



MINISTRY OF ROADS AND TRANSPORT

STATE DEPARTMENT FOR AVIATION AND AEROSPACE DEVELOPMENT

Tender No. SDAAD/OT/001/2025-2026.

10th APRIL, 2026

To: ALL BIDDERS

PROCUREMENT OF WORKS CONTRACT – DESIGN AND BUILD

THE PROPOSED DESIGN, DEVELOPMENT AND MODERNIZATION OF JOMO KENYATTA INTERNATIONAL AIRPORT (JKIA) - Tender No: SDAAD/OT/001/2025-2026

CLARIFICATION NO. 2

Pursuant to Sections and Clauses as contained in the table herein under, we hereby issue **Clarification No.2** to the above Tender for your attention.

Head, Supply Chain Management Services
FOR: PRINCIPAL SECRETARY

CLARIFICATIONS NO 2

No	Reference to Tender	Clarifications	Response		
1.	<p>Tender Currency</p>	<p>There are inconsistencies in the Tender Document regarding the currency of submission:</p> <p>1. The General Conditions indicate that the Tender shall be submitted in a single currency (Kenyan Shillings only) (Ref: P17)</p> <p align="center">.....</p> <p>17 Currencies of Tender and Payment</p> <p>17.1 The currency (ies) of the Tender and the currency (ies) of payments shall be the same.</p> <p>17.2 Tenderers shall quote entirely in Kenya Shillings.</p> <p>17.2.1 A Tenderer expecting to incur expenditures in other currencies for inputs to the Works supplied from outside Kenya (referred to as “the foreign currency requirements”) shall indicate so in the Financial Tender the percentage(s) of the Tender Price (excluding Provisional Sums), needed by the Tenderer for the payment of such foreign currency requirements, limited to no more than two foreign currencies.</p> <p>17.2.2 The rates of exchange to be used by the Tenderer in arriving at the local currency equivalent and the percentage (s) mentioned in (a) above shall be specified by the Tenderer in the TDS, and shall apply for all payments under the Contract so that no exchange risk will be borne by the successful Tenderer.</p> <p>2. The Particular Conditions allow the use of up to two foreign currencies (Ref: P36)</p> <table border="1" data-bbox="698 1219 1529 1342"> <tr> <td data-bbox="698 1219 817 1342">ITT 17.2</td> <td data-bbox="817 1219 1529 1342">Tenderer shall quote financial proposal in not more than two (02) free foreign currencies and quoted price shall be converted in Kenya Shillings for evaluation and payment purpose.</td> </tr> </table> <p>3. The Table B allow the use of up to three foreign currencies</p>	ITT 17.2	Tenderer shall quote financial proposal in not more than two (02) free foreign currencies and quoted price shall be converted in Kenya Shillings for evaluation and payment purpose.	<p>Pursuant to ITT Clause 17.2 of the Tender Data Sheet (TDS), tenderers are permitted to submit their financial proposals in up to two (02) foreign currencies. However, for the purposes of evaluation and payment, all quoted prices shall be converted into Kenya Shillings (KES) using the exchange rates published by the Central Bank of Kenya (CBK), prevailing twenty-eight (28) days prior to the tender submission deadline, as stipulated under ITT Clause 17.2.2 of the TDS.</p> <p>Furthermore, in accordance with ITT Clause 16.5 of the TDS and PCC Clause 13.7 (Part A – Contract Data), Adjustment for Changes in Cost / Price Adjustment for both foreign and local currency components shall not be applicable.</p> <p>Additionally, pursuant to PCC Clause 14.15 (Part A – Contract Data), the currency of payment under the Contract shall be Kenya Shillings (KES).</p>
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		<p>(Ref: P108)</p> <p style="text-align: center;">Table B. Foreign Currency (FC) (NOT APPLICABLE)</p> <p>State type:.....<i>[If the Tenderer is allowed to receive payment in foreign currencies this table shall be used. If Tenderer wishes to quote in more than one foreign currency (up to three currencies permitted) then this table should be repeated for each foreign currency.]</i></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th data-bbox="801 555 860 703">Index code</th> <th data-bbox="860 555 972 703">Index description</th> <th data-bbox="972 555 1055 703">Source of index</th> <th data-bbox="1055 555 1128 703">Base value and date</th> <th data-bbox="1128 555 1227 703">Tenderer's related source currency in type/amount</th> <th data-bbox="1227 555 1317 703">Equivalent in FC1</th> <th data-bbox="1317 555 1413 703">Tenderer's proposed weighting</th> </tr> </thead> <tbody> <tr> <td data-bbox="801 703 860 730"></td> <td data-bbox="860 703 972 730">Nonadjustable</td> <td data-bbox="972 703 1055 730">—</td> <td data-bbox="1055 703 1128 730">—</td> <td data-bbox="1128 703 1227 730">—</td> <td data-bbox="1227 703 1317 730"></td> <td data-bbox="1317 703 1413 730">a: *0.25</td> </tr> </tbody> </table> <p>Kindly clarify:</p> <ul style="list-style-type: none"> • The final applicable currency requirements • Allocation of exchange rate risks • Payment currency and mechanism 	Index code	Index description	Source of index	Base value and date	Tenderer's related source currency in type/amount	Equivalent in FC1	Tenderer's proposed weighting		Nonadjustable	—	—	—		a: *0.25	
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2.	Method of Tender Submission	<p>There are conflicting provisions regarding submission method:</p> <p>1. Certain clauses indicate the possibility of electronic submission (Ref: P37)</p> <table border="1" data-bbox="689 512 1503 730"> <thead> <tr> <th colspan="2" data-bbox="689 512 1503 544">D. Submission and Opening of Tenders</th> </tr> </thead> <tbody> <tr> <td data-bbox="689 544 808 730">ITT 24.1</td> <td data-bbox="808 544 1503 730">Tenderers shall submit Tender online electronically. They shall follow the electronic Tender submission procedures specified below: Not Applicable</td> </tr> <tr> <td colspan="2" data-bbox="689 635 1503 730"> <p>The deadline for Tender submission is: 23rd of April 2026 11:00 A.M. EAT</p> </td> </tr> </tbody> </table> <p>2. Other clauses clearly require physical submission of hard copies (Ref: P6)</p> <p>9. Completed Tenders should be submitted by physically, as 1 Original and 3 Copies, to the address given below.</p> <p>Kindly confirm the final and binding method of submission.</p>	D. Submission and Opening of Tenders		ITT 24.1	Tenderers shall submit Tender online electronically. They shall follow the electronic Tender submission procedures specified below: Not Applicable	<p>The deadline for Tender submission is: 23rd of April 2026 11:00 A.M. EAT</p>		<p>Pursuant to ITT Clause 24.1 of the Tender Data Sheet (TDS), electronic (online) submission of tenders is not applicable.</p> <p>Accordingly, all tenders shall be submitted and opened in physical form, in accordance with ITT Clauses 22.1 and 27.1 of the TDS.</p>
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3.	Eligibility of Qualifications and Experience	<p>There are inconsistencies regarding the use of affiliated entities' credentials:</p> <p>1. One clause allows the use of qualifications and experience of parent companies, subsidiaries, and affiliates (Ref: P49)</p> <p>V. The Tenderer may rely on the qualifications, experience, and/or financial resources of its parent company, subsidiaries, or affiliates</p>	<p>Tenderers are permitted to rely on the qualifications and experience of their parent companies, subsidiaries, or affiliated entities for the purposes of meeting the qualification requirements. This is updated in Addendum 1.</p>						

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		<p>2. Another clause states that the Tenderer must rely only on its own qualifications and experience (Ref: P31)</p> <p>42.2 The determination shall be based upon an examination of the documentary evidence of the Tenderer's qualifications submitted by the Tenderer, pursuant to ITT 19. The determination shall not take into consideration the qualifications of other firms such as the Tenderer's subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors if permitted in the Tender document), or any other firm (s) different from the Tenderer.</p> <p>3. Kindly clarify whether the Tenderer is permitted to rely on the qualifications and experience of:</p> <p>Parent companies Subsidiaries Affiliated entities</p> <p>We recommend that the requirements set out in the notes following the Qualification Criteria and Requirements table be applied-allows the use of qualifications and experience of parent companies, subsidiaries, and affiliates.</p>	
4.	Equipment Capacity and Quantity	<p>We note that the Tender Documents specify certain requirements on construction equipment, including dipper capacity and quantity. In some cases, the specified capacity for individual equipment may not be readily available.</p> <p>Based on our construction planning and technical assessment, we consider that for certain equipment, including wheel loaders , bitumen sprayers and dewatering pump and so on, the deployment of a greater number of smaller-</p>	<p>Tenderers shall demonstrate the availability of the minimum required equipment as specified in the Tender Document.</p> <p>In addition, tenderers may present their proposed construction planning and operational approach related to equipment within the Technical Proposal, specifically</p>

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		<p>capacity units would provide enhanced flexibility in site arrangement and operations. Similarly, for tower cranes, deploying a greater number of units with a capacity range of 6 to 12 tonnes is considered more suitable in terms of operational flexibility and efficient deployment.</p> <p>We kindly seek clarification as to whether it would be acceptable to meet the overall equipment capacity requirement by deploying multiple units of smaller-capacity equipment, provided that the combined capacity and performance are equivalent to or exceed the specified requirements.</p>	<p>under Form TP-4 (Design-Build Work Program).</p>																								
5.	<p>Recognition of EPC Experience as DB Experience</p>	<p>The Tender requires Design & Build (DB) experience.</p> <p>Most of our relevant projects are executed under EPC contracts, which typically include a broader scope than DB. Kindly clarify whether EPC experience will be considered equivalent to DB experience for the purpose of qualification. We recommend that EPC experience be considered as equivalent to DB experience (Ref: P46)</p> <table border="1" data-bbox="680 1038 1520 1382"> <thead> <tr> <th colspan="8">4. Experience</th> </tr> </thead> <tbody> <tr> <td>4.1</td> <td>Design & Build (D&B) Experience</td> <td>The Tenderer shall demonstrate experience in delivery of at least one construction project including testing and commissioning, in East Africa, with value of at least 100 billion KES.</td> <td>Must meet requirement</td> <td>Must meet requirement</td> <td>N/A</td> <td>N/A</td> <td>Form EXP – 4.1</td> </tr> <tr> <td></td> <td></td> <td>The Tenderer shall demonstrate experience in contracts as a prime contractor or joint venture member, which are commissioned and operational, or substantially completed, on or after 1 February 2016 with value above 100 billion KES.</td> <td></td> <td></td> <td></td> <td></td> <td>Evidence by the following documents should be included: 1- Form of agreement; and 2- Evidence of Substantial completion through either: a) Substantial Completion Certificate / Taking-Over Certificate; or</td> </tr> </tbody> </table>	4. Experience								4.1	Design & Build (D&B) Experience	The Tenderer shall demonstrate experience in delivery of at least one construction project including testing and commissioning, in East Africa, with value of at least 100 billion KES.	Must meet requirement	Must meet requirement	N/A	N/A	Form EXP – 4.1			The Tenderer shall demonstrate experience in contracts as a prime contractor or joint venture member, which are commissioned and operational, or substantially completed, on or after 1 February 2016 with value above 100 billion KES.					Evidence by the following documents should be included: 1- Form of agreement; and 2- Evidence of Substantial completion through either: a) Substantial Completion Certificate / Taking-Over Certificate; or	<p>Tenderers possessing Engineering, Procurement, and Construction (EPC) experience shall be considered equivalent to Design-Build (DB) experience for the purposes of evaluation, subject to strict compliance with the requirements specified in the Tender Document.</p>
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6.	Recognition of NCA and EPRA Licenses	<p>1. We kindly request confirmation that the Class I Municipal Engineering Construction General Contracting Qualification may be considered as equivalent to NCA 1 for Water Works, particularly for projects involving water supply and distribution systems, as it covers water supply and drainage works and demonstrates equivalent capability. Furthermore, we would like to clarify that there is no directly corresponding standalone qualification for “Water Works” under the Chinese construction qualification system. Works related to water supply and drainage are incorporated within the scope of the Municipal Engineering Construction General Contracting Qualification. Therefore, this qualification is deemed to adequately demonstrate the required technical capacity and experience for water-related works. (Ref: P41).</p> <p>2. We note that high-voltage grid connection works in Kenya are typically undertaken by Kenya Power (KPLC) rather than by the EPC Contractor. In this regard, the requirement for EPRA Class A1 licensing for the entire electrical scope may not be fully applicable or reasonable. We kindly request clarification on whether this requirement applies to the full scope of electrical works or only to specific components, if any, that fall outside KPLC’s scope. Furthermore, under the Chinese regulatory system, a Grade II License for Installation, Repair and Testing of Electric Power Facilities permits contractors to undertake works for power facilities up to 110 kV, which is sufficient to meet the requirements of this Project.</p> <p>In light of the above, we respectfully suggest that the requirement for EPRA Class A1 licensing be reconsidered, either by removing this requirement or by adopting Grade II</p>	<p>1- Tenderers shall provide a valid registration certificate issued by the National Construction Authority (NCA) of Kenya, or an equivalent registration from the tenderer’s country of origin.</p> <p>2- With respect to the requirement for EPRA Class A1 licensing, the requirement has been revised. It is not mandatory for the Contractor to hold an EPRA Class A1 license. It is deemed sufficient for the Contractor to possess a valid registration certificate issued by the National Construction Authority (NCA), or an equivalent registration from the Tenderer’s country of origin, as stipulated under Item 2 of the Mandatory Document Checklist (Form TECH-7). See Addendum 1.</p>

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		License for Installation, Repair and Testing of Electric Power Facilities permits in China or allow the contractor to subcontract to local companies qualified.	
7.	PPRA accreditation for State-Owned Enterprises	<p>The Tender Document requires State-Owned Enterprises to be accreditation with PPRA. Kindly clarify:</p> <p>3.8 Tenderers that are state-owned enterprises or institutions may be eligible to compete and be awarded a Contract (s) only if they are accredited by PPRA to be (i) a legal public entity of the state Government and/or public administration, (ii) financially autonomous and not receiving any significant subsidies or budget support from any public entity or Government, and (iii) operating under commercial law and vested with legal rights and liabilities similar to any commercial enterprise to enable it compete with firms in the private sector on an equal basis.</p> <p>(a) The procedure for obtaining PPRA accreditation (b) Whether foreign state-owned enterprises are required to complete this accreditation prior to submission (Ref: P11)</p>	<p>State-Owned Enterprises or Institutions shall, at the tendering stage, demonstrate the following compliance by submitting appropriate documentary evidence:</p> <p>(i) A legal public entity of the state Government and / or Public Administration,</p> <p>(ii) Financially autonomous and not receiving any significant subsidies or budget support from any public entity or Government and,</p> <p>(iii) Operating under Commercial Law and vested with legal rights and liabilities similar to any commercial enterprise.</p>