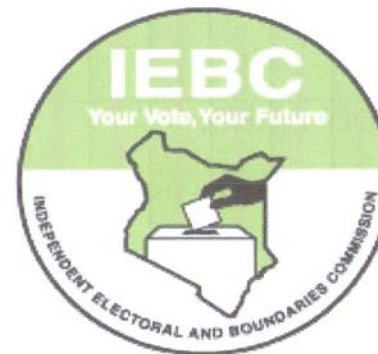


## INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION



### CLARIFICATIONS

DATE: 23<sup>rd</sup> JULY, 2021

TENDER NO: IEBC/OIT/002/21/2021/2022 - SUPPLY AND DELIVERY OF BALLOT PAPERS; REGISTER OF VOTERS; STATUTORY ELECTION RESULT DECLARATION FORMS TO BE USED AT THE POLLING STATION; ELECTION AND REFERENDUM RESULT DECLARATION FORMS TO BE USED AT THE CONSTITUENCY, COUNTY AND NATIONAL TALLYING CENTRE

Pursuant to section 75(1) of the Public Procurement and Assets Disposal Act, 2015 and ITT6 of the Tender Document, the Commission hereby makes an addendum of the above tender as follows: -

NO	BIDDER QUERY	RESPONSE/CLARIFICATION
1.	IEBC to provide the IEBC 20-2:2021 document – standard on marking booklet covers	Refer to Section V- Schedule of requirements
2.	IEBC to provide the IEBC 03-2021 document – perforation standard.	Refer to Section V- Schedule of requirements

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
3.	<p>Bidder requested the tender be split into 3 separate lots.</p> <p>Bidder requested that the quantities required for each form can be properly defined to allow and assure value for money.</p>	<ol style="list-style-type: none"> <li>1. Logistically, it has been proven that value for money can be achieved by procuring by-elections materials locally. A different tender has been floated.</li> <li>2. "Framework contract" means a pact between a procuring entity and a selected supplier (or suppliers) or contractor (or contractors) identified for a definite term to supply goods works or service whose quantities and deliveries are not definable or determinable at the beginning, with a commitment to order a minimum quantity of the required goods, works, or services;</li> </ol>
4.	Bidder sought clarity and disclosure of budget allocation for this procurement for the purpose of transparency.	This is NOT provided for in the Public Procurement and Asset Disposal Act, 2015 and its attendant Regulations. The move will also hinder competitiveness.
5.	Bidder requested that the tender allows bid security be issued from a PPRA approved Insurance Company, and also via a Letter of Credit opened in favor of the Independent Electoral and Boundaries Commission.	For efficiency in the procurement proceedings, Clause 1.5 has stated that All Tenders must be accompanied by a Tender Security in Kenya Shillings or easily convertible currency equivalent to <b>Kenya Shillings 20 million</b> valid for <b>210 days</b> from date of opening the tender. Tender security should be in the form of a <b>bank guarantee</b> . All payments are made to the Independent Electoral and Boundaries Commission.

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
6.	<p>Bidder requested the procuring entity to provide a copy of the standard bidding document as applicable to the 3 year framework Contract , and which is line with the relevant provisions of the Public Procurement and Asset Disposal Act, 2015</p>	<p>Section 70 (1) (2) of the Public Procurement and Asset Disposal Act, 2015 (PPADA, 2015) provides that <i>“The Authority shall issue standard procurement and asset disposal documents and formats as prescribed for use by procuring entities. (2) A procuring entity shall use standard procurement and asset disposal documents prescribed under subsection (1), in all procurement and asset disposal proceedings”</i>.</p> <p>The Standard Tender Document used for this tender is in compliance with the PPADA, 2015</p>
7.	<p>With reference to the mandatory requirement of 40% local content and as stipulated under clause 2.1 page 33 , point 12, bidder sought clarity about provision of the Public Procurement and Asset Disposal Act, 2015 condition serves to lock out international security printers based abroad to participate in the tender.</p> <p>Also, bidder requested if IEBC should allow the international bidders to offer pricing on CIF JKIA airport and employ the government clearing agent to customs clear the goods and then contract separately a local transportation firm to deliver the goods to the IEBC warehouse and this would be the most efficient and economical way.</p>	<ol style="list-style-type: none"> <li>1. The requirement for a Local Content Plan is in Compliance with Section 155(5)(b) of the PPADA, 2015 and Regulation 144 of the Public Procurement and Asset Disposal Regulations, 2020 (PPADR, 2020).</li> <li>2. Delivery of the elections materials is specified to the National Warehouse – Likoni Road, Industrial Area.</li> </ol>



NO	BIDDER QUERRY	RESPONSE/CLARIFICATION																		
8.	Bidder requested for clarity if customs duties, VAT, levies, and any other taxes applicable to each of the products that are being procured; and if customs duty is 25% and VAT is 16%, these two values already meet the 40% local content.	<p>For tax obligations, please visit <a href="https://www.kra.go.ke/">https://www.kra.go.ke/</a>, and make any clarifications as appropriate.</p> <p>The format provided for the local content is guidance to avoid multiple interpretations. 40% is the minimum, and is not necessarily tied to taxes.</p>																		
9.	Bidder sought for clarity if each item (or subcategories ) is to be awarded separately to the lowest bidder for each sub-category.	<p>The award of the Framework Contract shall be made to the bidder with the lowest evaluated total price based on the indicative minimum quantities. The total price is a single Lot – therefore, NO separate award for each sub-category.</p> <p>Clause 1.8 provides that Prices quoted shall be net inclusive of all taxes applicable in Kenya and delivery in easily convertible currencies to Kenya Shillings and shall remain valid for 180 days from the closing date of the tender.</p> <p><b>Sample Pricing is Provided below for guidance:</b></p> <table><tr><th>Line-Item No.</th><th>Item Description</th><th>Indicative Minimum Quantity</th><th>Currency</th><th>Unit Price</th><th>Total Price</th></tr><tr><td>1</td><td>Statutory Election Result Declaration form to be used at the Polling Station</td><td>6 Pieces</td><td>KES</td><td>40</td><td>240</td></tr><tr><td>2</td><td>Election and Referendum Result Declaration Forms to be used at the Constituency,</td><td>6 Pieces</td><td>KES</td><td>40</td><td>240</td></tr></table>	Line-Item No.	Item Description	Indicative Minimum Quantity	Currency	Unit Price	Total Price	1	Statutory Election Result Declaration form to be used at the Polling Station	6 Pieces	KES	40	240	2	Election and Referendum Result Declaration Forms to be used at the Constituency,	6 Pieces	KES	40	240
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NO	BIDDER QUERRY	RESPONSE/CLARIFICATION					
			County and National Tallying Centre				
		3	Supply and Delivery of Register of Voters	1 Piece	KES	350	350
		4	Supply and Delivery of Ballot Papers	3,000 Pieces	KES	10	30,000
		Total Price					
						30,830	
		<p>ITT 33 .2 Price evaluation will be done for all items as one Lot (contract): Bids will be evaluated item by item. If a Price Schedule shows items listed but not priced, the bid shall be considered nonresponsive. An item not listed in the Price Schedule shall be assumed to be not included in the Bid, and the bid shall be considered non-responsive.</p>					
10.	Bidder sought clarity if FORM 5 was relevant.	<p>The requirement for a Local Content Plan is in Compliance with Section 155(5)(b) of the PPADA, 2015 and Regulation 144 of the Public Procurement and Asset Disposal Regulations, 2020 (PPADR, 2020).</p> <p>Section 60 (1) of the PPADA, 2015 provides <i>that “An accounting officer of a procuring entity shall prepare specific requirements relating to the goods, works or services being procured that are clear, that give a correct</i></p>					

NO	BIDDER QUERY	RESPONSE/CLARIFICATION
		<p><i>and complete description of what is to be procured and that allow for fair and open competition among those who may wish to participate in the procurement proceedings”.</i></p> <p>Bidders are allowed to provide the information required to allow fair competition.</p>
11.	Bidder requested that the procuring entity caps Performance Security at 10% without the initial Kshs. 200 million.	This condition suffices.
12.	With respect to the Delivery Schedule Form as given at page 152, bidder requested for amendments to take into account the anticipated requirements for the Referendum, National Elections, based on realistic figures.	<p>Bidders are highly encouraged to read the Tender Document. This information is available on Page 89 of the Tender Document.</p> <p>The quantities in respect to the delivery schedule are to ensure value for money and safeguard against price undercutting.</p>
13.	Bidder sought clarity if it were not a better approach to undertake this procurement via a pre-qualification procedure; and then the prequalified bidders be asked to quote whenever the need arises.	Section 93 (1) of the PPADA, 2015 provides that <i>“Subject to provisions of subsection (2), an accounting officer of a procuring entity where applicable, may conduct a pre-qualification procedure as a basic procedure prior to adopting an alternative procurement method other than open tender for the purpose of identifying the best few qualified firms for the subject procurement”.</i>



NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
		The Request for quotations(s) referred to in this query has its thresholds pursuant to 105 of the PPADA, 2015 with a Maximum level of Expenditure as KES. 3,000,000 per request for quotation for goods and services; and a Maximum level of expenditure of KES. 5,000,000 per request for quotation for works. It is therefore impractical to apply this method in this particular procurement.
14.	With respect to the tender closing date, clarity was sought about the date that is valid as per the tender issued. Under clause ITT 21.1, the date is given as 13th. August, 2021 and under clause ITT 24.1, the date is given as 30th.July, 2021.	<p><b>Now Reads:</b></p> <p>The <b>Tender opening</b> shall take place at:</p> <p>Attention: <b>IEBC 5<sup>th</sup> Floor, Anniversary Towers, Room 525</b></p> <p>Postal Address: <b>P O Box 45371-00100 Nairobi</b></p> <p>Physical Address: <b>IEBC 5<sup>th</sup> Floor, Anniversary Towers, Room 525</b></p> <p>Date: <b>13<sup>th</sup> August, 2021</b></p> <p>Time: <b>11:30AM East African Time</b></p>
15.	ITT 33.2 clarity was sought why the condition is being imposed for a bidder to quote for ALL the items being procured in the tender.	This condition is to ensure logistical efficiency and avoidance of delivery errors on polling dates.
16.	In terms of clause 11 at page 35, the bidder sought for the procuring entity to note the requirement was not a mandatory sought by electoral bodies in other countries in and instead of the security printers are licensed and graded according to the specific national regulations and hence such a license should suffice.	<p>The International Organization for Standardization (ISO) is an international nongovernmental organization made up of national standards bodies; it develops and publishes a wide range of proprietary, industrial, and commercial standards and is comprised of representatives from various national standards organizations.</p> <p>This condition remains in force</p>

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
17.	<p>Bidder termed the turnover requirements and value of previous contracts concluded discriminatory and restrictive.</p> <p>Bidder stated that the tender needs to be split into different product categories and through a process of pre-qualification tender or expression of interest tender so that local industry and printers are identified and afforded an opportunity to serve the country.</p>	<p>Clause 1.1 provides that Tendering will be conducted under Open International Tendering Method using a standardized tender document. Tendering is open to all qualified security printing firms.</p> <p>A different Open National Tender has been floated for local Kenya Printing Firms</p>
18.	<p>Bidder stated that information providing evidence of ownership of security printing machines such as Purchase Orders, Lease agreement, and purchase receipts/printing facility is confidential in nature; and suggested that a list of printing equipment and capacity suffice.</p> <p>Bidder sought clarity how will IEBC evaluate whether the equipment and plant are relevant in terms of the products to be printed and meet the delivery requirements 120 to 180 million forms in 30 days.</p>	<p>Bidders who do not meet this criteria will be termed as non-responsive.</p> <p>The tender document has requested for evidence of installed capacity. Post-Qualification due diligence will also be undertaken to ascertain this information; prior to award.</p>



NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
19.	Bidder's Query: Samples - To avail samples for each type of ballot paper and results forms as was done in previous tenders, suggesting it is a huge and practically impossible task to avail samples for all the sizes for each type of ballot form and results form and this could be approx. 80-90 sets and a very expensive and costly exercise.	Bidders who do not meet this criteria will be termed as non-responsive.
20.	<p>Bidder's Query: At what point in time will IEBC avail (the technical and financial) evaluation reports and comparison of tenders from the time a request has been made by a candidate or a bidder and in which format should such a request be made and can it be made upon expiry of the 30 days evaluation period and at least within 3 days from date of award notification?</p> <p>Will IEBC undertake to disclose the reasons why a bidder was not successful and also in the notification notice disclose the prices at which the award was made?</p>	<p>Section 87(1) of the PPADA, 2015 provides that <i>"Before the expiry of the period during which tenders must remain valid, the accounting officer of the procuring entity shall notify in writing the person submitting the successful tender that his tender has been accepted.</i> Subsection (3) provides that <i>"When a person submitting the successful tender is notified under subsection (1), the accounting officer of the procuring entity shall also notify in writing all other persons submitting tenders that their tenders were not successful, disclosing the successful tenderer as appropriate and reasons thereof".</i></p>
21.	Bidder's Query: Kindly advise if IEBC has received any requests for clarifications, issued any responses thereto or issued any addendum and please clarify whether the same will be posted on your portal.	Any Addenda is uploaded to the Commission website.

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
22.	Bidder's Query: Please advise why payment cannot be effected through a letter of credit if funds have already been allocated and budgeted for?	This is possible.
23.	<p>In 24.8 it states that The Procuring Entity shall prepare a record of the Tender opening that shall include, as a minimum:</p> <p>Query: How and when will IEBC avail bidders/participants with the above record and will the same be posted on the IEBC website?</p>	This clause and the Data Sheet do not provide for availing the record to participants.
24.	Bidders stated that, if the pre bid conference is to be held on 21st July 2021 and then there be an addendum to the bidding document and or specifications there will be no time to make the said changes.	Clarifications were provided during the pre-bid conference.
25.	Bidder stated that if the samples are prepared as per the current specifications, and then they change in any way, it would mean that we would have to run the samples again which would take considerable time, and waste costs to the bidder.	Clarifications were provided during the pre-bid conference.
26.	Bidder sought clarity if there will be an extension to the deadline as it is already difficult in the short time remaining	No extension of time has been provided.

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
27.	Bidder sought advise on the difference between the Presidential and Governor Ballot and Presidential and Governor vote casting	Refer to specifications
28.	Bidder sought advice on the election result declaration for polling station, on how the 6 sheets are to be bound; and also if barcoding is a requirement for the ballots.	Refer to specifications
29.	Bidder sought to know how many polling stations are required that will impact the packing requirements for the tender	Refer to Page 89 of the Tender Document
30.	Presidential ballot- common to all polling stations and is one type for printing. Bidder sought clarity on if the constituency and ward details will be required to be printed on the presidential ballot and on the cover to ensure the delivery of the ballot to polling stations in terms of the voters registered at the polling stations IN ACCORDANCE with the voters registered to vote.	Refer to specifications
31.	<p>Bidder had the following Questions:</p> <p>Governor ballot for 47 Counties: Is this the correct number of counties?</p> <p>Senator ballot for 47 Counties: is this the correct number of counties?</p> <p>National Assembly ballot printed different for 290 constituencies: Please confirm the number of constituencies?</p>	Logistics and Distribution of elections materials is the responsibility of the Commission and the question does not relate to the packing requirement nor the logistical requirements.



NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
	<p>County assembly Member of the National Assembly for 47 Counties: Please confirm if this is the correct number of different ballots for the counties?</p> <p>County Women Member of the National Assembly for 47 Counties: Please confirm if this is the correct number of different ballots for the counties?</p>	
32.	<p>Referendum ballot: Common to all polling stations is of one type for printing. Bidder sought clarity on if the constituency and ward details will be required to be printed on the referendum ballot and on the cover to enhance the delivery of the ballot to polling stations in terms of the voters registered at the polling stations.</p> <p>In the previous tender, the requirement was for 132 million ballots to be printed in 21 days after nomination and delivered to Jomo Kenyatta Airport. Bidder sought clarity on if the IEBC will supply the final artwork already proofed and corrected for production, or will the tenderer be responsible for the finalization of proofs within the 30 day period. What is the requirement applicable this time round in same context.</p>	These are Contract Implementation administrative issues.

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
33.	Bidder sought clarity on if this tender therefore will be split between different vendors or is it planned to award the tender to one service provider/bidder?	The award of the Framework Contract shall be made to the bidder with the lowest evaluated total price based on the indicative minimum quantities
34.	Bidder sought clarity on if awards are made according to the lowest priced bidder that meets the technical requirements and qualification criteria for each item and also in case of each type of product category falling under each of the four items.	The award of the Framework Contract shall be made to the bidder with the lowest evaluated total price based on the indicative minimum quantities.
35.	Bidder sought clarity on if the elections including the Referendum be held on one day or on separate voting days	Refer to Page 89 of the Tender Document
36.	Bidder sought clarity on if one vendor is awarded the tender, all the ballots will be packed in one box-based on a specific variable number of ballots as per the voters roll, or a fixed number of ballots will be supplied per election into the box irrespective of the number of voters.	Refer to specifications.
37.	Bidder sought clarity what variable information needs to be printed on the ballot form covers referring to the constituency and county details that make up the variety of elections.	Refer to the specifications in Section V- schedule of the requirement and Schedules in Elections (General) Regulations, 2012. Typical examples of the ballot paper specimen is illustrated in Annex A and B

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
38.	Bidder sought clarity on if a fixed quantity of ballot is to be supplied to polling stations irrespective of the number of voters.	The Ballot papers to be supplied to Polling Station will be based on the number of the Registered voters in that Polling Station.
39.	Bidder stated that in the previous elections the IEBC called for ballots to be packed in one box per polling station and sought to know if this still required.	Refer to clause 5 of Ballot Paper Specifications.
40.	Bidder stated that the sizes of the larger ballots are not conducive to most web presses for printing and inline perforating and numbering; suggesting separate sheet fed press operations would be required. In order to avoid this situation, bidder sought clarity on if the ballot form length for the larger ballots can be reduced and the ballot form width size be increased from 210mm to 420mm.	The ballot paper requirements are well elaborated in the ballot paper specifications.
41.	Bidder sought clarity on if large ballots are printed with a depth of 620mm or 980mm, how the number of candidates fit onto a Declaration or Vote Counting form with the number of candidates and details without printing these forms both sides.	The Dimensions are well specified in ballot paper specification and statutory results declarations forms to be used at the Polling Stations
42.	Bidder sought clarity on if variable size Declaration and vote counting forms will need to be produced per constituency and polling station; and how are these forms to be packed	Refer to clause 13 of the specifications for the Statutory Election Result Declaration form to be used at the Polling Station.



NO	BIDDER QUERY	RESPONSE/CLARIFICATION
43.	Bidder sought clarity on quantity of the Declaration forms	As specified in the Price Schedules
44.	Bidder sought clarity on how many ballots are bound into a ballot pad	Clause 4.9 of Ballot Paper Specifications
45.	Bidder sought clarity on how the pads are stapled at the head of the pad	Clause 4.9 of Ballot Paper Specifications
46.	Bidder sought clarity on the INCOTERM Rule that will Apply	As specified in the TDS
47.	On "Experience in printing, packaging and delivery of ballot papers for at least three (3) years" bidder requested considerations on this experience so that local security printers are not left out.	<b>Requirement - Similar Experience:</b> The Tenderer has satisfactorily completed at least <b>5 (five)</b> contracts for security printing of goods or election material, cumulative of <b>Kenya Shillings 5 billion</b> equivalent within the past 10 years. _____

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
48.	<p>On “Inspection and acceptance certificates for at least 5 contracts of ballot paper printing” bidder sought considerations that the current experience in execution of the security printing projects in this place.</p> <p>Bidder stated that their company is certified for the following accreditations: ISO 9001, ISO 27001, ISO 14001, VISA, MASTERCARD, and VERVE.</p>	<p>The query is not relevant to the Tender Documents and Tender Requirements.</p> <p>The ISO 27000-series comprises information security standards</p> <p>ISO 14001 provides requirements with guidance for use that relate to environmental systems.</p> <p>The above Two accreditations are NOT relevant to the Security Printing.</p>
49.	<p>Bidder sought clarity on practice that allows bidders to seek clarifications at least seven days before the tender closing date; which they stated that there was deviation.</p>	<p>ITT 6.3 of the tender document provides that The Tenderer is requested to submit any questions in writing, to reach the Procuring Entity not later than the period specified in the TDS before the meeting. The date provided as the 16<sup>th</sup> July, 2021 is in reference to ITT 6.3</p>
50.	<p>Bidder sought clarity on if bid prices in currency of S.African Rands or Euros or US\$ is acceptable as these are international convertible currencies. And that prices on CIF JKIA , as per Incoterms are acceptable.</p>	<p>ITT 5.4 provides that The Tenderer is expected to examine all instructions, forms, terms, and specifications in the tendering document and to furnish with its Tender all information or documentation as is required by the tendering document.</p>

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
51.	Bidder sought clarity on if samples are to be submitted in sealed envelopes, then how will an official receipt be issued for the same and how will they be accounted for.	Section 77 (7) of the PPADA, 2015 provides that <i>"If a tender or part of a tender cannot fit in the tender box it shall be received in the manner set out in the tender documents or the invitation to tender or, if no such manner is set out, in the manner determined by the procuring entity and the procuring entity shall acknowledge receipt of the tender documents"</i> .
52.	Bidder sought clarity on if a consortium team of 1-3 security printers are eligible for bidding as a tenderer and also alternatively a consortium comprising of a lead security printer with associated sub-contracted local printers/ packaging firms and clearing and forwarding companies is allowed especially in view of the 40% local content.	<p>Where a Consortium is meant to operate similarly to a JV, it will not be allowed.</p> <p>Where the Consortium will operate similarly to sub-contracting, GCC 21.1 provides that Subcontracting of the Printing part of the contract shall not be allowed. However, Tenderers are allowed to subcontract related services such as shipping, transport, clearing and forwarding, security and any other as appropriate. This is already provided for through the Local Content Plan.</p>
53.	Bidder sought clarity on why IEBC does not allow more competition by allowing a tenderer to offer any of the ballot forms falling under any of the 6 elective positions as was the previous case - say for example a printer may only bid for the supply and delivery of presidential ballot forms.	Logistically, this methodology is impractical considering that each of the 40, 883 polling stations is unique in its requirement of the 6 ballot papers to be delivered.



NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
54.	Bidder sought clarity on if a bidder/candidate can make payment of the fee of Kshs. 1,000/- and obtain the hard copy of the tender document.	A complete set of tender documents in PDF may be obtained by interested candidates by downloading free of charge from IEBC Website at <a href="http://www.iebc.or.ke">www.iebc.or.ke</a> or <a href="http://www.tenders.go.ke">www.tenders.go.ke</a> .
55.	Bidder sought clarity on the exact deadline (date and time) for seeking clarifications taking into account the fact that the time given for tendering is 30 days minimum as applicable to international tenders.	<p>Regulations 83 of the Public Procurement and Asset Disposal Regulations, 2020 provide that <i>“Where the provisions of section 89(c) of the Act apply with respect to foreign tenders, the minimum period of time between the advertisement and deadline for submission of international tenders shall be seven days”</i>.</p> <p>Section 75(5) of the PPADA, 2015 provides that <i>“If the tender documents are amended when the time remaining before the deadline for submitting tenders is less than one third of the time allowed for the preparation of tenders, or the time remaining is less than the period indicated in instructions to tenderers, the accounting officer of a procuring entity shall extend the deadline as necessary to allow the amendment of the tender documents to be taken into account in the preparation or amendment of tenders”</i>.</p> <p>In this regard, any clarification that may lead to amending the tender document MUST be received NOT later than 3<sup>rd</sup> August, 2021.</p>

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
56.	Bidder sought clarity on the latest time within which the amendment will be notified to registered and interested bidders from the time of seeking clarifications and confirm that will be done by email	Section 75(5) of the PPADA, 2015 provides that “If the tender documents are amended when the time remaining before the deadline for submitting tenders is less than one third of the time allowed for the preparation of tenders, or the time remaining is less than the period indicated in instructions to tenderers, the accounting officer of a procuring entity shall extend the deadline as necessary to allow the amendment of the tender documents to be taken into account in the preparation or amendment of tenders”.
57.	<p>Bidder sought clarity on if the price tendered will be based on CIF Jomo Kenyatta International Airport.</p> <p>Bidder sought clarity on if IEBC can obtain exemptions from customs duties and VAT and other levies and taxes that are to be included in the price and make payments of all such duties to ensure a level playing field and make it easy for the price comparisons.</p>	ITT 5.4 provides that The Tenderer is expected to examine all instructions, forms, terms, and specifications in the tendering document and to furnish with its Tender all information or documentation as is required by the tendering document.
58.	Bidder sought clarity on whether to make Financial Documents and Technical documents Separate or all together can we make Single document.	This is a one envelop tender; so technical and financial should be in the same bid document.
59.	Bidder sought clarity on how to pack the ballot papers, Declaration form, register of voters etc.	Refer to specifications.

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
60.	Bidder sought clarity on how they have to submit the samples of final packaging.	Refer to specifications.
61.	Bidder sought clarity on if Declaration forms required perforation with 4 cms counter foil.	Refer to specifications.
62.	Bidder sought clarity on Customs Taxes in Kenya – What the Percentages will be.	Bidders are encouraged to get in touch with the Kenya Revenue Authority.
63.	Bidder sought clarity on 3 Sizes of DR forms A2/A3/A4 in documents – A2 when it is Applicable..	Refer to clause 9 of the specifications for election result declaration forms to be used at the Polling Stations.
64.	Bidder sought clarity on if There are two different sizes of DR forms Width	Yes. Refer to the specifications in Section V- schedule of the requirement



NO	BIDDER QUERY	RESPONSE/CLARIFICATION
65.	As for Samples: the specifications state the sizes of the various ballot papers. Bidder states that the procuring entity has stated that "A sample is all that is required". Bidder sought clarity on if this mean that they can submit just <u>one</u> sample, of any size, of each ballot paper.	Samples for each size is required; as the other specifications requirements may not only be tied to size only.
66.	Bidder sought clarity on if they can we request & collect actual samples of last Election.	Bidders to develop and submit samples as per specifications
67.	Bidder sought clarity to Specify if watermark requirement should be IEBC Customized logo or Standard on both Ballot and NCR Forms (1 + 4 Sheets).	Refer to specifications. at least one generic watermark visible when visually examined under normal light

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
68.	Embossing: Bidder sought clarity on if it is part of the 3D printing security effect or embossing effect created with metal tools.	Refer to the clause 4.4.6 of the ballot paper specifications. The ballot paper shall be embossed at least once with words "IEBC and the year of election" or any other as specified by IEBC. This shall be done using suitable mechanism without change in physical or chemical properties of the ballot paper. The embossed words shall clearly be seen when visually examined under normal light.
69.	Bidder sought clarity on production lead time for total quantity including delivery up to Kenya IEBC Warehouse.	
70.	Samples: Bidder sought clarity on if during the tender document submission do they need to submit the printed actual samples, if so how many sets of actual samples required.	Samples for different sizes and elective positions
71.	Price Validity: Since the raw material & freight cost fluctuation is very frequent Bidder sought clarity on how to consider the same price for 3 years.	ITT 29.3 The adjustment shall be based on the average price of the item or component as quoted in other substantially responsive Bids.

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
72.	Advance Payment: Bidder sought clarity on the scheduled breakdown and release details.	<p>According to GCC 16.1- The method and conditions of payment to be made to the Supplier under this Contract shall be as follows:</p> <p><b>A. Payment for Goods supplied from abroad:</b></p> <p>Payment of the supplier shall be made in <i>[insert currency of the Contract Price]</i> in the following manner:</p> <p>(i) <b>On Shipment:</b> Ninety (90) percent of the Contract Price of the Goods upon submission of original bill of lading and shipping documents specified in <b>GCC Clause 12.</b></p> <p>(iii) <b>On Acceptance:</b> Ten (10) percent of the Contract Price of Goods received shall be paid within thirty (30) days of receipt of the Goods upon submission of claim supported by the acceptance certificate issued by the Procuring Entity.</p> <p><b>B. Payment for Goods and Services supplied from within Kenya:</b></p> <p>Payment for Goods and Services supplied from within Kenya shall be made in Kenya Shillings, as follows: <b>On Delivery:</b> Hundred (100) percent of the Contract Price shall be paid within 30 days of receipt of goods and upon submission of the documents specified in <b>GCC Clause 13.</b></p>



73.	<p>Bidder Sought Clarity on:</p> <p>Job : Election Ballot Paper</p> <p>Size : 4 categories x 7 different sizes : 2 categories x 5 different sizes</p> <p>Extent : 30 leaves (60 pages) + 4 pages Cover / book</p> <p>Qty : 117.6 to 180 Million copies in total – TBA?</p> <p>Ballot paper : 80 gsm wood free (uncoated) paper</p> <p>Cover : 152 gsm, type of paper to be advised</p> <p>Printing : 5 color x 5 color with security features</p> <p>Finish : None</p> <p>Binding : Thread Stitching with padding OR Spiral Binding</p> <p><u>Notes</u> : Need quantity breakups in each category.</p> <p>Job : Register of Voters</p> <p>Size : TBA?</p> <p>Extent : TBA?</p> <p>Qty : TBA?</p> <p>Inside paper : 80 gsm wood free (uncoated) paper</p>	<p>Refer to Section V- Schedule of requirements. Printing to be done on front side of the paper</p> <p>Binding as per the specifications in section V – Schedule of requirement</p>
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Cover	: 160 gsm, type of paper TBA?
Printing	: 5 color x 0 color with security features, TBA?
Finish	: None
Binding	: Thread Stitching OR Spiral Binding – TBA?
Notes	: Need quantity breakups in each category.
Job	: Statutory Election Result Declaration Form (NCR)
Size	: TBA?
Extent	: 1 original + 5 carbonated copy?
Qty	: TBA?
Inside	: 80 gsm wood free (uncoated) paper / paper 50 gsm carbonated paper
Cover	: 90 gsm, type of paper TBA?
Printing	: 5 color x 0 color with security features, TBA?
Finish	: None
Binding	: Thread Stitching OR Spiral Binding – TBA?

	<p><u>Notes</u> : Need quantity breakups in each category.</p> <p>Job : Statutory Referendum Result Declaration Form (NCR)</p> <p>Size : TBA?</p> <p>Extent : 1 original + 5 carbonated copy?</p> <p>Qty : TBA?</p> <p>Inside : 80 gsm wood free (uncoated) paper / paper 50 gsm carbonated paper</p> <p>Cover : 90 gsm, type of paper TBA?</p> <p>Printing : 5 color x 0 color with security features, TBA?</p> <p>Finish : None</p> <p>Binding : Thread Stitching OR Spiral Binding – TBA?</p> <p>: Need quantity breakups in each category.</p> <p><u>Notes</u></p> <p>Job : Certificate</p> <p>Size : TBA?</p> <p>Extent : TBA?</p>	
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	<p>Qty : TBA?</p> <p>Inside paper : 80 gsm wood free (uncoated) paper</p> <p>Cover : TBA?</p> <p>Printing : 5 color x 5 color with security features, TBA?</p> <p>Finish : None</p> <p>Binding : TBA?</p> <p><u>Notes</u> : Need quantity breakups in each category.</p>	
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NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
74.	ITT 3.1 Maximum number of members in the Joint Venture (JV) shall be: Joint Venture (JV) is NOT allowed. Bidder Request the procuring entity to allow Joint Venture (JV) with 2 members	This condition remains the same.
75.	ITT 46.3.b Call Off Order Bidder elaboration on the meaning of Call Off Order	"Call-offs order" means an order made using a framework agreement with one or more contractors, suppliers or consultants for a defined quantity of works, goods, consultancy covering terms and conditions including price that users require to meet the immediate requirements.
76.	GCC 13.1 Certificate issued by nominated inspection agency. Bidder sought clarity on the preferred inspection agency	Inspection and Acceptance will be done by IEBC.
77.	"Technical Evaluation Criteria: Informative Specimens for Forms 43A, 43B, 43C & 43D" Bidder sought clarity on the Informative Specimens for all the Forms	Refer to Section V- Schedule of requirements for typical examples of the forms
78.	"List of Goods and Delivery Schedule (Tenderer's offered Delivery Date)" Bidder sought clarity on the expected quantities of 1. Ballot Papers 2. Registers of Voters 3. Statutory Election Declaration Forms 4. Election and Referendum Result Declaration Forms	As and when required

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
82.	Section 5, clause 4.9 – Ballot booklet is to comprise of 30 ballots. Bidder requested that the specification please be changed to 50 or 100 ballots per book; stating that this is not only economical but has a huge saving in production time.	Clause 4.9 of Ballot Paper Specifications
83.	Section 3 Evaluation Criteria – Samples are required for all printed material. For the ballot papers, Bidder sought clarity on how many samples the procuring entity requires. Bidder sought clarity on if the procuring entity needs a sample/s for each Election and what sample size is required since there are various sizes.	Samples for different sizes and elective positions
84.	Bidder sought clarity on if the Legal documents issued by Public Authorities of EU countries should be Apostilled.	Authentication/Notarization/Certification is necessary. However, due diligence shall be carried out on documentation.
85.	In regards to Page 50 / Point 3 (Criteria: Similar Experience, it is mentioned that Contracts or Purchase Orders can be used as evidence of similar experience. Bidder sought clarity on when submitting a contract as evidence of experience, it is sufficient to submit only the pages that prove the validity, values and type, as many contracts are characterized as confidential and this may prohibit the submission of the full document.	Copy of contract is required.



NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
79.	<p>"The deadline for Tender submission is: Date: Friday 13th August, 2021: Time: 11:00AM East African Time"</p> <p>Bidder stated that they expect that the Clarifications on the Pre-bid queries may be provided by 26th July, 2021. As such, the time available for Producing the Sample Forms and Bid Submission will be 18 days. In view of the current travelling conditions, they may have to depend on the Courier Companies to send the Bid Documents and Sample Forms. As the courier companies are taking a long time for the deliveries in the current situation, it would be helpful if the Bid Submission Date is extended till 31st August, 2021.</p>	<p>The closing date remains 13<sup>th</sup> August, 2021.</p>
80.	<p>Section 5, clause 4.12.2, ballot paper specification is given as 80gsm. Bidder sought clarity on whether this is bond paper or Security UV Dull Paper.</p>	<p>Security paper</p>
81.	<p>Section 5, clause 4.4.1 Generic Watermark – Bidder sought clarity on if this is a printed watermark or is it embedded in the paper.</p>	<p>Refer to the clause 4.4.6 of the ballot paper specifications. The ballot paper shall be embossed at least once with words "IEBC and the year of election" or any other as specified by IEBC. This shall be done using suitable mechanism without change in physical or chemical properties of the ballot paper. The embossed words shall clearly be seen when visually examined under normal light.</p>

NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
86.	In regards to Form 4/Page61/N02i, Bidder sought clarity on if the quantity of 1 piece refers to an A3 size sheet or a complete booklet of one polling station.	Prices MUST reflect each size of paper.
87.	In regards to Tender Price Tables, Bidder sought clarity on if the requested quantities mentioned into the price tables refer to ballot paper pieces and not to booklets.	Prices to be quoted are for a piece as outlines in No. 9 above
88.	Regarding the pricing, Bidder sought clarity on if the summary table (Page 54 - Point e - Tender Price) should also be filled. In case this is needed, Bidder sought clarity on which of the requested type of products they have to quote (as there are many different dimensions)	The prices MUST be per item listed in the Price Schedule; and then put a total
89.	In regards to Page 89 ("The Referendum may either have a single ballot paper per voter or multiple ballot papers. The number of ballot papers for a referendum will be advised to the vendor as and when required. As mentioned on above sentence, it's possible that more than one ballot paper may be needed for the referendum. Bidder sought clarity on the specifications of the multiple ballot paper.	The information provided suffices.

NO	BIDDER QUERY	RESPONSE/CLARIFICATION
90.	<p>In regards to Page 91 point "4.1.1 Type 1- Presidential Election Ballot paper - The background portion of the ballot paper shall be white."</p> <p>As the background portion of the ballot paper is requested to be white Bidder sought clarity on which areas the required security features are allowed to be applied (copy, anticopy, invisible ink etc.)</p>	Refer to the Specifications
91.	<p>Bidder sought clarity on if artworks for the production of samples, concerning all types of ballot papers and all types of referendum &amp; register of voters forms, are available to the Tenderers.</p>	<p>Bidder to develop and submit samples as per the specifications. typical examples in section V- Schedule of requirements</p>
92.	<p><b>In regard to page 92 Point 4.1 Colour:</b> When examined visually, the background portion of the back and unprinted portion of front of the Presidential, Senator, Member of the National Assembly, County Woman Member to the National Assembly, County Governor, Member of County Assembly elections and referendum ballot papers shall match colour codes specified in Clause 4.1, respectively.</p> <p><b>4.3.1 Coloured passport size photos and symbols:</b> Coloured passport size photos for the aspirants and referendum symbols shall be printed on the ballot paper as specified by IEBC. The minimum size of the photograph and symbol shall be 20mm by 20mm with a tolerance <math>\pm 1</math>mm.</p> <p>Bidder requires information if the ballot paper has colour on the back side.</p>	<p>Refer to clause the ballot paper specification in the schedule of the requirement.</p> <p>When examined visually, the background portion of the back and unprinted portion of front of the Presidential, Senator, Member of the National Assembly, County Woman Member to the National Assembly, County Governor, Member of County Assembly elections and referendum ballot papers shall match colour codes specified in Clause 4.1, respectively.</p>



NO	BIDDER QUERRY	RESPONSE/CLARIFICATION
93.	Bidder sought clarity on if color printing is required on the backside of the following forms: 34A, 35A, 36A, 38A, 38A, 39A, 43A, bearing in mind that printing on the back side in chemical papers should be avoided due to copying quality issues.	Front side only
94.	Bidder sought clarity on if the products produced in an EU country and delivered/invoiced to IEBC via DDP INCOTERMS exempt from Local Taxes (VAT).	Bidders can get more information from the Kenya Revenue Authority.

All the other details remain the same.



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