



OUR REF: KEBS/T029/2023/2024

7th May, 2024.

TO ALL INTERESTED BIDDERS.

REF: ADDENDUM NO. 2 TO THE TENDER NO. KEBS/T029/2023/2024- A THREE-YEAR CONTRACT FOR THE PROVISION FOR PRINTING OF KEBS STANDARDIZATION MARK STICKERS

Please refers to the above tender.

1. RELATIONSHIP WITH THE PRINCIPAL TENDER DOCUMENT

Save where expressly amended by the terms of this addendum, the principal document shall continue to be in full force and effect.

The provisions of this addendum shall be considered to have been incorporated and shall be read as part of the principal tender document.

The following clarifications are made to the principle tender document.

2. CLARIFICATION HAVE BEEN SOUGHT AS FOLLOWS:

S/ No	Page Number	Clause No/Name	RFP Clause	Queries/Clarification required	KEBS RESPONSE
1	27	SECTION II - TENDER DATA SHEET C. Preparation of Tenders ITT 12.2 (f)	2. Evidence of experience in secure traceability of goods for Government agencies/ departments in multiple countries, two of which must be outside the country of the tenderer.	Bidders with experience solely in providing High-Security stickers to just one National Standard Body may not be experts in delivering a range of high-security features to meet the specific requirements of the Department, as there will be only one National Standard body per nation. However, it's important to note that having supplied/Executed high-security	The tender specification remains as is.

				<p>stickers/Printing Contracts to different departments will guarantee the experience in supplying the specific high-security features outlined in this tender. Limiting the bidder's capability to supply this kind of high-security stickers to just one national body will be crucial, irrespective of their past engagements with various Government departments for high-security printing.</p> <p>Therefore, this clause makes this tender highly restrictive, as there are only one or two manufacturers in each nation with experience in supplying security printing contracts for a National Body. This will lead to only one or two bids, which goes against the competitive spirit of the tender. So we request the department to kindly update the clause to the following:</p> <p>" ii. Evidence of experience in the Production of high secure of goods for Government agencies/ departments in multiple countries, one of which must be outside the country of the Tenderer"</p>	
2	27	SECTION II - TENDER DATA SHEET	iii. Evidence of successfully implementation of a paper-based stamps contract complete with a traceability system for a National Standards Body. Tenderer must submit completion certificates or testimonials and	Bidders with experience solely in providing High-Security stickers to just one National Standard Body may not be experts in delivering a range of high-security features to meet the specific requirements of the Department, as there will be only one National	The tender requirement remains as is

		<p>C. Preparation of Tenders ITT 12.2 (f)</p>	<p>contract copies for proof of contract implementation. Contact details (Telephones, Emails and Postal addresses of contracting agencies must be given)</p>	<p>Standard body per nation. However, it's important to note that having supplied/Executed high-security stickers/Printing Contracts to different departments will guarantee the experience in supplying the specific high-security features outlined in this tender. Limiting the bidder's capability to supply this kind of high-security stickers to just one national body will be crucial, irrespective of their past engagements with various Government departments for high-security printing.</p> <p>Therefore, this clause makes this tender highly restrictive, as there are only one or two manufacturers in each nation with experience in supplying security printing contracts for a National Body. This will lead to only one or two bids, which goes against the competitive spirit of the tender. So we request the department to kindly update the clause to the following:</p> <p><i>" iii. Evidence of successfully implementation of a paper-based stamps contract complete with a traceability system for a National Standards Body/Government Undertaking. Tenderer must submit completion certificates or testimonials or contract copies for proof of contract implementation or Experience Certificate. Contact details (Telephones, Emails and Postal addresses of contracting agencies must be given)"</i></p>	
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3	27	SECTION II - TENDER DATA SHEET C. Preparation of Tenders ITT 12.2 (f)	iv. Evidence of having provided and operated direct coding services (digital coding and/or serialization) for governmental projects based on digital or electronic stamps in at least two countries outside the tenderer/s own country, directly by the tenderer. The tenderer must have installed its coding equipment and software on the manufacture's production line and the same operated and maintained by the tenderer.	This clause provides an undue advantage to only a few suppliers and many reputed & experienced security printers will be denied participation in this prestigious bid for KEBS. So, to ensure maximum participation & transparency for the bid & to make the bid competitive, we humbly request the department to relax the clause as mentioned below: <i>"Evidence of having provided and operated coding services (digital coding and/or serialization) for governmental projects based on Tax Stamps in at least one country including the tenderer/s own country, directly by the tenderer. The tenderer must have installed its coding equipment and software for variable data printing at the site designated by the customer and the same operated and maintained by the tenderer."</i>	The tender requirement remains as is
4	27	5. Traceability system	Online ordering system: The system must provide an online ordering management system to be used as a KEBS STANDARDIZATION MARK sticker ordering system with control option.	We request the department to kindly mention the different types of product variants. If there are multiple product variants, kindly clarify if the quantity of stickers will be ordered on the basis of product variant.	Please note that ordering quantities will be based on the number of products or product variants imported or manufactured. Each standardization sticker will bear a unique serial number or code for traceability purposes.
5	27	5. Traceability system	Online ordering system: The system must provide an online ordering management system to be used as a KEBS STANDARDIZATION MARK sticker ordering system with control option.	We request the department to kindly provide clarity on the frequency of orders by KEBS to the successful bidder (for eg., monthly, quarterly, half yearly etc.)	As clarified in Addendum No. 1, Question No. 22, successful tenderer will be expected to maintain a minimum of 50 million stickers a month.

6	27	5. Traceability system	Online ordering system: The system must provide an online ordering management system to be used as a KEBS STANDARDIZATION MARK sticker ordering system with control option.	We request the department to kindly confirm if there is an approval system for placing orders for stickers. If yes, kindly provide details of the approval hierarchy and the process to be included in the software.	Yes, the system is expected to enable KEBS authorized personnel to approve or reject standardization mark sticker application by importers or manufacturers. Details of the approval hierarchy will be agreed upon with the successful tenderer.
7	27	5. Traceability system	Online ordering system: The system must provide an online ordering management system to be used as a KEBS STANDARDIZATION MARK sticker ordering system with control option.	We request the department to kindly provide clarity on what is meant by "ordering system with control option".	This is a system that allows for Online submission of applications by Importers or manufacturers and approval (or rejection) of the same by KEBS authorized personnel.
8	27 & 35	Preparation of Tenders & Evaluation Criteria	The firm shall hold the following International Certifications ISO 37001 Anti Bribery Management Systems	As per our understanding, the utilization of ISO 37001 Anti-Bribery Management Systems is not a standard prevalent practice within the tax stamp industry. Our existing anti-bribery measures and protocols are tailored to the specific requirements and challenges we face locally, ensuring compliance with national laws and industry standards. A self-declaration on the bidder's official letterhead affirming the company's adherence to Anti-Bribery Practices can be provided as a pertinent supporting document. Kindly confirm yes or No.	NO. The tender requirement remains as is.
9	28	5. Traceability system	Allow authorized importers/ manufacturers to place orders of KEBS STANDARDIZATION MARKS stickers via a secure web portal. Tracking of KEBS STANDARDIZATION MARKS stickers from order placement, invoicing, coding, and dispatch to importers/ Manufacturers.	We request the department to kindly mention the total number of importers and Manufacturers who procure stickers from KEBS.	On average KEBS received 45 million applications per month for imported products.

10	28	5. Traceability system	Allow authorized importers/ manufacturers to place orders of KEBS STANDARDIZATION MARKS stickers via a secure web portal. Tracking of KEBS STANDARDIZATION MARKS stickers from order placement, invoicing, coding, and dispatch to importers/ Manufacturers.	<p>Our understanding is that KEBS will allow importers/ manufacturers to order the KEBS STANDARDIZATION MARKS stickers product wise via a secure web portal.</p> <p>If yes, kindly share the format of order placed.</p> <p>If not, kindly clarify.</p>	<p>The answer is Yes. The major items on the order form are as below.</p> <p>1) Imported products.</p> <ul style="list-style-type: none"> • product details (name, brand name and Hs code). • Importers details (Name, physical address, telephone No., email and contact person). • COC details (COC No., UCR No., IDF No., and customs entry Number). <p>2) Locally manufactured products</p> <ul style="list-style-type: none"> • product details (name and brand name). • Manufacturer details (Name, physical address, telephone No., email and contact person). • Permit details (permit number, permit issue date and expiry date). <p>The above information will be pulled from KEBS Integrated Management System (KIMS)</p>

					After selecting the products details above, the importers/ manufacturers will put the quantities required.
11	28	5. Traceability system	Allow authorized importers/ manufacturers to place orders of KEBS STANDARDIZATION MARKS stickers via a secure web portal. Tracking of KEBS STANDARDIZATION MARKS stickers from order placement, invoicing, coding, and dispatch to importers/ Manufacturers.	As per our understanding, KEBS STANDARDIZATION MARK STICKERS to the successful bidder by KEBS will be placed as product wise. Kindly Confirm Yes/No If No, Kindly Clarify.	Yes, application will be product wise. However, an importer or manufacturer can make one application with several products provided those products share the same certificate of conformity or standardization mark permit.
12	28 & 35	5. Traceability system & Evaluation Criteria	Allow authorized importers/ manufacturers to place orders of KEBS STANDARDIZATION MARKS stickers via a secure web portal. Tracking of KEBS STANDARDIZATION MARKS stickers from order placement, invoicing, coding, and dispatch to importers/ Manufacturers.	As the tender is technology oriented and involves a secure web portal software as a major component, it is necessary that the bidder firm should have a credible certification related to the same like CMMI certification. Achieving CMMI Level maturity implies that the organization has established and documented standardized processes and practices for managing IT /ITES projects and is committed to their continuous improvement. To ensure the same, we would request the department to mandate that the bidder firms have CMMI certification and include the requirement in the technical evaluation criteria with relevant points. " - 0 Marks for companies which have below CMMI Level 3, - 5 marks for companies which have CMMI level 3 - 10 marks for companies which have CMMI level 5" kindly subsequently revising the evaluation parameters.	The tender requirement remains as is

13	28	5. Traceability system	Allow authorized importers/ manufacturers to place orders of KEBS STANDARDIZATION MARKS stickers via a secure web portal. Tracking of KEBS STANDARDIZATION MARKS stickers from order placement, invoicing, coding, and dispatch to importers/ Manufacturers.	As per our understanding, the invoicing system does not include a Payment gateway. Kindly confirm Yes/No. If No, please give a clarity regarding the payment gateway integration.	YES. Payment will made directly to the successful tenderer as shall be guided by the tenderer.
14	28	5. Traceability system	Allow authorized importers/ manufacturers to place orders of KEBS STANDARDIZATION MARKS stickers via a secure web portal. Tracking of KEBS STANDARDIZATION MARKS stickers from order placement, invoicing, coding, and dispatch to importers/ Manufacturers.	We request the department to kindly clarify whether there is a requirement for product aggregation. If yes, kindly provide the aggregation flow details.	No, there will be no product Aggregation.
15	28		Geolocate the products and status after scanning and usage.	As per our understanding the term "geolocate the products and status after scanning and usage" includes only latitude and longitude details of the location where the bar code is scanned. Kindly confirm yes/no. If not, kindly clarify.	The system should show on the map where the product was scanned using latitude and longitude.
16	28	6. Proposed features for KEBS STANDARDIZATION MARKS Stickers	The stickers shall be designed in such a way that once applied, shall not peel off from the product but shall break up no matter from which direction the peeling is attempted.	We request the department to kindly mention the different product variants on which KEBS STANDARDIZATION MARK STICKERS would be affixed.	KEBS standardization Sticker will be applied on ALL products intended for sale in the local market.
17	29	Preparation of Tenders	7. Direct printing of electronic STANDARDIZATION MARKS on products. The tenderer shall provide an alternative electronic STANDARDIZATION MARK sticker that may be applied under	As per our understanding, Polyester label can be manufactured using the same infrastructure used to print paper label also but for direct marking on the product a special machinery has to be installed in the lines which is not best suited and not cost efficient hence alternative method like affixing High Security	The tender requirement remains as is

			<p>circumstances where paper labels or stickers are not suitable.</p>	<p>Polyester label / High Security Hologram under circumstance where paper labels or stickers are not suitable.</p> <p>Hence, we request the department to kindly change the clause as follows:</p> <p><i>"7. High Security Polyester label / High Security Hologram STANDARDIZATION MARK sticker on products</i></p> <p><i>The tenderer shall provide an alternative High Security Polyester label / High Security Hologram STANDARDIZATION MARK sticker that may be applied under circumstances where paper labels or stickers are not suitable. "</i></p>	
18	37	Evaluation Criteria	<p>Direct printing of electronic STANDARDIZATION MARK on products - 4 Marks</p>	<p>As per our understanding, it is best suited to use an alternative method like affixing High Security Polyester label / High Security Hologram under circumstance where paper labels or stickers are not suitable.</p> <p>Hence, we request the department to kindly change the clause as follows:</p> <p><i>" Evaluation Criteria</i></p> <p><i>High Security Polyester label / High Security Hologram STANDARDIZATION MARK sticker on products - 4 Marks "</i></p>	<p>The tender requirement remains as is</p>
19	29		<p>NOTE: KEBS STANDARDIZATION MARK Sticker shall be printed on self-adhesive paper dull to UV light to facilitate viewing of fluorescent prints. The paper shall be 80-90 GSM (including coating) and shall possess visible fluorescent fibers of 2 colours. The size of KEBS STANDARDIZATION MARKS</p>	<p>We request the Department to Kindly share the breakup of total sticker paper GSM:</p> <p>a) GSM of base paper</p>	<p>The tender requirement remains as is.</p>

			Sticker shall be either 20mm ×14mm or 30mm × 14mm. Tenderer must be capable of handling multiple sizes of KEBS STANDARDIZATION MARK Stickers.	b) GSM of release liner c) GSM of adhesive	
20	29		NOTE: KEBS STANDARDIZATION MARK Sticker shall be printed on self-adhesive paper dull to UV light to facilitate viewing of fluorescent prints. The paper shall be 80-90 GSM (including coating) and shall possess visible fluorescent fibers of 2 colours. The size of KEBS STANDARDIZATION MARKS Sticker shall be either 20mm ×14mm or 30mm × 14mm. Tenderer must be capable of handling multiple sizes of KEBS STANDARDIZATION MARK Stickers.	As per our understanding, the paper shall be 80-90 GSM and coating mentioned here is adhesive coating. Kindly Confirm Yes/No If No, kindly clarify.	Yes.
21	29		NOTE: KEBS STANDARDIZATION MARK Sticker shall be printed on self-adhesive paper dull to UV light to facilitate viewing of fluorescent prints. The paper shall be 80-90 GSM (including coating) and shall possess visible fluorescent fibers of 2 colours. The size of KEBS STANDARDIZATION MARKS Sticker shall be either 20mm ×14mm or 30mm × 14mm. Tenderer must be capable of handling multiple sizes of KEBS STANDARDIZATION MARK Stickers.	We would like to bring to your kind notice that the paper required to manufacture the samples mentioned in the RFP is a specialized paper type, which is not readily available in the market. So, it is highly impossible for a tenderer to submit the samples with the prescribed paper type specification within the timelines of bid submission. Hence as a part of bid submission, we humbly request the department to kindly let us submit sticker with same printing features with different paper Specification. Once we win the order, we will supply according to the specifications mentioned in the RFP. Kindly confirm. Yes/ No?	NO.
22	29		viii. The stickers shall be supplied in forms compatible with high-speed automated label application equipment.	We request the department to kindly clarify if the form of supply of stickers is in roll format.	Yes, the stickers will be supplied in rolls format for this mode of application.

				<p>If yes, kindly confirm the number of stickers that should be present in one roll.</p> <p>If No, kindly share the details regarding the supply format/Forms of stickers that should be delivered to the Department.</p>	
23		General query		<p>Our understanding is that we need not submit samples during bid submission.</p> <p>Kindly confirm Yes/No</p>	<p>Please refer to tender document and Submit samples where required.</p>
24	29		The stickers shall be supplied in forms compatible with high-speed automated label application equipment.	We request the department to kindly share the full specification of the high-speed automated label application equipment.	<p>No specific high speed automated Label application equipment has been Identified by KEBS. However, Tenderers are required to indicate the Automated label application Equipment best suits their stickers.</p>
25	29		The stickers shall be supplied in forms compatible with high-speed automated label application equipment.	<p>As per our understanding, high speed automated label application equipment shall not be provided by the Tenderer.</p> <p>Kindly confirm yes/ no.</p> <p>If not kindly specify the quantity of high-speed automated label application equipment to be provided by the Tenderer.</p>	<p>YES. The high-speed automated label.</p> <p>Application equipment will be acquired by the importer or Manufacturer (at their own cost) based on the advice of the Successful tenderer.</p>
26	29	8. Demonstration	Tenderer must demonstrate that the proposed STANDARDIZATION MARK sticker cannot be forged through photocopying and other digital means by providing samples of the proposed KEBS STANDARDIZATION MARK in the Bid. Tenderer must also demonstrate	<p>Our understanding is that we need not submit samples during bid submission.</p> <p>Kindly confirm Yes/no.</p>	<p>No. Samples must be submitted as indicated in the tender. A minimum of 100 standardization stickers will be required.</p>

			capabilities of the proposed traceability system (ordering, verification, and reporting) by presenting demonstration system. A sample of an electronic hand device or a smartphone application (for marks verification) also to be provided in the bid.	If No, we request the department to kindly mention the quantity of STANDARDIZATION MARK sticker samples to be provided as part of the bid submission.	
27	37	Proposed features for KEBS STANDARDIZATION MARK Stickers	Each KEBS STANDARDIZATION MARK sticker shall incorporate a security Hologram with a hidden text that will be decoded using a smartphone flashlight. Tenderer to provide prototype for demonstration - 2 points	As per our understanding, in Proposed features for KEBS STANDARDIZATION MARK Stickers there has been mentioned about Hologram and no where in the tender document is has been mentioned about the Hologram. So, we request the department to kindly give us the clarity whether it is a typo error, or a feature is required.	The following text has been introduced to ITT 12.2 (f) as 6 ix: Each KEBS Standardization mark sticker shall incorporate security Hologram with hidden text that will be decoded using a smartphone flashlight. Tenderer to provide prototype for demonstration.
28	35	Evaluation Criteria	ISO 37001 Anti Bribery Management Systems	As per our understanding, the Utilization of ISO 37001 Anti-Bribery Management Systems is not a standard prevalent practice within the Tax Stamp industry. Our existing anti-bribery measures and protocols are tailored to the specific requirements and challenges we face locally, ensuring compliance with national laws and industry standards. Therefore, we respectfully request the department to accept a Self-declaration instead of the ISO 37001 clause stating that bidder will maintain consistency with their effective anti-bribery strategies that are already in place and successfully uphold ethical standards within their organization. So we request the department to kindly consider tenderer self-	The tender requirement remains as is

				declaration as document during the evaluations process.	
29	35	Evaluation Criteria	<p>A brief description of similar high security printing contracts performed by the tenderer in the last ten (10) years including the name of Government and/or Government departments, nature of service provided and, duration of service provision- 10 points for 7 years and above continuous operation of quality marking projects for National Standard Body. Zero (0) points for experience less than 7 years.</p>	<p>Bidders with experience solely in providing High-Security stickers to just one National Standard Body may not be experts in delivering a range of high-security features to meet the specific requirements of the Department, as there will be only one National Standard body per nation. However, it's important to note that having supplied/Executed high-security stickers/Printing Contracts to different departments will guarantee the experience in supplying the specific high-security features outlined in this tender. Limiting the bidder's capability to supply this kind of high-security stickers to just one national body will be crucial, irrespective of their past engagements with various Government departments for high-security printing.</p> <p>Therefore, this clause makes this tender highly restrictive, as there are only one or two manufacturers in each nation with experience in supplying security printing contracts for a National Body. This will lead to only one or two bids, which goes against the competitive spirit of the tender. So, we request the department to kindly update the clause to the following:</p> <p><i>"A brief description of similar high security printing contracts performed by the tenderer in the last ten (10) years including the name of Government and/or Government departments, nature of service provided and, duration of service provision- 10 points for 7 years and above continuous operation of quality marking projects like tax stamps / Secure Marks for National Standard Body/Government and/or</i></p>	The tender requirement remains as is

				Government departments. Zero (0) points for experience less than 7 years.	
30	35	Evaluation Criteria	<p>Evidence of having set up and operated direct coding services (digital coding and/ or serialization) encoding facilities for government projects based on digital or electronic stamps in at least two countries outside the tenderer's own country, directly by the tenderer. The tenderer must have installed its coding equipment and software on the manufacture's production line and the same operated and maintained by the tenderer. - Max points- 4 points</p> <p>- Below two countries - zero point</p> <p>2 countries- 3 points</p> <p>Installed, operated and coding equipment and software on the</p> <p>manufacturer's production line- 1 point</p>	<p>This clause provides an undue advantage to only a few suppliers and many reputed & experienced security printers will be denied participation in this prestigious bid for KEBS. So, to ensure maximum participation & transparency for the bid & to make the bid competitive, we humbly request the department to relax the clause as mentioned below:</p> <p>"Evidence of having provided and operated coding services (digital coding and/or serialization) for governmental projects based on digital or electronic stamps or any product in at least one countries including the tenderer/s own country, directly by the tenderer. The tenderer must have installed its coding equipment and software for variable data printing at the site designated by the customer and the same operated and maintained by the tenderer."</p> <p>Experience with 0 countries – 0 marks.</p> <p>Experience with 1 or more countries – 3 Points.</p> <p>Installed, operated and coding equipment and software for variable data printing at the site designated by the customer- 1 point."</p>	The tender requirement remains as is.
31	37	6 Proposed features for KEBS STANDARDIZATION MARK Stickers	viii Each KEBS STANDARDIZATION MARK sticker shall incorporate a security Hologram with a hidden text that will be decoded using a smartphone flashlight. Tenderer to provide prototype for demonstration	We want to bring to your kind notice that in the features mentioned under "Proposed features for KEBS STANDARDIZATION MARKS Stickers" on page 28 there is no mention of security hologram as a feature. Hence, we request the department to kindly remove the clause from "Technical Evaluation Criteria".	Please refer to clarification given for Question No. 27 above

32	28	Proposed features for KEBS STANDARDIZATION MARKS Stickers	The size of KEBS STANDARDIZATION MARKS Sticker shall be either 20mm × 14mm or 30mm × 14mm	As per our understanding department will only procure Paper labels from the tenderer as per the prescribed size mentioned in the tender Document. Kindly confirm yes/No. If No, kindly clarify.	Please refer to tender requirements
33	28	Proposed features for KEBS STANDARDIZATION MARKS Stickers	The size of KEBS STANDARDIZATION MARKS Sticker shall be either 20mm × 14mm or 30mm × 14mm	As per our understanding, the department needs only 2 sizes of paper-based sticker labels with the same artwork. Kindly Confirm Yes/No If No, kindly clarify	Please refer to tender requirements
34	23	Financial negotiations		As per our understanding, the price quoted by the Tenderer in the financial bid is exclusive of freight charges. Kindly confirm Yes/No. If No, Kindly Clarify - we request the department to kindly specify whether the tenderer has to bid the financial bid on FOB/CIF/DDP Basis?	The price quoted by the tenderer in the financial bid will be the price of the sticker exclusive of taxes.
35		Price BID	1. What & how we need to fill price bid format with an example (As per price bid format we need to quote – 1. Staff/personnel costs, 2. Reimbursable costs, 3 Equipment costs,	As per our understanding, tenderer shall bid per label. We request the department to kindly specify. 1. What & how we need to fill in the price bid format with an example (As per price bid format we need to quote – 1. Staff/personnel costs, 2. Reimbursable costs,	The tender shall be awarded to the bidder who shall provide the highest royalties payable to KEBS on a monthly basis subject to a minimum 35% of the price payable for the stickers. The price payable to stickers is subject to a maximum of Kshs. 2.00 (Kenya Shillings Two

			4. Insurance, 5 ETC & Total Cost of the Financial Proposal)	3 Equipment costs, 4. Insurance, 5 ETC & Total Cost of the Financial Proposal)	Only) per sticker (Maximum price that shall include the royalties).
36	30	Preparation of Tenders	The tender shall be awarded to the bidder who shall provide the highest royalties payable to KEBS on a monthly basis subject to a minimum 35% of the price payable for the stickers.	As per our understanding, proposed price in Financial Proposal is inclusive of royalty (Min 35%) and the royalty amount (min 35%) is inclusive of all the duties and taxes. Kindly Confirm yes/No	Yes, proposed price is inclusive of Royalty. However, royalty amount is not inclusive of all the duties and taxes. NOTE: Price per sticker is exclusive of taxes.
37	30	Preparation of Tenders	The tender shall be awarded to the bidder who shall provide the highest royalties payable to KEBS on a monthly basis subject to a minimum 35% of the price payable for the stickers.	As per our understanding, post the receipt of the Invoiced amount by the Tenderer for manufacturing KEBS STANDARDIZATION MARK STICKERS, Tenderer will transfer the Royalty amount to the KEBS. Kindly Confirm Yes/No. If not, kindly clarify regarding the payment terms to tenderer and royalty payment to KEBS	Payment for the stickers will made directly to the successful tenderer by importers and/or manufacturers. The successful tenderer will subsequently remit the agreed royalty to KEBS monthly.
38	24	Signing of Contract		As per our understanding, post winning the contract the timeline between signing the contract and delivering the first order will be based on mutual understanding. Kindly confirm Yes/No If not, kindly specify the timeline for subsequent supply.	Response: The signing of contract will be within the tender validity period of 182 days from the day tender opening.

39	30	Preparation of Tenders	The price payable to stickers is subject to a maximum of Kshs. 2.00 (Kenya Shillings Two Only) per sticker	As per our understanding duty & tax will be paid by KEBS Authority at actual and 2 kshs price is exclusive of Duty and Taxes charges. Kindly Confirm Yes/No If No, Whether KEBS pay the differential amount to the tenderer, if there is any changes in duty/tax by the Kenya Government.	The proposed price is EXCLUSIVE OF TAXES. However, since payment will be collected by the successful tenderer, it is the responsibility of the successful tenderer to remit taxes to the relevant authority as they fall due.
40	42	40% PERCENT RULE FORM	Tenderers must complete this form to indicate they conform to the 40% Rule, i.e., 40% of their tender price is sourced from within Kenya.	As per our understanding, since most of the tenderers are foreign manufacturers, the entire process of the KEBS STANDARDIZATION MARK STICKERS manufacturing will only be done in their home country and the scope of the tenderer is to Supply KEBS Standardization Mark Stickers directly to KEBS. So we humbly request the department to kindly remove the 40% PERCENT RULE FORM.	This is a Standard Tender Document as provided by the Public Procurement and Regulatory Authority (PPRA) and therefore, please provide what is required. The same can be access through PPRA website. Refer to Public Procurement and Asset Disposal Act (PPADA) 2015 Sec. 155 and Public Procurement and Asset Disposal Regulation (PPADR) 2020 Sec. 144 (3)(f)
41	65	Schedule M: Insurance Required	Protection of Contractor's Personnel	we want to bring to your kind notice that, Protection of Contractor's Personnel is a pre-defined kind of insurance which does not exists in most of the country. Hence, we request the department to kindly allow tenderer to submit a Self-declaration with respect to this on a company Letter head. Kindly confirm Yes/No.	This is a Standard Tender Document as provided by the Public Procurement and Regulatory Authority (PPRA) and therefore, please provide what is required. The same can be access through PPRA website.
42	80	13.3 Payments by the Procuring Entity	The Procuring Entity shall make payments to the Contractor in accordance with the terms of this Contract.	As per our understanding the KEBS department will release the payment within 30 days from the date of invoice generation. Kindly confirm Yes/No.	Please refer to response to Question No. 37

				If No, Kindly Clarify the payment Terms.	
43	81	Intellectual and Industrial Property Rights	<p>15.1.1 As between the Parties, the Contractor shall retain the copyright and other intellectual property rights in any technical or Procuring Entity's Representative inventions or innovations made by or on behalf of the Contractor in providing the Services and in the Contractor's, Parent's and Shareholders' proprietary software, as applicable, that the Contractor modified for use in connection with the Services (the "Contractor's Innovations and Software").</p> <p>15.1.2The Contractor, by signing the Contract, gives the Procuring Entity a non-terminable, transferable, nonexclusive, royalty-free license to copy, use and communicate the Contractor's Innovations and Software and any other software used or purchased by the Contractor in the performance of the Services (the "Other Software"), including making and using modifications of them. This license shall, (a) apply throughout the actual or intended working life, whichever is longer, of the relevant parts of the Facilities; (b) entitle any person in proper possession of the relevant part of the Facilities to copy, use and communicate the Contractor's Innovations and Software and the Other Software for the purposes of managing, operating and maintaining the Facilities; (c) in the case of Contractor's Innovations and Software and the Other Software which are in the form of computer programs and</p>	<p>We want to bring to your kind notice that as per the scope of work, the Intellectual and Industrial Property Rights are not in line with the scope hence we request the department to kindly update the clause to the following.</p> <p><i>"15.1.1 As between the Parties, Contractor will own all Intellectual Property owned by Contractor or its Affiliates before the Execution Date or acquired by Contractor or its Affiliates after the Execution Date.</i></p> <p><i>As between the Parties, the Contractor shall retain the copyright and other intellectual property rights in any technical or Procuring Entity's Representative inventions or innovations made by or on behalf of the Contractor in providing the Services and in the Contractor's, Parent's and Shareholders' proprietary software, as applicable, that the Contractor modified for use in connection with the Services (the "Contractor's Innovations and Software").</i></p> <p><i>15.1.2 The Contractor, by signing the Contract, gives the Procuring Entity a terminable, non-transferable, nonexclusive, license to copy, use and communicate the Contractor's Innovations and Software. This license shall,</i></p> <p><i>(a) apply throughout the actual or intended working life, whichever is longer, of the relevant parts of the Facilities;</i></p>	<p>Response: This is a General Condition of Contract in the Standard Tender Document as provided by the Public Procurement and Regulatory Authority (PPRA) and therefore, please provide what is required. The same can be access through PPRA website.</p>

			<p>other software, permit their use on any computer at the Facilities and other places as envisaged by the Contract, including replacements of any computers supplied by the Contractor; and</p> <p>(d) entitle the Procuring Entity to make the Contractor's Innovations and Software and the Other Software available for inspection by a prospective Tenderer who may be involved in the process to select a Subsequent Contractor</p>	<p><i>(b) entitle any person in proper possession of the relevant part of the Facilities to , use the Contractor's Innovations and Software for the purposes of managing, operating and maintaining the Facilities;</i></p> <p><i>(c) in the case of Contractor's Innovations and Software which are in the form of computer programs and other software, permit their use on any computer at the Facilities and other places as envisaged by the Contract; and</i></p> <p><i>(d) entitle the Procuring Entity to make the Contractor's Innovations and Software for inspection by a prospective Tenderer who may be involved in the process to select a Subsequent Contractor."</i></p>	
44		General query		<p>Requesting the department to kindly Specify if there are any other kind of Duty/Special Duty/any other kind of charges for Imported KEBS stickers.</p>	<p>Any clarification on taxes may be sought from Kenya Revenue Authority</p>
45		General query	Packing type	<p>- As per our understanding, bidders shall use their own type for packaging for packing of KEBS STANDARDIZATION MARK STICKERS.</p> <p>Kindly Confirm Yes/No If Not, kindly provide in detail.</p>	<p>YES</p>
46		General query	Delivery pattern & delivery address	<p>- As per our understanding, bidders shall use their own type for packaging for packing of KEBS STANDARDIZATION MARK STICKERS.</p> <p>Kindly Confirm Yes/No</p> <p>If Not, kindly provide in detail. MARK STICKERS must be delivered.</p> <p>- If the supply is for multiple locations, we request the department to kindly specify us the delivery pattern (Daily/ weekly/monthly/quarterly/ Order wise</p>	<p>YES</p>

				/ etc.) of KEBS STANDARDIZATION MARK STICKERS for each location.	
47		General query		We request the department to kindly specify total project quantity & per year quantity of KEBS STANDARDIZATION MARK STICKERS.	The projected minimum number Of stickers per month is 50 million.
48		General query		We would like to bring to KEBS's kind notice that, if sample has to be submitted there is a general increase in Turnaround time (TAT) across the industry for purchase of raw materials used in production of KEBS STANDARDIZATION MARK STICKERS and The time between publishing of query answers and bid submission will be very short to understand the exact requirements and produce samples. Hence, we humbly request the department to kindly extend the bid submission time by at least by 60 days. This will ensure better quality of sample and bid submission by all bidders in the interest of the competitiveness of the bid.	The tender submission timeline remain as communicated.
49		General		As per our understanding Artwork of KEBS STANDARDIZATION MARK Sticker will be under the scope of tenderer. Kindly Confirm Yes/No If Not, kindly share the Artwork of KEBS STANDARDIZATION MARK Sticker	Save for the specific security features, the general artwork of KEBS Standardization sticker will be Provided to the successful tenderer.
50		General		a) As there are no clauses on tax withholding, since this is a cross border transaction, will there be any tax withholding on the amount payable towards the supply? b) If there is no tax withholding under existing tax	The applicable tax laws in Kenya will apply and the successful bidder will bear the cost of any taxes, including potential future tax changes.

				regime, will KEBS bear the cost in case of any future changes thereon?	
51		General query	Conflict of Interest	Our understanding is that, if a firm is already associated with any other related Government Department in Kenya for providing/Supplying similar kind of High Security Labels; those firms are not eligible for bidding in this tender due to a conflict of interest. Kindly confirm Yes/No?	Response: This is a Standard Tender Document as provided by the Public Procurement and Regulatory Authority (PPRA) and therefore, please provide what is required. The same can be access through PPRA website.
52		General query		We request the KEBS Department to kindly clarify in detail regarding payment terms and timelines.	Please refer to clarifications given on Payments. (Refer to response for Question No. 37.)
53		General query		We request the department to kindly confirm the date and time of the pre-bid meeting.	Response: NO Pre-Bid meeting
54		General query		We kindly request the department to share the images of the KEBS STANDARDIZATION MARK STICKERS.	Images or general artwork will be Provided to successful tenderer
55		General query		We request the department to kindly share the HSN code for the KEBS STANDARDIZATION MARK STICKERS.	The information can be obtained from Kenya Revenue Authority (Customs Department)
56		General query		We request you to share the present duty/tax structure for export customer at Kenya for this KEBS STANDARDIZATION MARK STICKERS HSN.	The information can be obtained from Kenya Revenue Authority (Customs Department)
57		General query		As per our understanding the affixing of the KEBS STANDARDIZATION MARK STICKERS to the product will only take place within Kenya. Kindly Confirm Yes/No. If No, Kindly Clarify	Affixing of KEBS standardization will take place both within and outside Kenya. However, purchase will be done in Kenya.

58	80	13.3 Payments by the Procuring Entity	The Procuring Entity shall make payments to the Contractor in accordance with the terms of this Contract.	As per our understanding the KEBS department will release the payment within 30 days from the date of invoice generation. Kindly confirm Yes/No. If No, Kindly Clarify the payment Terms	Please refer to clarifications given on payments
59	81	Intellectual and Industrial Property Rights	15.1.1 As between the Parties, the Contractor shall retain the copyright and other intellectual property rights in any technical or Procuring Entity's Representative inventions or innovations made by or on behalf of the Contractor in providing the Services and in the Contractor's, Parent's and Shareholders' proprietary software, as applicable, that the Contractor modified for use in connection with the Services (the "Contractor's Innovations and Software"). 15.1.2The Contractor, by signing the Contract, gives the Procuring Entity a non-terminable, transferable, nonexclusive, royalty-free license to copy, use and communicate the Contractor's Innovations and Software and any other software used or purchased by the Contractor in the performance of the Services (the "Other Software"), including making and using modifications of them. This license shall, (a) apply throughout the actual or intended working life, whichever is longer, of the relevant parts of the Facilities; (b) entitle any person in proper possession of the relevant part of the Facilities to copy, use and communicate the Contractor's Innovations and Software and the Other	We want to bring to your kind notice that as per the scope of work, the Intellectual and Industrial Property Rights are not in line with the scope hence we request the department to kindly update the clause to the following. "15.1.1 As between the Parties, Contractor will own all Intellectual Property owned by Contractor or its Affiliates before the Execution Date or acquired by Contractor or its Affiliates after the Execution Date. As between the Parties, the Contractor shall retain the copyright and other intellectual property rights in any technical or Procuring Entity's Representative inventions or innovations made by or on behalf of the Contractor in providing the Services and in the Contractor's, Parent's and Shareholders' proprietary software, as applicable, that the Contractor modified for use in connection with the Services (the "Contractor's Innovations and Software"). 15.1.2 The Contractor, by signing the Contract, gives the Procuring Entity a terminable, non-transferable, nonexclusive, license to copy, use and communicate the Contractor's Innovations and Software. This license shall,	Repetition: Please refer to question no. 43

			Software for the purposes of managing, operating and maintaining the Facilities; (c) in the case of Contractor's Innovations and Software and the Other Software which are in the form of computer programs and other software, permit their use on any computer at the Facilities and other places as envisaged by the Contract, including replacements of any computers supplied by the Contractor; and (d) entitle the Procuring Entity to make the Contractor's Innovations and Software and the Other Software available for inspection by a prospective Tenderer who may be involved in the process to select a Subsequent Contractor	<i>(a) apply throughout the actual or intended working life, whichever is longer, of the relevant parts of the Facilities; (b) entitle any person in proper possession of the relevant part of the Facilities to , use the Contractor's Innovations and Software for the purposes of managing, operating and maintaining the Facilities; (c) in the case of Contractor's Innovations and Software which are in the form of computer programs and other software, permit their use on any computer at the Facilities and other places as envisaged by the Contract; and (d) entitle the Procuring Entity to make the Contractor's Innovations and Software for inspection by a prospective Tenderer who may be involved in the process to select a Subsequent Contractor."</i>	
60	General query			Requesting the department to kindly Specify if there are any other kind of Duty/Special Duty/any other kind of charges for Imported KEBS stickers.	REPETITION. QUESTION ANSWERED
61	General query	Packing type		- As per our understanding, bidders shall use their own type for packaging for packing of KEBS STANDARDIZATION MARK STICKERS. Kindly Confirm Yes/No If Not, kindly provide in detail.	REPETITION. QUESTION ANSWERED
62	General query	Delivery pattern & delivery address		As per our understanding, Post the winning of the contract the tenderer shall deliver KEBS STANDARDIZATION MARK STICKERS for one central location, which is KEBS Head office. Kindly Confirm Yes/No.	No. Successful tenderer will make arrangements for storage and sale of stickers.

				<p>If Not, kindly clarify.</p> <ul style="list-style-type: none"> - If the supply is for multiple locations, we request the department to kindly specify the number of locations and delivery addresses the KEBS STANDARDIZATION MARK STICKERS must be delivered. - If the supply is for multiple locations, we request the department to kindly specify us the delivery pattern (Daily/ weekly/monthly/quarterly/ Order wise / etc.) of KEBS STANDARDIZATION MARK STICKERS for each location. 	
63		General query		We request the department to kindly specify total project quantity & per year quantity of KEBS STANDARDIZATION MARK STICKERS.	REPETITION. QUESTION ANSWERED
64	17	Sealing Marking and of Tenders	DO NOT OPEN BEFORE 1000hrs East African time on 18th January, 2023,	We request the department to kindly give clarity on this point.	Correction: DO NOT OPEN BEFORE 1000hrs East African Time on 23 rd May, 2024. Refer to Addendum 1 (Question 1, General)
65.				We request the department to please furnish tenderer with a photo or video showcasing the KEBS STANDARDIZATION MARK STICKERS, which would aid the tenderer in gaining a clearer understanding of the stickers.	Video not necessary at this stage. The general artwork of KEBS standardization mark sticker will be given to the successful tenderer upon signing the contract.
66.					Correction to ITT 46.1: A ten percent (10%) margin of preference in the evaluated price of the tender shall be applied.
67.		ITT 12.2 (f), 5	Traceability system: The tenderer must have an operational traceability system for field verification that can fulfil the following additional functions....	Would KEBS provide guidance on whether the traceability system could/should be cloud-based or deployed locally on KEBS' servers?	The traceability system should be cloud based.

68.		ITT 12.2 (f), 6	The size of KEBS STANDARDIZATION MARKS Sticker shall be either 20mm × 14mm or 30mm × 14mm. Tenderer must be capable of handling multiple sizes of KEBS STANDARDIZATION MARK Stickers.	Would KEBS please provide a breakdown of the expected volumes for the two stamp sizes and further breakdown of expected delivery format (e.g. reel vs. stack)?	The stamp size will be dictated by the product size and therefore no breakdown of the expected volumes for the two stamp sizes cannot be determined at this stage.
69.		Would KEBS please provide a breakdown of the expected volumes for the two stamp sizes and further breakdown of expected delivery format (e.g. reel vs. stack)?	The tenderer shall design and provide a sample KEBS STANDARDIZATION MARK sticker containing all the security features outlined in this tender document along with the bid.	Does KEBS expect bidders to provide printed physical samples with its bid? If so, please consider a 30-day extension to enable sufficient time for bidders to produce and include with their submission.	Yes, samples of KEBS standardization mark stickers must be provided as requested in the tender document

3. DEADLINE FOR SUBMISSION OF TENDER

The tender closing date, Please Refer to Addendum 1, the general question No. 1

All the other terms and conditions remain as per the tender document.

Rhoda Kirui
FOR: CHIEF MANAGER – SUPPLY CHAIN

