



**REPUBLIC OF KENYA**

**MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT**

**STATE DEPARTMENT FOR AGRICULTURE**

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**ADDENDUM ONE (1)**

**LEASING OF CHEMELIL SUGAR COMPANY, A PUBLIC SECTOR-  
OWNED/CONTROLLED SUGAR COMPANY**

**TENDER NO. MOALD/SDA/IT/ 002/2024-2025**

**CLOSING AND OPENING DATE 21<sup>ST</sup> MARCH 2025**

Ministry of Agriculture and Livestock Development State Department for Agriculture wishes to inform all interested and eligible bidders that the Ministry has amended the following sections of the tender document:

**1. Invitation to Tender:**

- i. Clause Number Three (3) is Deleted
- ii. Clause Eight (8) is amended to read as follows:  
All Tenders must be accompanied by Tender Security of Kshs 200,000,000.00 (Kenya Shillings Two Hundred Million) valid for 30 days beyond the Tender Validity period. It can also be issued in USD from a reputable bank recognized by the Central Bank of Kenya (CBK), at the CBK prevailing exchange rate on the date of the tender advertisement.

**2. FORM OF TENDER**

*(Amended and issued pursuant to PPRA CIRCULAR No. 02/2022)*

***INSTRUCTIONS TO TENDERERS***

- i) All italicized text is to help the Tenderer in preparing this form.*
- ii) The Tenderer must prepare this Form of Tender on stationery with its letterhead clearly showing the Tenderer's complete name and business address. Tenderers are reminded that this is a mandatory requirement.*
- iii) Tenderer must complete and sign CERTIFICATE OF INDEPENDENT TENDER DETERMINATION and the SELF DECLARATION FORMS OF THE TENDERER as listed under (s) below.*

**Date of this Tender submission:**.....*[insert date (as day, month and year) of Tender submission]*

**Tender Name**..... **and**

**Identification:** .....*[insert identification]* **Alternative No.:** .....*[insert identification No if this is a Tender for an alternative]*

**To:** .....  
*[Insert complete name of Procuring Entity]*

- a) **No reservations:** We have examined and have no reservations to the Tendering document, including Addenda issued in accordance with Instructions to tenderers (ITT 7);
- b) **Eligibility:** We meet the eligibility requirements and have no conflict of interest in accordance with ITT 3;

c) **Tender/Proposal- Securing Declaration:**

We have not been debarred by the Authority based on execution of a Tender-Securing Declaration or Tender Securing Declaration in Kenya in accordance with ITT 3.7;

d) **Performance Security:** If our Tender is accepted, we commit to obtain a performance security in accordance with the Tendering document;

e) **Conformity:** We offer to lease in conformity with the Tendering Document and in accordance with the lease periods, the Lease items specified in the Schedule below:

**LIST OF LEASE ITEMS AND PRICES**

f) **Tender Price:** The Concession fee, Lease rental, Goodwill and Initial Investment of our Tender is:

The price is as follows:-

**Concession fee (rate per ton) of sugar produced:** Amount in Kshs or USD

Amount in figures.....

Amount in words .....

**Concession fee (rate per ton) of Molasses produced:** Amount in Kshs or USD

Amount in figures.....

Amount in words .....

**Lease rental for 2,779.75 Hectares per year:** Amount in Kshs or USD

Amount In figures.....

Amount In words.....

**Initial Investment in the first year:** Amount in Kshs or USD

Amount In figures.....

Amount In words.....

**Goodwill in Kshs or USD equivalent**

Amount In figures.....

Amount In words.....

Or

**Option 2**, in case of lots: (a) Total price of each lot *[insert the total price of each lot in words and figures, indicating the various amounts and the respective currencies]*; and (b) Total price of all lots (sum of all lots) *[insert the total price of all lots in words and figures, indicating the various amounts and the respective currencies]*;

- g) **Discounts:** The discounts offered and the methodology for their application are:
- i) The discounts offered are: *[Specify in detail each discount offered.]*
  - ii) The exact method of calculations to determine the net price after application of discounts are shown below:  
*[Specify in detail the method that shall be used to apply the discounts]*
- h) **Tender Validity Period:** Our Tender shall be valid for the period specified in TDS 17.1 (as amended, if applicable) from the date fixed for the Tender submission deadline specified in TDS 21.1 (as amended, if applicable), and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
- i) **Performance Security:** If our Tender is accepted, we commit to obtain a performance security in accordance with the Tendering document;
- j) **Suspension and Debarment:** We, along with any of our subcontractors, Lessors, 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 Procuring Entity. Further, we are not ineligible under the Kenya laws or official regulations or pursuant to a decision of the United Nations Security Council;
- k) **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 ITT 3.8];*
- l) **Commissions, gratuities, fees:** We have paid, or will pay the following commissions, gratuities, or fees with respect to the Tendering process or execution of the Contract: *[insert complete name of each Recipient, its full address, the reason for which each commission or gratuity was paid and the amount and currency of each such commission or gratuity].*

Name of Recipient	Address	Reason	Amount

(If none has been paid or is to be paid, indicate “none.”)

- m) **Binding Contract:** We understand that this Tender, together with your written acceptance thereof included in your Letter of Acceptance, shall constitute a binding contract between us, until a formal contract is prepared and executed;
- n) **Procuring Entity Not Bound to Accept:** We understand that you are not bound to accept the highest evaluated Tender, the Most Advantageous Tender or any other Tender that you may receive; and

- o) **Fraud and Corruption:** We hereby certify that we have taken steps to ensure that no person acting for us or on our behalf engages in any type of Fraud and Corruption.
- p) **Collusive practices:** We hereby certify and confirm that the tender is genuine, non-collusive and made with the intention of accepting the contract if awarded. To this effect we have signed the “Certificate of Independent Tender Determination” attached below.
- q) **Code of Ethical Conduct:** We undertake to adhere by the Code of Ethical Conduct for Persons Participating in Public Procurement and Asset Disposal Activities in Kenya, copy available from [www.pppra.go.ke](http://www.pppra.go.ke) during the procurement process and the execution of any resulting contract.
- r) **Beneficial Ownership Information:** We commit to provide to the procuring entity the Beneficial Ownership Information in conformity with the Beneficial Ownership Disclosure Form upon receipt of notification of intention to enter into a contract in the event we are the successful tenderer in this subject procurement proceeding.
- s) We, the Tenderer, have duly completed, signed and stamped the following Forms as part of our Tender:
  - i) Tenderer's Eligibility; Confidential Business Questionnaire – to establish we are not in any conflict to interest.
  - ii) Certificate of Independent Tender Determination – to declare that we completed the tender without colluding with other tenderers.
  - iii) Self-Declaration of the Tenderer—to declare that we will, if awarded a contract, not engage in any form of fraud and corruption.
  - iv) Declaration and commitment to the code of ethics for Persons Participating in Public Procurement and Asset Disposal Activities in Kenya,

Further, we confirm that we have read and understood the full content and scope of fraud and corruption as informed in

**“Appendix 1- Fraud and Corruption”** attached to the Form of Tender.

**Name of the tenderer:**

.....[insert complete name of the tenderer]

**Name of the person duly authorized to sign the Tender on behalf of the tenderer:**

.....

... [insert complete name of person duly authorized to sign the Tender]

**Title of the person signing the Tender:** .....

**Signature of the person named above:** .....

**signed**.....

**Date**.....

\*: In the case of the Tender submitted by a Joint Venture specify the name of the Joint Venture as tenderer.

\*\*: Person signing the Tender shall have the power of attorney given by the tenderer.  
The power of attorney shall be attached with the Tender Schedules.

### 3. STAGE 1: MANDATORY EVALUATION CRITERIA

#### Mandatory Evaluation Criteria MR 15

MR 15	Submit a valid Tender Security of Kshs 200,000,000.00 (Kenya Shillings Two Hundred Million) valid for 30 days beyond the Tender Validity period. It can also be issued in USD from a reputable bank recognized by the Central Bank of Kenya (CBK), at the CBK prevailing exchange rate on the date of the tender advertisement.
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### 4. Tender Data Sheet (TDS)

	<b>F. Award of Contract</b>
<b>ITT 38.1</b>	The award will be made on the basis of the responsive bidder with the Highest Financial Evaluation.
<b>ITT 13.4</b>	Prices quoted by the Tenderer shall not be fixed during the time of the lease The tender prices shall be reviewed upwards every Two (2) years

### 5. STAGE 3. FINANCIAL EVALUATION CRITERIA

#### LIST OF LEASE ITEMS AND PRICES

*[The tenderer shall fill in this Price Schedule in accordance and insert in Form of Tender as instructed. The list of line items in Columns 1 and 2 of the Price Schedules shall coincide with the List of Lease Items and Related Services specified by the Procuring Entity in the Schedule of Requirements.]*

1	2	3	4	4	5	6
<b>Lease Item N<sup>o</sup></b>	<b>Description of Lease Item and Related Services.</b>	<b>Quantity and physical unit</b>	<b>Location of Use</b>	<b>Duration of Lease (years)</b>	<b>Unit Price per year (kshs or USD)</b>	<b>Total price for the whole lease period (ksh or USD)</b>
No 1	Concession in Kshs/USD per ton of sugar produced	1	Chemelil	30		N/A
No 2	Concession in Kshs/USD per ton of Molasses produced	1	Chemelil	30		N/A
No 3	Lease rental for the estimated nucleus in hectares	2,779.75 Hectares	Chemelil	30		
No 4	Goodwill in Kshs or USD equivalent will be paid once in the first year.	1	Chemelil	30		N/A
No 5	The proposed initial investment will be invested in the first year.	1	Chemelil	30		N/A

Name of Tender-----

Signed by the Tenderer -----

Date-----

The responsive bidder with the Highest Financial Evaluation will proceed to negotiations before contract is signing.

All other sections of the tender documents remain unchanged.

**Principle Secretary**  
**State Department for Agriculture**