



**KENYA CIVIL AVIATION AUTHORITY**

*efficiently managing air safety*

**KCAA/CONF/1010/3 VOL 59 (035)**

**3<sup>rd</sup> OCTOBER 2024**

**TO ALL INTERESTED BIDDERS**

**REF: SECOND RESPONSE TO REQUEST FOR CLARIFICATIONS ON  
TENDER FOR SUPPLY, DELIVERY, INSTALLATION, TRAINING AND  
COMMISSIONING OF AN INTEGRATED ASSR OVERSIGHT  
MANAGEMENT SYSTEM RECEIVED AS AT 2<sup>nd</sup> OCTOBER, 2024.  
TENDER NUMBER KCAA/002/2024-2025.**

Reference is made to the above mentioned tender (volume 1 and 2) issued on 3<sup>rd</sup> September 2024 and the first response to request for clarifications/addendum issued on 17<sup>th</sup> September 2024.

The Authority has received additional requests for clarification of the above stated tender from some interested candidates.

In accordance with the provisions of Instructions to Tenderers (ITT) section 9 and 10 and the tender Data Sheet ITT 9.1 of the tender document which was issued or obtained from KCAA website, the Authority has prepared a response to the requests for clarification received by 2<sup>nd</sup> October 2024.

Attached herein is the response to the clarifications which will also be uploaded on KCAA and PPIP tender portals.

Please note that these clarifications shall be read and construed as part of the bidding document issued to you earlier.

The tender closing / submission date has been extended from **16<sup>th</sup> to 31<sup>st</sup> October 2024** at 1100 hours East African Time. As a result of this extension, the deadline for request for clarifications has been extended from 30<sup>th</sup> September to **16<sup>th</sup> October 2024**.

We wish you the best as you prepare to submit your tenders.

**William Kitum**


**FOR: DIRECTOR GENERAL**

**Encl.**



**SECOND RESPONSE TO REQUEST FOR CLARIFICATIONS ON TENDER FOR SUPPLY, DELIVERY, INSTALLATION, TRAINING AND COMMISSIONING OF AN INTEGRATED ASSR OVERSIGHT MANAGEMENT SYSTEM (TENDER NUMBER KCAA/002/2024-2025) RECEIVED AS AT 30<sup>TH</sup> SEPTEMBER, 2024.**

<b>No.</b>	<b>BIDDERS' REQUEST FOR CLARIFICATION</b>	<b>KCAA RESPONSE</b>
1.	<p><b>Tender security:</b> We are looking for clarity. P.33 mentions that it should be valid for 149 days from the date of closing. In ITT 19.1, it mentions a validity period of 119 days. However, in Tender security, it mentions "(ii) twenty-eight days after the expiration of the Tenderer's Tender Validity Period," but in 22.4, "The Tender Security shall be valid for thirty days (30) beyond the original validity period of the Tender,".</p> <p>Our bank cannot proceed with tender security with all those dates and conflicting information. Can you confirm the validity period (119 or 149) and the period beyond validity (28 or 30)? Please clarify.</p>	<p>The tender should be valid for 119 days and the tender security should valid for 149 days as indicated in clause 5 on page 33 of the tender document.</p>
2.	<p><b>Signature:</b> Our company only uses electronic signatures as corporate policy. We don't do "wet signature" anymore. How do we comply?</p>	<p>Electronic signatures are acceptable, however the person signing shall have the power of attorney.</p>
3.	<p>All our documents are electronic / PDF style; we don't have "original" in paper form. When the original is requested, the electronic form should be acceptable. Please confirm.</p>	<p>The bidder shall submit two paper copies of the tender document with one copy marked as 'original' and the other copy as 'copy' and a soft copy as indicated in the tender document.</p>
4.	<p><b>RFP Volume 2 describes very comprehensive processes and solutions.</b> However, we are seeking clarification on whether KCAA is seeking a COTS approach or ground-up development. With COTS, some requirements can be met, but with other means of compliance, some are impossible. Also, with COTS, KCAA should provide flexibility as the system, designed for multiple clients, cannot be perfectly customized for KCAA needs. What flexibility does KCAA offer to achieve technical requirements (volume 2) for COTS providers?</p>	<p>KCAA is seeking a safety/security oversight solution which is proven to have worked in at least three (3) other civil aviation authorities with the capacity to be customized to meet KCAA requirements which might not be pre-existing in that solution. As such, all bidders MUST provide evidence that they have such a solution already deployed in civil aviation authorities and they MUST also be able to customize it to meet KCAA's requirements as per the tender document.</p>

  
 For Director General  
 Kenya Civil Aviation Authority  
 P. O. Box 30163 - 00100,  
 Nairobi.



**SUPPLY, DELIVERY, INSTALLATION, TRAINING AND COMMISSIONING OF AN INTEGRATED ASSR OVERSIGHT MANAGEMENT SYSTEM RECEIVED AS AT 30<sup>TH</sup> SEPTEMBER, 2024. TENDER NUMBER KCAA/002/2024-2025.**

<b>No.</b>	<b>BIDDERS' REQUEST FOR CLARIFICATION</b>	<b>KCAA RESPONSE</b>
5.	Moving from the actual processes to new digital processes involves updating or amending your forms, workflows, and, to some extent, some certificates. Would KCAA be responsible for providing updated documentation? Or the vendor?	KCAA shall be responsible for providing updated documentation.
6.	<b>Clarification points 12:</b> The question is tracked, please provide full clarification	In this clarification bidders were reminded that they shall meet the requirements of having successfully implemented a similar solution in three civil aviation authorities as indicated in the tender document.
7.	<b>Tender security:</b> Cash is acceptable. Would a "banker check" be sufficient as a cash option?	Yes. A banker's check is acceptable.
8.	<b>Payment Gateway:</b> Please provide details so we can analyze and price it. Without documentation, it is impossible to include it in the project and price it.	KCAA uses eCitizen Payment Gateway which is provided by the Government of Kenya. The prospective solution provider is only required to <b>integrate</b> with it through an Application Programming Interface (API) that's provided.  For further details please refer to Volume 2 of 2 of the tender document, Section 10.14 (Integrations with Existing Systems – GEN 23)
9.	<b>ERP:</b> Please provide more detailed information. We need to analyze and price it. We can't include it in the project and price it with documentation.	For further details please refer to Volume 2 of 2 of the tender document, Section 10.14 (Integrations with Existing Systems – GEN 23)
10.	<b>ARMS:</b> Provide details as above for any integrations, as they require careful analysis. We can't include them blindly in the project.	For further details please refer to Volume 2 of 2 of the tender document, Section 10.14 (Integrations with Existing Systems – GEN 23)
11.	<b>ALL Integrations:</b> "Table 26: Technical Responsiveness Checklist for Integrations with Existing Systems". Without documentation, we can't blindly provide solutions, plans and prices. Provide all information regarding Table 26.	For further details please refer to Volume 2 of 2 of the tender document, Section 10.14 (Integrations with Existing Systems – GEN 23)
12.	With all clarifications, including the tender security and sheer size of the RFP, we kindly request a 4-week extension to provide a high-quality answer.	The tender submission date is hereby further extended for a further final two (2) weeks from the initial three (3) weeks extension that is from <b>16<sup>th</sup> to 31<sup>st</sup> October 2024 at 11:00AM.</b>



**SUPPLY, DELIVERY, INSTALLATION, TRAINING AND COMMISSIONING OF AN INTEGRATED ASSR OVERSIGHT MANAGEMENT SYSTEM RECEIVED AS AT 30<sup>TH</sup> SEPTEMBER, 2024. TENDER NUMBER KCAA/002/2024-2025.**

<b>No.</b>	<b>BIDDERS' REQUEST FOR CLARIFICATION</b>	<b>KCAA RESPONSE</b>
		The deadline to Request for clarifications is hereby extended from 30 <sup>th</sup> September to 16 <sup>th</sup> October 2024 at 1700 hours.
13.	<b>Local sourcing:</b> Why are there no value added, extra points for local suppliers, or local Kenyan solutions?	Local bidders are encouraged to participate as long as they meet the requirements
14.	<b>Clarification 24.</b> We are seeking additional information. We are an international company with a local branch in Kenya, wholly owned (100%) by our foreign company. This local Kenyan company, formed years ago, doesn't yet have a bank account or financial statement. In your answer clarification 24, you wrote it is considered local. That means this company can be used to tender as local company and no JV is required with a Kenyan own company.	A company is considered local if it has fifty-one (51) percent ownership by nationals of Kenya as indicated in the tender document clause 4.1.10 on page 7.  Since the local company is fully owned (100%) by the foreign company, the local company can use the financial statements of the parent company for the purpose of this bid. However, bidders should provide full documentation to confirm/ prove the ownership by the foreign company.
15.	As above, please clarify if the tenderer must be 51% locally owned or if it is open to international companies (see 4.1.10). It is not really clear.	This is an international tender and international companies that meet the Authority requirements as per the tender document are encouraged to participate.
16.	"Tenders submitted by a JV shall include a copy of the Joint Venture Agreement entered into by all members indicating at least the parts of the Information System to be executed by the respective members. Establishing a JV with a Kenyan company, including contract negotiations about SLAs and the division of work performed by each party, is taking time. We are seeking an extension of 4 weeks.	The tender submission date is hereby further extended for a further final two (2) weeks from the initial three (3) weeks extension that is from <b>16<sup>th</sup> to 31<sup>st</sup> October 2024 at 11:00AM.</b>  The deadline to Request for clarifications is hereby extended from 30 <sup>th</sup> September to 16 <sup>th</sup> October 2024 at 1700 hours.
17.	Financial statement: The bidders shall submit the latest three (3) years (2023 or 2022, 2021 and 2020 Audited Financial Statements.  We are a large company with multiple affiliates. The company we will use for the tender had its last financial statement in 2020. 2021 and 2022 will soon be released. We want to provide you with our Headquarters (parent company) tax return for 2021 and 2022 to complement our tendering company. Would it be acceptable?	You may attach the financial statements of the parent company if it owns the affiliates by 100%. However, bidders should provide full documentation to confirm / prove the ownership by the foreign company.



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18.	<p>P. 34: The bidder MUST provide a soft copy of the bidding documents with the following attributes: -</p> <ul style="list-style-type: none"> <li>a. The documents should be in PDF</li> <li>b. The PDF document must be searchable with OCR</li> </ul> <p>All diagrams, designs and drawings in the PDF document should be in their original format i.e. NOT scanned from a manual printout</p> <p>Some documents are Original; how are we supposed to present them if they are not scanned?</p>	In the case of original documents, include the scanned copies.
19.	<p>P.34 "Copy of signed contract/documentation e.g., Purchase Orders or Contract excerpts."</p> <p>We have strict contracts with our clients, some very large companies with very strict disclosure policies. As a policy, we never disclose our customer contracts. Our customers will never allow us to share their contact details. This is not legally allowed as it is commercially sensible. The information is strictly confidential. Is it possible to provide extract details but not the whole contract? Also, most of our clients don't issue Purchase orders.</p>	We require contracts as evidence that the bidder has done similar work. We also require to know the client since we will carry out due diligence to clarify the information provided from the clients of the successful bidder. All the documents will be handled with utmost confidentiality.
20.	<p>P.35, points 27, 28, and 30. What is a "Certified" CV?</p> <p>How are we supposed to comply as CV can't be certified? Who is supposed to certify?</p>	The CV should be certified by the person granted Power of Attorney, Advocate or Counsel.
21.	<p>P.35, point 27: "Copies of relevant academic / Professional / other certificates"</p> <p>No relevant certificate can be provided when someone has a lot of experience. What should we provide?</p>	Bidders should attach certified copies of relevant academic/professional certificates as specified in the bid document.
22.	<p>P.35, 29: "Attach copies of certificates showing knowledge of DMS"</p> <p>Our people have tremendous experience with DMS but don't have a "certificate." Would experience replace a "Certificate"?</p>	Bidders should attach certified copies of relevant academic/professional certificates as specified in the bid document.
23.	<p>Can a subcontractor be paid directly by KCAA?</p>	Yes. However, this must be provided for in the Joint Venture agreement and the subsequent contract.

**SUPPLY, DELIVERY, INSTALLATION, TRAINING AND COMMISSIONING OF AN INTEGRATED ASSR OVERSIGHT MANAGEMENT SYSTEM RECEIVED AS AT 30<sup>TH</sup> SEPTEMBER, 2024. TENDER NUMBER KCAA/002/2024-2025.**

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24.	<p>Part C: "The bidder MUST provide a comprehensive response on this part (C) of the mandatory technical requirements in detail. All bidders MUST respond in writing against each mandatory technical requirement clearly showing technical compliance for each specification against their brochure/ data /screenshots with applicable reference pages"</p> <ul style="list-style-type: none"> <li>• The KCAA request assumes the system is already configured with the KCAA requirements.</li> <li>• It is a very time-consuming and prohibitively expensive exercise. It also requires the system to be already configured for the KCAA requirements, which is, as requested, simply prohibitive. KCAA should provide more flexibility by offering text or explanations on achieving the requirement at a high level, not a granular level. KCAA should also offer flexibility for COTS providers. If KCAA requires such extensive documentation, a two to three months extension is needed.</li> </ul>	<p>The proposed system is not required to be configured for KCAA's requirements (if such functionality already exists). However, the bidder MUST show the proposed system will meet KCAA requirements with any of the configurations already in place. For instance, a bidder does not have to configure a system to KCAA's requirements to prove that they have implemented the Five Phase Process. What KCAA requires is for the bidder to demonstrate how they have implemented the Five Phase Process (and all other requirements as documented).</p>
25.	<p>"7.4 Technical Responsiveness for Vendor Technical Services Requirements. Point 8 QMS." All costs for this activity should be itemized here, and the total should be transferred to the main Price Schedule. " QMS is an integral part of our service; it is not a "billable item. "It is part of the fees and, as such, included in other costs. It cannot be broken down nor charged to KCAA. What do you suggest for compliance?</p>	<p>The extra costs for QMS are well explained in detail in Volume 2 of 2 of the tender documents, section 10.16. Quality Assurance – GEN24.</p>
26.	<p>Infrastructure and System Support and Maintenance." A series of tests and descriptions are required, but we don't even know all the technical requirements at this stage. The best we can do is provide general processes and descriptions. It is usually done during the project with the client, not at the RFP level.</p>	<p>The Infrastructure and System Support and Maintenance is well explained in detail in Volume 2 of 2 of the tender documents, section 11. Infrastructure Requirements.</p>
27.	<p>Table 34: Technical Responsiveness Checklist for Maintenance and Support</p>	<p>Comprehensive requirements for maintenance support are provided in Volume 2 of 2 of the tender documents,</p>



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No.	BIDDERS' REQUEST FOR CLARIFICATION	KCAA RESPONSE
	KCAA is to provide some items. How are we supposed to maintain them, and we don't even know what KCAA will provide?	section 12. Software Post Implementation-Warranty, Maintenance and support, Post maintenance and Support
28.	<b>SLA:</b> We can only be responsible and accountable for what we control and provide. In your list, you ask the vendor to be responsible for items within KCAA's control. Please explain.	Comprehensive requirements for software post implementation are provided in Volume 2 of 2 of the tender documents, section 12. Software Post Implementation-Warranty, Maintenance and support, Post maintenance and Support
29.	<b>Term of Payment:</b> The proposed payment term doesn't reflect the industry. An upfront payment must be made to cover the hardware. It should be % upfront, followed by milestone payments, including specific milestones for scanning and hardware. The Maintenance support, described in the pricing, is payable independently at the beginning of the year, not in %.	An advance payment to a maximum of 20% of the contract sum will be considered based on the successful bidder requirement. The final payment terms will be agreed with the successful bidder. However, bidders may propose the payment terms acceptable to them for KCAA consideration.
30.	<b>LPLUS:</b> One vendor has a significant advantage with LPLUS integration as they are the sole integrators and already have all documentation. Not a single other vendor has a connection with LPLUS. Provide all documentation regarding connection with LPLUS or the LPLUS vendor to share with other tenderers during the RFP. As it is a mature system, documentation must already be available. <ul style="list-style-type: none"> <li>• How is KCAA ensuring fair competition regarding LPLUS integration with equal treatment between vendors during the RFP? One vendor has a cost advantage.</li> <li>• Please ensure that KCAA is charged for any costs incurred by the awarded vendor. We can't blindly take costs from that vendor; it would be unfair. Each party should be responsible for his expenses.</li> <li>• KCAA must ensure fair and transparent communication between the LPlus vendor and other vendors.</li> <li>• We don't have a contract with LPLUS, nor do we intend to have one, so we can't ask LPLUS to provide information</li> </ul>	Integration with L-Plus is herein expunged from the tender requirements to ensure that all bidders have a fair opportunity.

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	if the contract is awarded. KCAA has a critical role to play. Please acknowledge that KCAA will manage Lplus relationships.	
31.	P. 74: "The bidder shall provide a comprehensive diagram of how they understand the KCAA environment". Please provide detailed information about the KCAA environment.	Based on the information provided in Volume 2 of 2 of the Tender Document in Section 11 & 12, the bidder is expected to provide a diagram on how they will host the system in KCAA's environment
32.	<p>Data migration:</p> <ul style="list-style-type: none"> <li>• Explain the nature, amount, formats, and data sources in detail. Provide schema and information.</li> <li>• It should be noted that the vendor cannot be responsible for KCAA data. KCAA data is owned by KCAA.</li> <li>• Also, during the migration, can the data leave the country?</li> <li>○ Can the data migration be done outside of Kenya? This means that the data will leave the country.</li> <li>○ If the data must stay in Kenya, can we have access outside Kenya? Or must the people working on the data be physically in Kenya?</li> <li>○ What security and policies are in place by KCAA to access data?</li> <li>○ Do we need security clearance to access data?</li> </ul>	<ul style="list-style-type: none"> <li>• The data to be migrated is as explained in Volume 2 of 2 of the document. Further details like schema information shall be provided to the successful bidder during the Critical Design Review Phase</li> <li>• During the Contracting Stage KCAA and the successful bidder will include a Confidentiality Clause in the Contract. Both parties will have to comply with the Kenya Data Protection Laws</li> <li>• Data will NOT leave the country and will be migrated at KCAA's premises</li> <li>• Once data has been migrated, the successful bidder can securely access data residing in KCAA's premises</li> <li>• Security and policies to access KCAA data will be provided to the successful bidder</li> </ul>
33.	<p>ITT 21.3 "The written confirmation of authorization to sign on behalf of the Tenderer shall consist of: POWER OF ATTORNEY SIGNED BY THE DONOR AND DULY WITNESSED BY AN ADVOCATE OR COUNSEL."</p> <ul style="list-style-type: none"> <li>• Which donor do you refer to?</li> <li>• ITT 21.3 Power of Attorney. We are a private company, and our CEO doesn't require a power of attorney to sign any documents. He is the CEO and Chairman. In our case, it is not specific to private commercial companies. Can we replace the power of attorney with a declaration? And attached a list of the board members published by the Chamber of Commerce?</li> </ul>	Power of attorney must be attached. The person signing the document must have a power of attorney.



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<b>No.</b>	<b>BIDDERS' REQUEST FOR CLARIFICATION</b>	<b>KCAA RESPONSE</b>
34.	In volume 2, you provided a very detailed analysis of your current process. It is well done, but it reflects the As-Is status. As part of the digitization process, new processes, the "To-Be," will have to be jointly developed, tested, and implemented. Several manuals and guides will also require amendment. May you clearly indicate the vendor's and the KCAA's responsibilities for the "To-Be" project?	The vendor will spearhead the "To Be" exercise during the Critical Design Review / Vendor System Analysis phase. KCAA will participate and provide all the required information to create the "To Be" processes.
35.	Volume 2, section 10.1 Factory testing. Training should be conducted at the vendor's site/factory. We understand training is essential, but the requirement is not clear. OEM hardware vendor won't entertain training at their facility. Can we decide where the training will be? We have multiple (Kenya and outside). Can we select any of them?	Factory Acceptance Testing shall be done as specified in Volume 2 of 2 of the Tender Document, Section 10.16.2 (TEC 29) – Factory acceptance tests for the system
36.	P. 34, point 19. "Submit evidence/letters from your bank that your firm will be able to raise capital of at least Kshs. 250,000,000.00 million for implementation of the project."  Asking the bank for such a letter is like asking for a bank guarantee. It is prohibitively expensive at the RFP stage. Also, capital may be raised by the shareholders or holding company. We are part of a larger private group. As a policy, the business unit (legal entity tendering) or the group provides all required financing for our projects. All funding is internal. Would a letter from the Group stating the above cover this requirement?	We require bidders to provide documentary evidence to demonstrate that they have adequate funds to carry out the project. Bidders should attach documentary evidence that they have the required capital whether from internal or any other source.
37.	Technical Responsiveness Checklist for the Five-Phase Certification and Approval Process – Should the five-phase certification and approval process narrative include system screenshots, or should it be theoretical? (If screenshots are required, what process should be used as an example?). Please provide precise details.	The technical responsiveness checklist for the five-phase process should as a mandatory include a video with voice narration, text narratives and screenshots.  Bidders are free to use any comprehensive five phase process currently available in their system.

  
For Director General  
Kenya Civil Aviation Authority  
P. O. Box 30163 - 00100,  
Nairobi.



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38.	Given the above and the project's complexity, we kindly request a minimum 4-week extension.	<p>The tender submission date is hereby further extended for a further final two (2) weeks from the initial three (3) weeks extension that is from <b>16<sup>th</sup> to 31<sup>st</sup> October 2024 at 11:00AM.</b></p> <p>The deadline to Request for clarifications is hereby extended from 30<sup>th</sup> September to 16<sup>th</sup> October 2024 at 1700 hours.</p>

**END**



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Kenya Civil Aviation Authority  
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