



**RESPONSE TO CLARIFICATIONS ON THE REQUEST FOR PROPOSAL
FOR
TRANSACTION ADVISOR SERVICES TO THE GOVERNMENT OF KENYA
FOR THE PROPOSED NAIROBI SMART STREET LIGHTING PPP PROJECT
DATE: 19 NOVEMBER 2021**

No. Bidders Question		GOK & PIDG Clarification
1.	In Section 4.2, please clarify if any specific software needs to be used for establishing the dynamic street light asset inventory.	The Transaction Advisor should propose as part of their approach.
2.	In Section 4.3.1 (a), the scope of work indicates activities that would involve undertaking capacity planning' and frequency planning. Would you be able to clarify what is envisaged for these components?	The capacity & frequency planning of the system refers to the technology required to support the envisaged smart street lighting system. The consultant is expected to provide their proposed approach.
3.	Section 4.3.1 (c) mentions that the existing street light network including all electrical systems necessary for the proper functioning of the luminaires, underground conduits, panels, junction boxes, manholes, handholes, etc needs to be mapped. The mapping of underground conduits can be a very time-consuming activity that may elongate the survey time significantly. Would it be possible to narrow the focus of this to only include the luminaires, panels, and junction boxes be included in the mapping to avoid prolongation of the survey time?	The bidders' proposal should encompass an approach to mapping all the necessary components within the system. The proposal should take note of the project timelines.
4.	In Section 4.4, under the qualification for Technical Experts, it is requested to kindly include Mechanical Engineering as that is equally relevant.	The bidder to propose any additional disciplines for the technical experts required to deliver the scope of work as per their approach and methodology.
5.	Should we provide for a competitive dialogue procedure in the methodology and costing in our proposal? This is a requirement under the current PPP Act, as well as the PPP Bill.	The PPP Act provides guidance on the procedure for procuring Solicited Proposals.



6.	<p>In Section 4.4, 'experience with utility relocation' may please be clarified further.</p>	<p>This requirement has been deleted in toto experience with utility relocation and coordination on at least two projects of comparable size and complexity; and</p>
7.	<p>Section 28 of the RFP does not provide information on the liability (and caps on liability, if any) of the Consultants. We request to limit the liability to 1 X of the Contract Value.</p>	<p>We confirm that the caps on liability are for the client and not the consultant. In that case, we are unable to provide a limit or include caps for the consultant's liability which would lead to changing of the procurement process.</p>
8.	<p>Environmental, Social and Health Impact Assessment (ESHIA) The RfP under sub section 4.3.5 is silent on aligning the ESHIA Report to EMCA requirements (the national regulatory requirements) and submission of ESHIA Report for NEMA licensing. Please clarify whether under this consultancy, the consultant will be responsible for submission of the ESHIA Report to NEMA for EIA licensing.</p>	<p>The consultant should align with the EMCA requirements and other environmental and social requirements defined in this RfP for the required level of the ESIA. It will be the responsibility of the PPP Private Party to acquire NEMA Licenses.</p>
9.	<p>The Contracting Authority The Nairobi Metropolitan Service ("NMS") has been identified as the Contracting Authority in sub section 4.1.1 of the RFP. Based on Article 9.1 of the Deed of Transfer of Functions NMS is set to expire on 18 March 2022. For purposes of the project agreement, please confirm whether the Transaction Advisors should proceed on the basis that the NMS shall be the Contracting Authority for the whole project term i.e. that its mandate shall be renewed upon expiry.</p>	<p>The Transaction Advisory contract will be signed between the consultant and PIDG. For purposes of the Project Agreement, the transaction will proceed on the basis that NMS as a government agency may be succeeded by such other lawful entities as the Government may from time to time establish. Such entities will be lawful and capable successors of NMS under the contemplated project.</p>