



MASENO UNIVERSITY

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 Date: 9/06/2025

ADDENDUM

MSU/T/025/2024-2025: PROPOSED CONSTRUCTION OF MODERN SCIENCE LABORATORIES AT MASENO UNIVERSITY

No.	Page	Indicated	Correction	Date of Opening
1.	Page (ii)	All Tenders must be accompanied by a tender security of Kshs. 18,000,000.00 <i>of the bid price</i> , in form of Banker's cheque, bank or insurance guarantee valid for 30 days after the date of tender validity	<i>All Tenders must be accompanied by a tender security of Kshs. 18,000,000.00 in form of Banker's cheque, bank guarantee or a guarantee by an insurance company registered and licensed by the Insurance Regulatory Authority valid for 30 days after the date of tender validity</i>	17 th June, 2025 at 11.00 am at the Supply Chain Management Boardroom.
2.	(Page 39)	Section II - Tender Data Sheet (TDS)	<i>Edited as below (Page 3-7)</i>	17 th June, 2025 at 11.00 am at the Supply Chain Management Boardroom.
3.	MR – 5 (Page 41)	(i) A copy of Valid National Construction Authority (NCA) Registration Certificate-Electrical Services Category (NCA 2 and above) for Subcontractor. (ii) A copy of Current National Construction Authority (NCA) Annual	<i>(i) A copy of Valid National Construction Authority (NCA) Registration Certificate-Electrical Services Category (NCA 2 and above) for Subcontractor. (ii) A copy of Current National Construction Authority (NCA) Annual</i>	17 th June, 2025 at 11.00 am at the Supply Chain Management Boardroom.

		License for Electrical Works for Subcontractor.	<p><i>License for Electrical Works for Subcontractor.</i></p> <p><i>(iii) A copy of Energy and Petroleum Authority License for Electrical Works (EPRA Class AI) for Subcontractor.</i></p> <p><i>(iv) A copy of Current Energy and Petroleum Authority License for Electrical Works for Subcontractor.</i></p>	
4.	MR-17 (Page 42)	Audited accounts for the last three years signed and authorized by a Certified Public Accountant on every page.	<p><i>Audited accounts for the last three years (2022, 2023 and 2024), The practicing number of the independent auditor i.e. CPA Member/firm signing the accounts must be indicated in the independent's auditors report, Auditors practicing license for corresponding years be attached for the CPA Firm/Member signing the accounts, the Accounts be complete (Full Audited Accounts and not sections of it) etc.</i></p>	17 th June, 2025 at 11.00 am at the Supply Chain Management Boardroom.
5.	MR-18 (Page 42)	Original bank statements for the last one year certified by the respective bank (s).	<p><i>Must show proof of adequate financial resources in forms of access to bank credit facility and/or balances</i></p>	17 th June, 2025 at 11.00 am at the Supply Chain Management Boardroom.
6.	MR 20 (Page 42)	Tenders submitted should be tape binded and returned in order and pages provided in the advertisement to tender and paginated in sequence including attachments (spiral binding & use of box files will not be accepted).	<p><i>Tenders submitted should be tape binded (spiral binding & use of box files will not be accepted) and returned in order and pages provided in the advertisement to tender. All bidders are required to submit their documents paginated in a continuous ascending order i.e. sequentially paginated,</i></p>	17 th June, 2025 at 11.00 am at the Supply Chain Management Boardroom.

			<i>from the first page to the last in this format; (i.e. 1, 2, 3..... n where n is the last page)".</i>	
7.	(Page 128)	Section IX-Special Conditions of Contract	<i>Edited as below (Page 7-8)</i>	17 th June, 2025 at 11.00 am at the Supply Chain Management Boardroom.
8.	Omitted	Form No. 9-Beneficial Ownership Form to be filled	<i>As below (Page 9-11)</i>	17 th June, 2025 at 11.00 am at the Supply Chain Management Boardroom.

Section II - Tender Data Sheet (TDS)

The following specific data shall complement, supplement, or amend the provisions in the Instructions to Tenderers (ITT). Whenever there is a conflict, the provisions herein shall prevail over those in ITT.

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
A. General	
ITT 1.1	<p>The name of the contract is PROPOSED CONSTRUCTION OF MODERN SCIENCE LABORATORIES AT MASENO UNIVERSITY.</p> <p>The reference number of the Contract is MSU/T/025 /2024-2025</p> <p>The number and identification of lots (contracts) comprising this Tender are <i>[insert number and identification of lots (contracts)]</i></p> <p>Lot 1- Name _____ N/A _____</p> <p>Lot 2- Name _____ N/A _____</p> <p>Lot... Name _____ N/A _____</p> <p>ETC.</p>
ITT 2.4	<p>The Information made available on competing firms is as follows:</p> <p>THESE TENDER DOCUMENTS AND INFORMATION CONTAINED WITHIN THE TENDER ADVERT</p>
ITT 2.4	<p>The firms that provided consulting services for the contract being tendered for are:</p> <p>STATE DEPARTMENT FOR PUBLIC WORKS</p>
ITT 3.1	Maximum number of members in the Joint Venture (JV) shall be: <i>N/A</i>
B. Contents of Tender Document	
ITT 7.1	<p>(i) The Tenderer will submit any request for clarifications in writing at the Address po@maseno.ac.ke to reach the Procuring Entity not later than 13th June 2025 at 5.00 p.m.</p> <p>(ii) The Procuring Entity shall publish its response at the website www.maseno.ac.ke</p>

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
	and www.tenders.go.ke
ITT 7.2	<p>(A) A pre-arranged pretender site visit “<i>shall</i>” take place at the following date, time and place: Date: 9th JUNE 2025 Time: 10.00AM Place: MAIN SUPPLY CHAIN MANAGEMENT BOARDROOM</p> <p>(B) Pre-Tender meeting “<i>shall</i>” take place at the following date, time and place: Date: 9th JUNE 2025 Time: 10.00AM Place: MAIN SUPPLY CHAIN MANAGEMENT BOARD ROOM.</p>
ITT 7.3	The Tenderer will submit any questions in writing, to reach the Procuring Entity not later than two days before the meeting.
ITT 7.5	The Procuring Entity’s website where Minutes of the pre-Tender meeting and the pre-arranged pre tender site visit will be published is www.maseno.ac.ke and email to those who attended
ITT 9.1	<p>For Clarification of Tender purposes, for obtaining further information and for purchasing tender documents, the Procuring Entity’s address is:</p> <p>(1) Name of Procuring Entity MASENO UNIVERSTY (2) Physical address for hand Courier Delivery to an office or Supply Chain Management Office. (3) Postal Address –Private Bag, Maseno (4) Insert name, telephone number and e-mail address of the officer to be contacted. Sophia Ogila-0733427204, po@maseno.ac.ke</p>
C. Preparation of Tenders	
ITT 11.1 (h)	The Tenderer shall submit the following additional documents in its Tender: SUPPORT DOCUMENTS AS PER THE REQUIREMENTS FOR EVALUATION AND QUALIFICATION CRITERIA
ITT 13.1	Alternative Tenders “ <i>shall not be</i> ” considered.
ITT 13.2	Alternative times for completion SHALL NOT BE permitted.
ITT 13.4	Alternative technical solutions shall be permitted for the following parts of the Works: None
ITT 14.5	The prices quoted by the Tenderer shall be: FIXED
ITT 15.2 (a)	Foreign currency requirements not allowed.
ITT 18.1	The Tender validity period shall be 150 days.
ITT 18.3	<p>(a) The Number of days beyond the expiry of the initial tender validity period will be 90 days.</p> <p>(b) The Tender price shall be adjusted by the following percentages of the tender price:</p> <p>(i) By 0 % of the local currency portion of the Contract price adjusted to reflect local</p>

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
	<p><i>inflation during the period of extension, :</i> <i>and</i></p> <p><i>(ii) By 0 % the foreign currency portion of the Contract price adjusted to reflect the international inflation during the period of extension.</i></p>
ITT 19.1	Tender shall provide Tender Security . The type of Tender security shall be in the form of Banker's cheque, bank guarantee or a guarantee by an insurance company registered and licensed by the Insurance Regulatory Authority in the amount of KENYA SHILLINGS EIGHTEEN MILLION (Kshs. 18,000,000.00)
ITT 20.1	In addition to the original of the Tender, the number of copies is: ONE
ITT 20.3	The written confirmation of authorization to sign on behalf of the Tenderer shall consist of: PROVIDE POWER OF ATTORNEY AUTHORIZING THE REPRESENTATIVE TO SIGN ON BEHALF OF THE TENDERER
D. Submission and Opening of Tenders	
ITT 22.1	<p>(A) For <u>Tender submission purposes</u> only, the Procuring Entity's address is:</p> <p>(1) Name of Procuring Entity MASENO UNIVERSTY</p> <p>(2) Postal Address (include name of Officer to be attentional) PRIVATE BAG, MASENO, SOPHIA OGILA</p> <p>(3) Physical address for hand Courier Delivery to an office or Tender Box (City, Street, Building, Floor Number and Room) MASENO UNIVESRTY MAIN ADMINISTRATION BLOCK, GROUND FLOOR at the TENDER BOX</p> <p>(4) Date and time for submission of Tenders... 17th June, 2025 at 1100AM</p> <p>(5) Tenders shall shall not submit tenders electronically.</p>
ITT 25.1	<p>The Tender opening shall take place at the time and the address for Opening of Tenders provided below:</p> <p>(1) Name of Procuring Entity MASENO UNIVERSTY</p> <p>(2) Physical address for the location (City, Street, Building, Floor Number and Room), SUPPLY CHAIN MANAGEMENT OFFICE, AT THE MAIN CAMPUS.</p> <p>(3) State date and time of tender opening. 17th June, 2025 at 1100AM</p>
ITT 25.1	If Tenderers are allowed to submit Tenders electronically, they shall follow the electronic tender submission procedures specified below; SHALL NOT BE SUBMITTED ELECTRONICALLY.
E. Evaluation, and Comparison of Tenders	
ITT 30.3	The adjustment shall be based on the <i>average</i> price of the item or component as quoted in other substantially responsive Tenders. If the price of the item or component cannot be derived from the price of other substantially responsive Tenders, the

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
	Procuring Entity shall use its best estimate.
TT 32.0	<p>The currency that shall be used for Tender evaluation and comparison purposes only to convert at the selling exchange rate all Tender prices expressed in various currencies into a single currency is: KENYA SHILLINGS</p> <p>The source of exchange rate shall be: The Central bank of Kenya (mean rate)</p> <p>The date for the exchange rate shall be: the deadline date for Submission of the Tenders.</p> <p><i>For comparison of Tenders, the Tender Price, corrected pursuant to ITT 31, shall first be broken down into the respective amounts payable in various currencies by using the selling exchange rates specified by the Tenderer in accordance with ITT 15.1.</i></p> <p><i>In the second step, the Procuring Entity will convert the amounts in various currencies in which the Tender Price is payable (excluding Provisional Sums but including Daywork where priced competitively) to the single currency identified above at the selling rates established for similar transactions by the authority specified and, on the date, stipulated above.</i></p>
ITT 33.2	<p>A margin of preference SHALL NOT apply.</p> <p><i>[If a margin of preference applies, the application methodology shall be defined in Section III – Evaluation and Qualification Criteria.]</i></p>
ITT 33.4	<p>The invitation to tender is extended to the following group that qualify for Reservations OPEN NATIONAL COMPETITIVE BIDDING</p> <p><i>(These groups are Small and Medium Enterprises, Women Enterprises, Youth Enterprises and Enterprises of persons living with disability, as the case may be; describe precisely which group qualifies).</i></p>
ITT 34.1	At this time, the Procuring Entity DO NOT INTEND to execute certain specific parts of the Works by subcontractors selected in advance.
ITT 34.2	Contractor's may propose subcontracting: Maximum percentage of subcontracting permitted is: <i>10% of the total contract amount.</i> Tenderers planning to subcontract more than 10% of total volume of work shall specify, in the Form of Tender, the activity (ies) or parts of the Works to be subcontracted along with complete details of the subcontractors and their qualification and experience.
ITT 34.3	<p><i>[Indicate N/A if not applicable]</i></p> <p>The parts of the Works for which the Procuring Entity permits Tenderers to propose Specialized Subcontractors are designated as follows:</p> <ol style="list-style-type: none"> 1. ELECTRICAL WORKS WITH ATTACHED SPECIFICATIONS 2. MECHANICAL WORKS WITH ATTACHED SPECIFICATIONS <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 Tenderer for the purpose of evaluation.</p>
ITT 35.2 (e)	Additional requirements apply. These are detailed in the evaluation criteria in Section III, Evaluation and Qualification Criteria.
ITT 48.1	<p>Other documents required in addition to the Performance Security are</p> <ol style="list-style-type: none"> 1. Program of Works / Progress Chart 2. Insurance Certificates
ITT 50.1	The procedures for making a Procurement-related Complaint are detailed in the

Reference to ITC Clause	PARTICULARS OF APPENDIX TO INSTRUCTIONS TO TENDERS
	<p>“Notice of Intention to Award the Contract” herein and are also available from the PPRA Website www.ppra.go.ke or email complaints@ppra.go.ke.</p> <p>If a Tenderer wishes to make a Procurement-related Complaint, the Tenderer should submit its complaint following these procedures, in writing (by the quickest means available, that is either by hand delivery or email to:</p> <p>For the attention: <i>[insert full name of person receiving complaints]</i></p> <p>Title/position: <i>[insert title/position]</i></p> <p>Procuring Entity: MASENO UNIVERSITY</p> <p>Email address: po@maseno.ac.ke</p> <p>In summary, a Procurement-related Complaint may challenge any of the following (among others):</p> <p>(i) the terms of the Tender Documents; and</p> <p>(ii) the Procuring Entity’s decision to award the contract.</p>

Section IX - Special Conditions of Contract

The following Special Conditions shall supplement the GCC. Whenever there is a conflict, the provisions here in shall prevail over those in the GCC.

Conditions	Sub-Clause	Data
Part A - Contract Data		
Procuring Entity’s name and address	Heading	Maseno University Private Bag Maseno
Name and Reference No. of the Contract	Heading and 1.1	PROPOSED CONSTRUCTION OF MODERN SCIENCE LABORATORIES AT MASENO UNIVERSITY TENDER NO: MSU/T/025/2024-2025
Engineers Name and address	Heading and 3.1.1	The County Works Officer, State Department for Public Works Murang’a P.O Box 133-10200 Muranga
Contractor’s Representative’s name	4.3.1	<i>To be agreed with the Engineer</i>
Key Personnel names	16.9.1	<i>To be agreed with the Engineer</i>
Time for Completion	1.1.	<u>104 weeks</u>
Defects Notification Period	1.1	<u>24 weeks(6 months)</u>
Sections	1.1	<i>Not Applicable</i>
Electronic transmission systems	1.3	<i>Not Applicable</i>
Time for the Parties	1.6	Within 30days

Conditions	Sub-Clause	Data
entering into a Contract Agreement		
Commencement Date	8.1.1	To be Agreed with the Project Manager
Time for access to the Site	2.1.1	No later than the Commencement Date, and not later than 7 days after Commencement Date
Architect Duties and Authority	3.1.6 (b) (ii)	Variations resulting in an increase of the Accepted Contract Amount in excess of <u>0</u> % shall require approval of the Procuring Entity.
Performance Security	4.2.1	The performance security will be in the form of a performance bond (bank guarantee) in the amount(s) of 5%(percent) of the Accepted Contract Amount and in the same currency(ies) of the Accepted Contract Amount.
Normal working hours	6.5	0800-1700 HRS
Delay damages for the Works	8.7 & 14.15(b)	<u>0.005</u> % % of the Contract Price per day.
Maximum amount of delay damages	8.7.1	5% of the final Contract Price.
Provisional Sums	13.6. (b)(ii)	<i>As determined by the Engineer</i> _____ %
Adjustments for Changes in Cost	13.9	Not Applicable
Total advance payment	14.2.1	Not Applicable
Repayment amortization rate of advance payment	14.2.5 (b)	Not Applicable
Percentage of Retention	14.3.2 (c)	10%
Limit of Retention Money	14.3.2 (c)	5% of the Accepted Contract Amount
Plant and Materials	14.5.3(b)(i)	If Sub-Clause 14.5 applies: Plant and Materials for payment Free on Board [list].
	14.5.3(c)(i)	Plant and Materials for payment when delivered to the Site [list].
Minimum Amount of Interim Payment Certificates	14.6.2	Not Applicable
Publishing source of commercial interest rates for financial charges in case of delayed payment	14.8	Central Bank of Kenya
Maximum total liability of the Contractor to the Procuring Entity	17.6.2	<i>As per applicable laws</i>
Periods for submission of insurance: a. evidence of insurance. b. relevant policies	18.1.6	<i>14days</i>
Maximum amount of deductibles for insurance of the Procuring Entity's risks	18.2.4 (d)	<i>As per applicable laws</i>
Minimum amount of third-party insurance	18.3.2	<i>As per applicable laws</i>
The place of arbitration	20.7.2	<i>Nairobi County, Kenya</i>

FORM NO. 9 BENEFICIAL OWNERSHIP DISCLOSURE FORM**(Amended and issued pursuant to PPRA CIRCULAR No. 02/2022)****INSTRUCTIONS TO TENDERERS: DELETE THIS BOX ONCE YOU HAVE COMPLETED THE FORM**

This Beneficial Ownership Disclosure Form ("Form") is to be completed by the successful tenderer pursuant to Regulation 13 (2A) and 13 (6) of the Companies (Beneficial Ownership Information) Regulations, 2020. In case of joint venture, the tenderer must submit a separate Form for each member. The beneficial ownership information to be submitted in this Form shall be current as of the date of its submission.

For the purposes of this Form, a Beneficial Owner of a Tenderer is any natural person who ultimately owns or controls the legal person (tenderer) or arrangements or a natural person on whose behalf a transaction

Tender Reference No.: _____ [insert identification
no] Name of the Tender Title/Description: _____ [insert name of the
assignment] to: _____ [insert complete name of Procuring Entity]

In response to the requirement in your notification of award dated _____ [insert date of notification of award] to furnish additional information on beneficial ownership: _____ [select one option as applicable and delete the options that are not applicable]

I) We here by provide the following beneficial ownership information.

Details of Beneficial ownership

	Details of all Beneficial Owners		% of shares a person holds in the company Directly or indirectly	% of voting rights a person holds in the company	Whether a person directly or indirectly holds a right to appoint or remove a member of the board of directors of the company or an equivalent governing body of the Tenderer (Yes / No)	Whether a person directly or indirectly exercises significant influence or control over the Company (tenderer) (Yes / No)
1.	Full Name		Directly----- ----- % of shares	Directly.....% of voting rights	1. Having the right to appoint a majority of the board of the directors or an equivalent governing body of the Tenderer: Yes ----No---- 2. Is this right held directly or indirectly?: Direct..... ... Indirect..... ... Indirect..... ...	1. Exercises significant influence or control over the Company body of the Company (tenderer) Yes ----No---- 2. Is this influence or control exercised directly or indirectly? Direct..... Indirect.....
	National identity card number or Passport number					
	Personal Identification Number (where applicable)		Indirectly---- ----- % of shares	Indirectly----- -----% of voting rights		
	Nationality					
	Date of birth [dd/mm/yyyy]					
	Postal address					
	Residential address					
	Telephone number					
	Email address					
	Occupation or profession					

	Details of all Beneficial Owners		% of shares a person holds in the company Directly or indirectly	% of voting rights a person holds in the company	Whether a person directly or indirectly holds a right to appoint or remove a member of the board of directors of the company or an equivalent governing body of the Tenderer (Yes / No)	Whether a person directly or indirectly exercises significant influence or control over the Company (tenderer) (Yes / No)
2.	Full Name		Directly----- ----- % of shares Indirectly----- ----- % of shares	Directly.....% of voting rights Indirectly----- % of voting rights	1. Having the right to appoint a majority of the board of the directors or an equivalent governing body of the Tenderer: Yes ----No---- 2. Is this right held directly or indirectly?: Direct..... ... Indirect..... ...	1. Exercises significant influence or control over the Company body of the Company (tenderer) Yes ----No---- 2. Is this influence or control exercised directly or indirectly? Direct..... Indirect.....
	National identity card number or Passport number					
	Personal Identification Number (where applicable)					
	Nationality(ies)					
	Date of birth [dd/mm/yyyy]					
	Postal address					
	Residential address					
	Telephone number					
	Email address					
	Occupation or profession					
3. e.t .c						

II) Am fully aware that beneficial ownership information above shall be reported to the Public Procurement Regulatory Authority together with other details in relation to contract awards and shall be maintained in the Government Portal, published and made publicly available pursuant to Regulation 13(5) of the Companies (Beneficial Ownership Information) Regulations, 2020.(Notwithstanding this paragraph Personally Identifiable Information in line with the Data Protection Act shall not be published or made public). *Note that Personally Identifiable Information (PII) is defined as any information that can be used to distinguish one person from another and can be used to deanonymize previously anonymous data. This information includes National identity card number or Passport number, Personal Identification Number, Date of birth, Residential address, email address and Telephone number.*

III) In determining who meets the threshold of who a beneficial owner is, the Tenderer must consider a natural person who in relation to the company:

- (a) holds at least ten percent of the issued shares in the company either directly or indirectly;
- (b) exercises at least ten percent of the voting rights in the company either directly or indirectly;
- (c) holds a right, directly or indirectly, to appoint or remove a director of the company; or

(d) exercises significant influence or control, directly or indirectly, over the company.

IV) What is stated to herein above is true to the best of my knowledge, information and belief.

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]*

Designation of the person signing the Tender: [insert complete title of the person signing the Tender]

Signature of the person named above: [insert signature of person whose name and capacity are shown above]

Date this [insert date of signing] day of..... [Insert month], [insert year]

Bidder Official Stamp

This amendment is done according to Section 75 (1) of the Public Procurement and Asset Disposal Act, 2015.

For more details on the Tender kindly visit Maseno University Website www.maseno.ac.ke and www.tenders.go.ke

Vice-Chancellor
Maseno University