as fishmeal plant and cannery.
 - ii. The jetty for loading onto fishing vessels; and
 - iii. The fish receiving area for ease of loading into vehicles transporting ice to artisanal landing sites along the coast.
- d. The Ice plant shall be constructed as part of installations in this contract

3. Cold storage facility:

- a. The raw material and finished products cold storage infrastructure should extend from the jetty area (area of EEZ fish arrival), to near the entrance of the Hub (point of supply of fish by artisanal fishers, and dispatch of fish from jetty to other processing factories) (L-shaped cold storage facilities infrastructure – see site layout).
- b. The total designed raw material storage capacity should be at least 10,000MT, comprising:
 - 14 units of minus 25°C cold stores in the jetty area with a total capacity of 7,000 MT located in the area of the Jetty;
 - Two unit of minus 60°C cold store in the jetty area with total capacity of 500 MT located in the jetty area; and
 - Three unit of minus 45°C cold store with total capacity of 1500 MT, located near the jetty area;
 - Two unit of minus 4°C with total capacity of 1000 MT located near the dispatch area for fresh fish with an associated facility for de-icing fish from artisanal fishers before cold storage.
- c. The cold stores shall:
 - i. Be in modular and interconnected compartments to minimize on energy use;
 - ii. Provide for ease of placement/removal of fish from any corner of the stores;
 - iii. Provide for conveyor belts and forklifts movement of fish from cold stores to processing or dispatch areas.

4. Fresh and frozen fish processing facility:

- a. This facility shall process the following products:
 - i. Whole-round small fishes (sardine-like and other small fish species) (fresh and frozen)
 - ii. Whole gutted fishes (fresh and frozen);
 - iii. Headed and gutted (H&G) fish, fresh and frozen;
 - iv. Fish fillets (skin-on, skin-off) (fresh and frozen);
 - v. Tuna loins (fresh and frozen);
- b. The processing flow and layout of the factory is as per the figure below:
 - i. The contractor is at liberty to modify the process flow and reorganize spaces required for each plant as appropriate.
 - ii. The process flow/layout will dictate the provision of spaces and ensuing architectural designs.

Fig 2: Processing Flow Diagram – Fish Fillets (Fresh/Frozen)

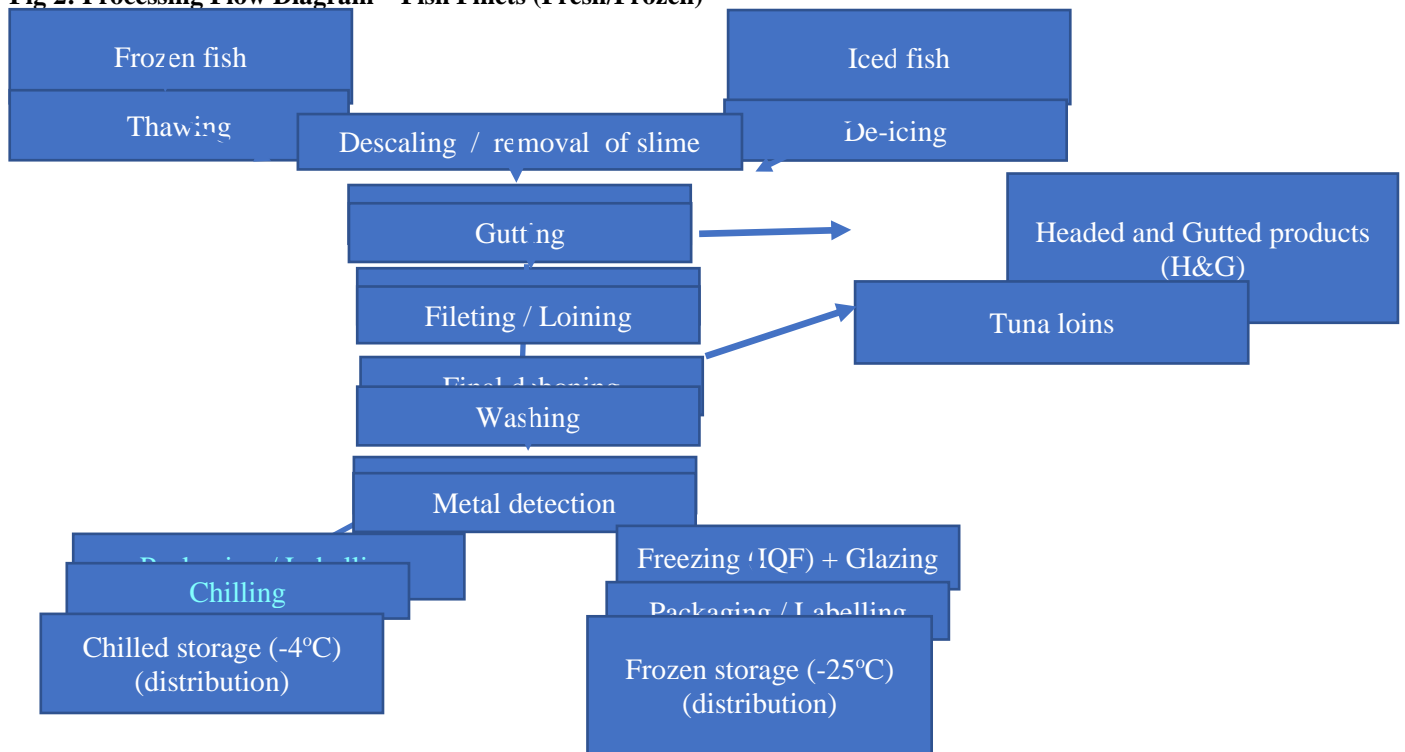
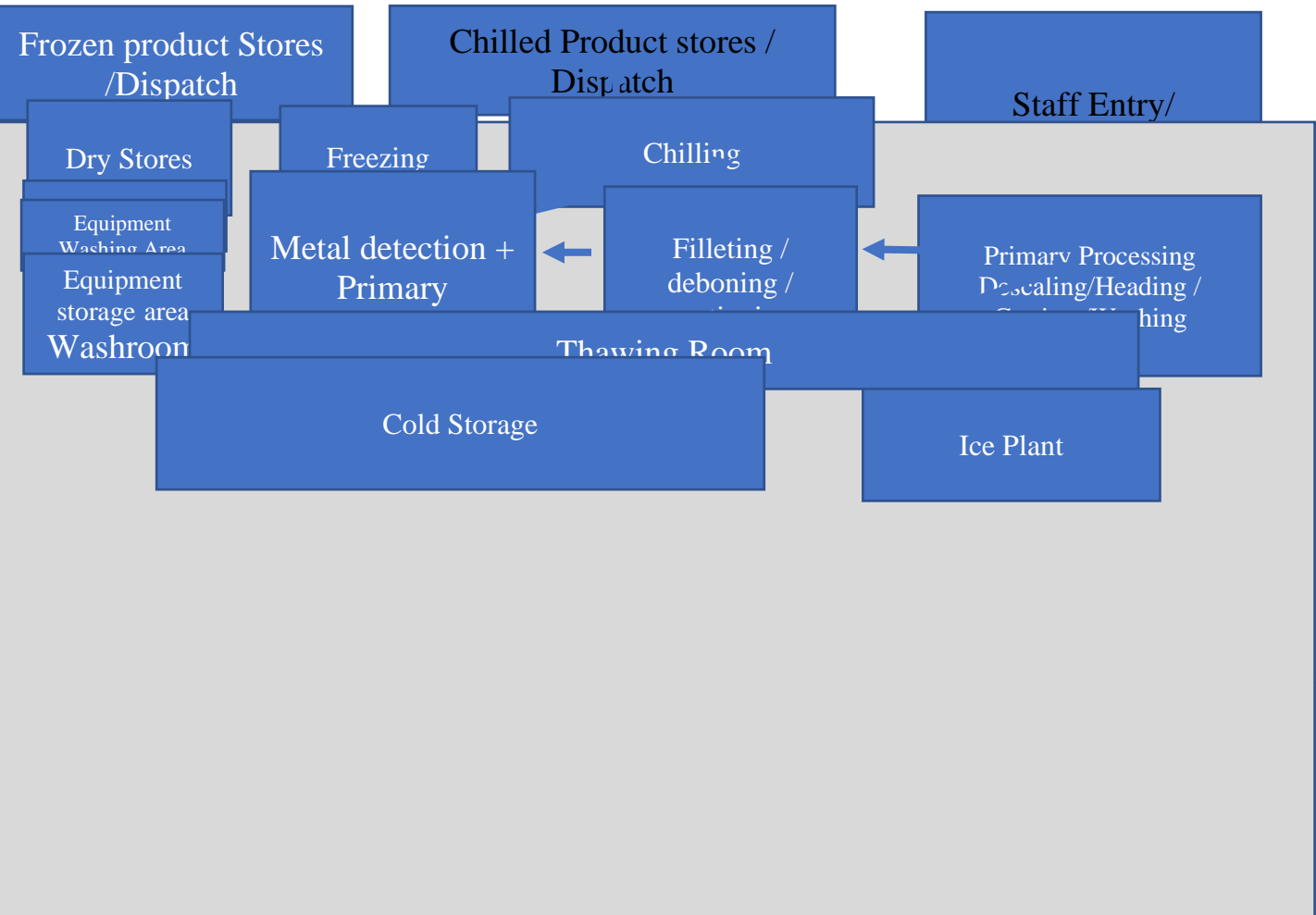


Fig 3: Proposed Factory Layout – Frozen and Fresh Fish Fillets



ow:

Fig 4: Fishmeal and animal feed factory flow diagram

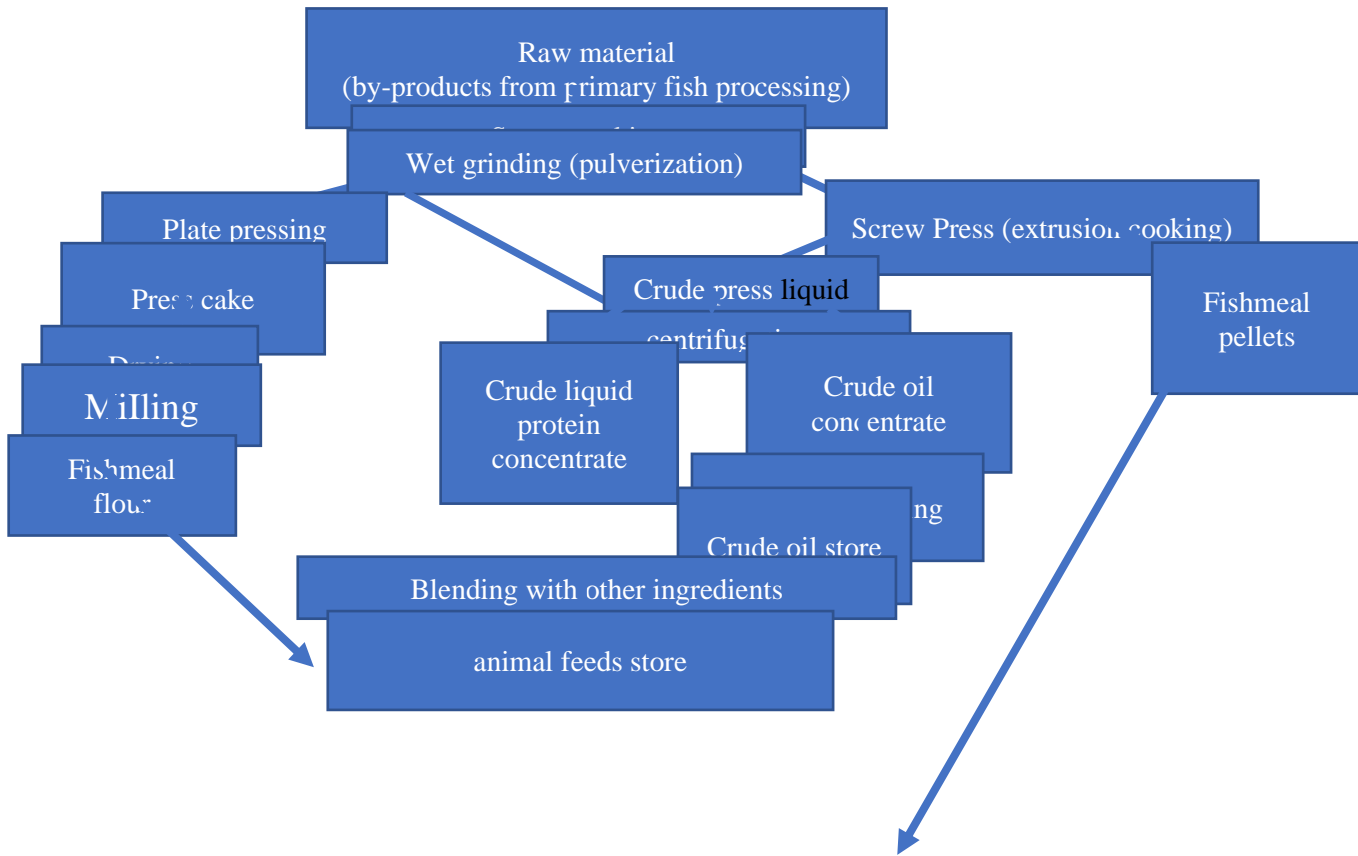


Fig 5: Tuna Canning and cooked Loins – Flow Diagram

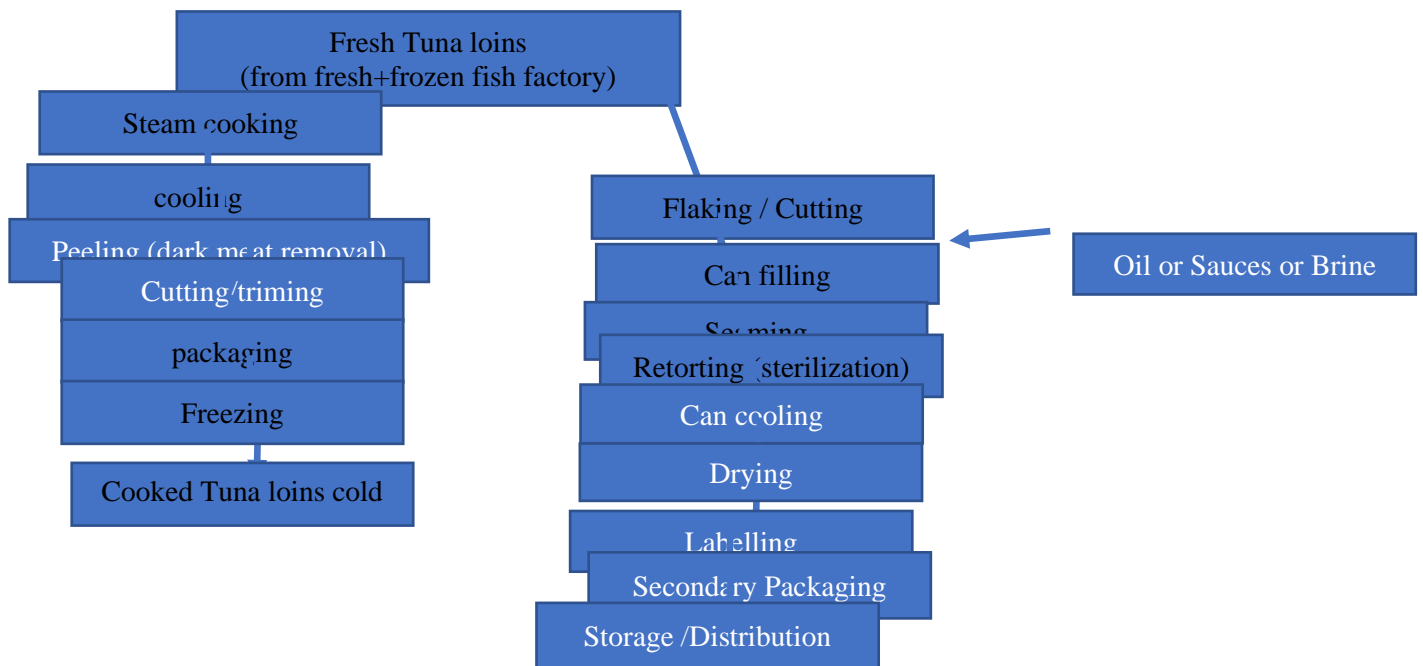
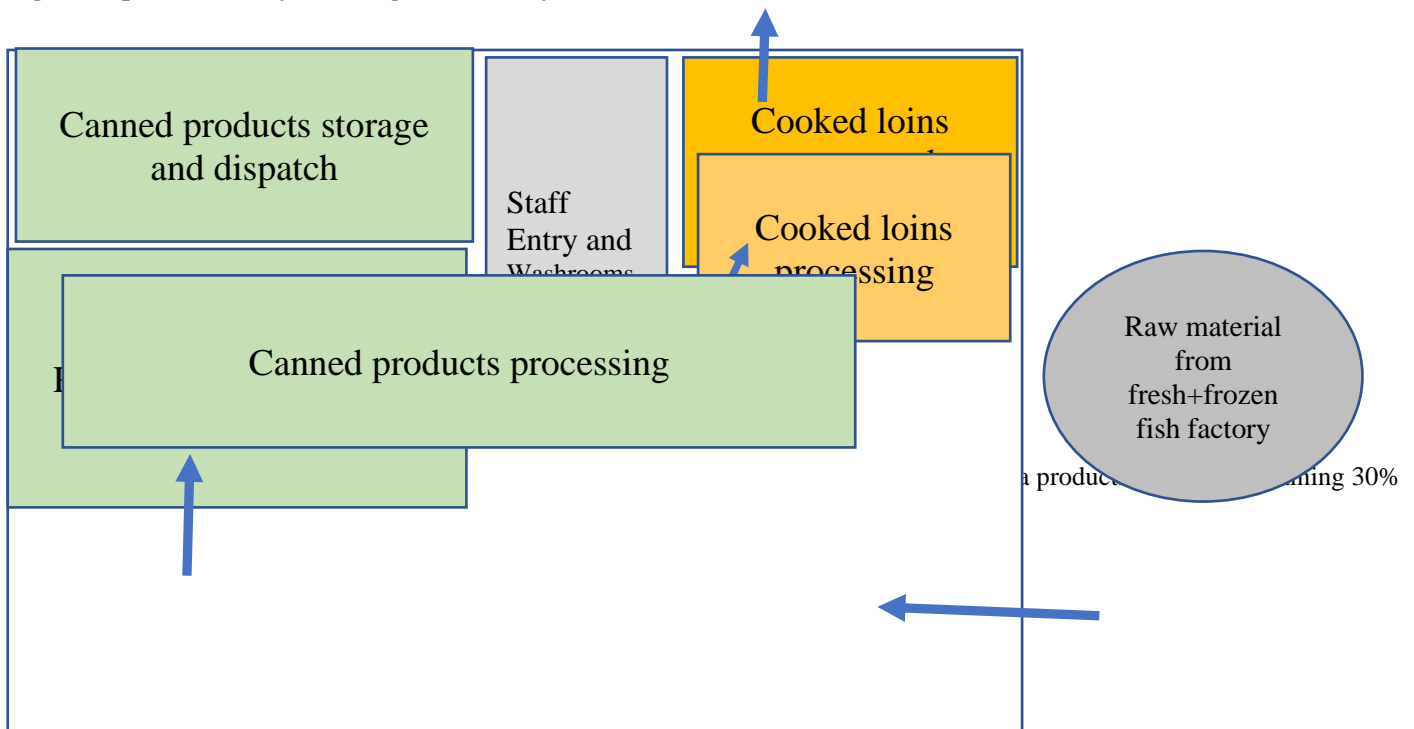


Fig 6: Proposed Cannery / Loining facilities Layout



7. Water Plant

- a. The water demand for the hub (processing 100 MT fish per day, plus associated plants) is 2 million litres (@ 20litres/kg fish).
- b. The contractor should:
 - i. Construct at least 2 million litres water storage capacity on site (underground storage), excluding current storage on site; and
- c. The design should provide for supply potable water to fishing vessels docking at its jetty.
- d. In line with HACCP requirements for fish factory water, the contractor shall design a water treatment plant (filtration, UV treatment and chlorine dozer).

8. Wastewater treatment plant

The contractor is required to:

- a. Design a waste water treatment plant with sufficient capacity for the entire hub.
- b. Comply with all requirements of local and national regulatory bodies and acquire the necessary approvals and statutory requirements.
- c. The design should consider recycling of the treated wastewater (except sewerage) for hub use.

9. Power supply

The contractor is required to:

- a. Work out the power demands for all plant and other facilities in the Hub.
- b. Design suitable power plant to supply the needs of the hub from the utility Grid in conformity appropriate international standards, local standards, procedures, requisite approvals and payments for the power demand to Kenya power company.
- c. Design suitable standby power supply to the hub from appropriately rated standby generators.
- d. Design appropriate Grid-Tied solar system (without backup battery) to be utilized only during daylight. The system to conform to the Energy and Petroleum Regulatory Authority (EPRA) standards, procedures and requisite approvals.
- e. Design the associated internal and external electrical installations appropriately rated for SALINE environment/ corrosion resistant.

10. Solar Water Heating

- a. The contractor will design a solar water heating systems for various plant.

11. Road network & Storm water drainage:

- a. The contractor will design access roads and storm water drainage systems for the Hub.
- b. Considering the anticipated increased traffic, due to the opening of the pedestrian footbridge, there is likely to be congestion along the current road to the hub. In this regard, the contractor should indicate how the facility roads will be connected to the public access roads.
- c. Vehicles collecting products of supplying raw materials are expected to operate in the front space of the hub as indicated in the schematic layout diagram.
- d. Access for service and emergency vehicles to the jetty area shall be provided.

12. Fishing Gear Repair facilities

The contractor is required to:

- a. Design a fishing gear repair facility especially for net repair and associated fishing vessel maintenance services.

13. Fuel storage/ stock bunkering

The contractor is required to:

- a. Design a two-million-liter marine fuels bunkering facility.
- b. The facility will provide marine fuels for vessels docking at the jetty.

14. Fish

Market/auction

centre

The contractor is required to:

- a. Design a fish market centre with at least 20 marketing stalls for small, medium and large-scale fish traders.
- b. Design a fish auction facility for various species of fish.

15. General administration/regulatory offices

- a. The contractor shall design and develop:
 - i. General administration;
 - ii. Dining areas with a kitchen;
 - iii. First aid clinic; and
 - iv. Other facilities as required under building codes and Labor Laws
- b. Regulatory offices for at least four fisheries compliance officers.

16. Particular and General Preliminaries/Mobilization Costs

- a. The tenderer shall allow for:
 - i. Costs related attainment of matters specific to a fisheries hub including design, supervision and others as he may deem appropriate;
 - ii. General costs related to provision of sanitation, water and electricity for the works, general security, labour management;
- b. The tenderer shall be deemed to have provided for all statutory costs associated with the project and no claim shall be admitted for omission of any item.

2, the contract duration shall be 154 days

3, The site is at LIWATONI located in MOMBAS county KENYA

The Proposed Ultra-Modern Tuna Fish Hub located at coordinates (-4.0694539575343205, 39.65760800103436) is on the shore line next to Kenya fisheries office in Mombasa, it neighbours the current site of floating foot bridge and Comarco dock yard. The site measures approximately 2.5 acres and an additional adjacent area comprising of dock yard, Outrigger hotel building and K-Boat services

(measuring approx. 2.5 acres).
It has an existing jetty measuring 124.5meters length.

Request For Review

FORM FOR REVIEW (r.203 (1))

PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD

APPLICATION NO.....OF.....20.....

BETWEEN

.....**APPLICANT**

AND

.....**RESPONDENT (Procuring Entity)**

Request for review of the decision of the..... (Name of the Procuring Entity ofdated the...day of20.....in the matter of Tender No.....of20..... for (Tender description).

REQUEST FOR REVIEW

I/We.....,the above named Applicant(s), of address: Physical address.....P. O. Box No.....
Tel. No.....Email, hereby request the Public Procurement Administrative Review Board to review the whole/part of the above mentioned decision on the following grounds , namely:

- 1.
- 2.

By this memorandum, the Applicant requests the Board for an order/orders that:

- 1.
- 2.

SIGNED (Applicant) Dated on.....day of/...20.....

FOR OFFICIAL USE ONLY Lodged with the Secretary Public Procurement Administrative Review Board on.....day of
.....20.....

SIGNED

Board Secretary