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**CONSTRUCTION AND REHABILITATION OF SCHOOLS INFRASTRUCTURE**

**TERMS OF REFERENCE (ToR)**

**REF: KCO/02/09/FY24**

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In fulfilment of the activities for the  
“UF-EZAKASO/GANA Comprehensive Education Project”

In

Kilifi County, Kenya

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## **1.0 Introduction**

This document is an invitation to submit a bid for the construction and rehabilitation of schools' infrastructure under the Unstoppable Foundation, EZAKASO/GANA Comprehensive Education Project. The project seeks to improve the learning environment for children. Through this project, Plan will support six schools to construct new buildings as well as maintain part of the existing infrastructure, for a revitalized academic environment.

It is important that tenderers should, in their own interest, carefully study the document and follow the general instructions herein.

### **1.1 Location**

The project is being implemented in Kenya, specifically at Magogoni, Mangororo, Matolani Schools under EZAKASO villages and Kimbule, Migodmani, Mikuluni Schools under GANA villages, in Kilifi County of the Coast Province.

## **2.0 Scope of works**

The tender includes inter alia, the supply of labour, materials, tools, plant and equipment for the construction and maintenance of school infrastructure at the above-mentioned sites.

### **2.1 New buildings**

#### **A. Magogoni Primary School**

- 1 block x 3 No. classrooms
- 1 No. x library
- Store
- 10000L elevated water storage tank, pumping & water reticulation
- Solar power installation

#### **B. Mangororo Primary School**

- 1 block x 4 No. classrooms
- Store
- 1 No. x BVIP latrine; 3 pit disability friendly toilet for boys
- 1 No. x 100m<sup>3</sup> underground water storage tank
- 10000L elevated water storage tank, pumping & water reticulation
- Solar power installation

#### **C. Matolani Primary School**

- 2 blocks x 3 No. classrooms
- Store
- 1 No. x BVIP latrine; 2 pit disability friendly toilets for teachers

- 1 No. x 100m<sup>3</sup> underground water storage tank
- 10000L elevated water storage tank, pumping & water reticulation
- Solar power installation

D. Kimbule Primary School

- 1 No. ECD block with 2 classrooms, stores & offices
- 1 block x 3 No. classrooms
- 1 No. kitchen
- 1 No. x BVIP Latrine: 3 pit disability friendly toilet for girls
- 1 No. x BVIP Latrine: 3 pit disability friendly toilet for boys
- 1 No. x 100m<sup>3</sup> underground water storage tank
- 10000L elevated water storage tank, pumping & water reticulation
- Solar power installation

E. Migodomani Primary School

- 1 No. ECD block with 2 classrooms, stores & offices
- 1 x No. Library
- 1 No. kitchen
- 1 No. x BVIP Latrine; 3 pit disability friendly toilet for boys
- 1 No. x 100m<sup>3</sup> underground water storage tank
- 10000L elevated water storage tank, pumping & water reticulation
- Solar power installation

F. Mikuluni Primary School

- 1 block x 3 No. classrooms
- 1 block x 4 No. classrooms
- 1 No. x library
- 1 No. x kitchen
- 1 No. x BVIP Latrine; 3 pit disability friendly toilet for girls
- 1 No. x BVIP Latrine; 3 pit disability friendly toilet for boys
- 1 No. x 100m<sup>3</sup> underground water storage tank
- 10000L elevated water storage tank, pumping & water reticulation
- Solar power installation

## 2.2 Buildings to be renovated

A. Kimbule Primary School

- 1 block x 3 No. classrooms
- 1 block x 2 No. classrooms
- 1 block x 1 classroom

B. Migodamani Primary School

- 1 block x 4 No. classrooms
- 1 block x 3 No. classrooms
- 1 block x 1 No. classroom
- 1 block of dormitory

C. Mikuluni Primary School

- 1 block x 3 No. classrooms
- 1 block x 2 classrooms

D. Magogoni

- 1 block of 3 classrooms
- Administration block

### **3.0 Instructions to tenderers**

- 3.1 All tenders must be in strict accordance with these instructions. Any tender which does not comply with the instructions may be deemed irregular and hence liable to rejection.
- 3.2 The tenderer shall check the pages of this document, bill of quantities, drawings and specifications. Any discrepancies or omissions should immediately be drawn to the attention of the Project Manager (Plan International) through the email address provided in section 3.9. Submission of a tender will be deemed to confirm that the tenderer has received a complete set of tender documents and has based his tender upon them. Tenders that are not substantially responsive to the requirements of the tender documents will be rejected.
- 3.3 Except as otherwise expressly set forth in the bill of quantities, in the event and to the extent of any conflict or inconsistency between the main body of these terms of reference (ToR) and any of the bill of quantities, this ToR shall control and prevail.
- 3.4 The tenderer shall obtain for himself and at his own expense, any additional information necessary to enable him to complete the tender.
- 3.5 The tenderer is advised to visit and examine the site to acquaint himself with local conditions, supply of services; water, electricity, labour, accommodation and transport and shall be deemed to have read and understood all specifications. No claims for expenses arising from a subsequent lack of such knowledge will be entertained. Sites visit shall be done only on week days.
- 3.6 Submission of a tender shall be construed as an acknowledgement by the tenderer to have acquired all the necessary information and agrees to the Conditions of a Fixed Contract.
- 3.7 All documents shall be completed in black or blue ink or typed and signed and dated as appropriate.
- 3.8 Failure to comply with or agree to any conditions set out in this instruction to tenderers may cause rejection of the tender.
- 3.9 Any questions which Tenderers may wish to raise on this project shall be emailed to:

[kenyaprocurement.nairobi@plan-international.org](mailto:kenyaprocurement.nairobi@plan-international.org)

For the attention of **The Tender Committee.**

Queries to be received by the above not later than **7 days prior to closing date of tender.**

- 3.9.1 Clarifications or instructions to tenderers given during the tender period shall not be a basis for any claim for extension of time or additional payment during the contract period.
- 3.10 Offers must hold good for 120 days from the closing date for receipt of tenders.
- 3.11 Tenders should quote prices indicating:
  - i. Total price with V.A.T. shown separately
  - ii. Discounts and premiums or any other charges
  - iii. Tenders must reflect market prices quoted in Kenyan Shillings.
- 3.11.1 The bidder shall complete the Form of Tender as attached herein Tender. Non-completion of the Form of Tender shall lead to automatic disqualification of tender.
- 3.11.2 The Employer shall not be bound to accept the lowest or any tender. No acceptance of any tender shall be deemed to be valid other than a written instruction from the Employer.

#### **4.0 Submission Instructions**

- 4.1 One copy of the tender documents shall be submitted by the tenderer **on or before 19<sup>th</sup> October 2023 at 16:00 Hrs.**
- 4.2 Bids should be submitted in sealed envelopes clearly marked **“KCO/02/09/FY24”** and addressed as shown below. Bids shall be delivered to Plan International Kilifi Program Unit Office located off Mombasa-Malindi Road, between Kilifi Bridge and Naivas Junction.

The Tender Committee  
Plan International Kenya  
Kilifi Program Unit  
P.O Box 911-80108,  
Kilifi, Kenya

## 5.0 Evaluation criteria and comparison of bids

The Tender Processing Committee shall evaluate the Technical Proposals in three stages as follows: -

### 5.1 Determination of responsiveness

This stage of evaluation shall involve determination of compliance with minimum conditions set out in the **Tender Document and Tender Invitation Notice for the main Contractor and All sub-contractors.**

These conditions shall include the following but not limited to: -

- a) A certified copy of Registration with **National Construction Authority in NCA 4** and above (Building works) with a valid annual practicing license for the Main Contractor,
- b) The bidder must have a Domestic Electrical Subcontractor for Electrical Works registered with **National Construction Authority in NCA 7** and above for electrical works with a valid annual practicing license and Energy Regulatory Commission (E. R. C) registration category 'C-2' and above, who must sign and stamps the bid document. (A signed commitment letter from the Sub-contractor to the main contractor indicating that they will undertake the works must be attached).
- c) The bidder must have a Domestic Mechanical Subcontractor for Mechanical Works registered with **National Construction Authority in NCA 7** and above for Mechanical works with a valid annual practicing license. (A signed commitment letter from the Sub-contractor to the main contractor indicating that they will undertake the works must be attached).
- d) A certified Copy of Certificate of registration/incorporation
- e) A certified Copy of VAT/PIN certificate from KRA
- f) A certified Copy of Valid Tax compliance certificate
- g) A certified Copy of CR12 of not more than one year
- h) The Bid has been submitted in full and in the original format/order as issued by the Procurement Entity (Distortion of the Tender Document is NOT allowed, distorted Tender Documents will lead to disqualification.
- i) Dully filled, signed and stamped form of tender
- j) A 5% Bid Bond valid for the period of the tender if awarded the contract. (Attach letter from your bank addressed to Plan International referencing the said tender number or description and which must remain valid for 150 days from the date of tender opening
- k) A signed and stamped (by the school) site visit confirmation letter or form herein attached.

## 5.2 Detailed Technical Examination

In accordance to Instruction to Tenderers, the tenderers shall be required to prove evidence of eligibility of award of the tender by satisfying the Employer of their eligibility and adequacy of resources to effectively carry out the subject contract. The tenderer shall be required to fill the Standard Forms provided for the purpose of providing the required information. The required information/forms shall be as follows:

- a) Schedule of workers reserved for the project including their trades, qualifications, professional grade and years of experience. A schedule of workers shall be drafted per each site for each activity. Attach letter of undertaking, history of engagement, position, CVs, copies of education and membership certificate to professional bodies.
- b) Detailed organizational structure.
- c) Special plant and equipment dedicated for the project per each site and activity.
- d) A preliminary programme shall be submitted with the tender based on a maximum construction period of 150 consecutive days including mobilisation and demobilisation. The programme shall detail each activity and timelines per site. The order in which the Works are to be carried out shall be subject to approval of and alteration by the Project Manager.
- e) Cash-flow: - The anticipated cash flow based on the tender price, proposed start and completion dates and the timelines projected from item d) above.
- f) Current/previous similar works: Tenderers must list or attach records of ongoing projects or those successfully undertaken in the past 5 years including 3 referral letters addressed to Plan International.
- g) Cost of basic construction materials per unit measurement transported to site.
- h) Stamped bank statements for the last 6 months or last audited financial statements.

## 5.3 Detailed Financial Examination

The priced rates will be subjected to examination to check for the following:

- a) Evidence of front-loading
- b) Reasonability of the rates, and
- c) Consistency of the rates

**NOTE: Failure of A, B or C above, will lead to automatic disqualification.**

The tender may be awarded to one or more tenderers.



## 6.0 Form of tender

### **For: The Proposed Construction of Schools Infrastructure**

The Tender Committee (Plan International Kenya, Kilifi County)

I/We, the undersigned, are/am willing to contract with the Employer for and perform the whole of the works required to be done in the erection and completion of the Proposed Works in accordance with the Articles of Agreement, the General Conditions of Contract, This form of Tender, and the Bills of Quantities, and under the supervision of and to your reasonable satisfaction.

### **THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS**

..... (in figures)

.....

..... (in words)

on the following conditions:

I/We undertake, if this Tender is accepted, to enter into a formal contract to be prepared by you for the due performance of the Works.

I/We undertake to proceed with, complete and give you beneficial occupation of the whole of the Works for which I/We have tendered for as set out above within the period set out.

I/We hereby agree and undertake that this Tender shall not be withdrawn or amended as to the whole or any part thereof, but shall remain in full legal force for a period of 90 days from the date of its delivery as if the Tender had been accepted.

I/We undertake on the acceptance of this tender to enter into a form of contract to be prepared by you for the due performance of the Works within seven days from the posting or delivery, if by hand, of provisional notification of acceptance of this Tender.

This tender is submitted on the understanding that the Employer shall have the right to reject any tender where any alterations have been made on this Form, or if any of the particulars required herein are not filled in.

**NEITHER THE LOWEST NOR ANY TENDER WILL NECESSARILY BE ACCEPTED.**

Dated at:.....this.....day of.....2023

On behalf of the Contractor:..... Signature:.....

Address: .....

.....

.....

Signatory's Capacity:.....

Witness 1: ..... Date:.....

Witness 2: ..... Date:.....

**6.1 Appendix to form of tender**

<b>SPECIAL CONDITIONS</b>	
Time within which works to be commenced	7 days from date of award of contract
Time for completion	5 months
Amount of penalty to the Contractor	0.1% of contract value per each week of delay but not exceeding 10% of Contract Value
Period of maintenance	6 calendar months
Percentage retention	10% of contract value
Time within which payment to be made after certificate is submitted to Employer	30 days

Yours faithfully,

.....

On behalf of: .....

Signature: .....

Date: .....

## 6.2 Schedule of workers reserved for the project

Give names and experience of all staff the Tenderer proposes to employ on the works.

Site: (E.g. Magogoni Primary School).....

Activity 1: (E.g. 1 block of 3 classrooms).....

NAME	CATEGORY	WORKERGRADE	YEARS OF EXPERIENCE IN PROPOSED POSITION
	Project Manager		
	Site Foreman/ Supervisors		
	Qualified Builders		
	Qualified Carpenters		
	Qualified Electricians		
	Qualified Plumbers		
	Assistants		
	Others (Specify)		

We hereby certify that the information above is correct to best of our knowledge and that we understand it is our responsibility to provide whatever key staff is required to complete the works in accordance with the Sub-Contract.

Tenderer : \_\_\_\_\_

Signed : \_\_\_\_\_

Date : \_\_\_\_\_

Name : \_\_\_\_\_

Title : \_\_\_\_\_

## 6.3 Plant/equipment (including operator, fuel, oils, maintenance, etc)

Site: (E.g. Magogoni Primary School).....

Activity: (E.g. 1 block of 3 classrooms).....:

ITEM	DESCRIPTION	CAPACITY	YES/NO	SERIAL NUMBER
	Generator			
	Compactor			
	Concrete vibrator			
	Concrete mixer			
	Any Other (Specify)			
	1.			
	2.			
	3.			
	4.			
	5.			
	6.			

We hereby certify that the information above is correct to best of our knowledge and that we understand it is our responsibility to provide whatever plant/equipment as required to complete the works in accordance with the Sub-Contract.

Tenderer : \_\_\_\_\_

Signed : \_\_\_\_\_

Date : \_\_\_\_\_

Name : \_\_\_\_\_

Title : \_\_\_\_\_

#### 6.4 Schedule of works of a similar nature carried out by tenderer

Tenderers should complete the following schedule and attach 3 referral letters, listing work of a similar nature that they have successfully carried out. Failure to complete this Schedule may prejudice the Tenderer, the implication being that the Tenderer does not have meaningful experience in this field.

EMPLOYER	NATURE OF WORK	VALUE OF WORKS (KES)	YEAR COMPLETED

We hereby certify that the information above is correct to the best of our knowledge.

Tenderer : \_\_\_\_\_

Signed : \_\_\_\_\_

Date : \_\_\_\_\_

Name : \_\_\_\_\_

Title : \_\_\_\_\_

**6.5 Cost of basic construction materials per unit measurement transported to site**

<b>Item</b>	<b>Description</b>	<b>UOM</b>	<b>Rate (KES)</b>
1	Washed river sand	m <sup>3</sup>	
2	Pit sand	m <sup>3</sup>	
3	19mm stone	m <sup>3</sup>	
4	Gravel	m <sup>3</sup>	
5	Quarry dust	m <sup>3</sup>	
6	Crusher run	m <sup>3</sup>	
7	Machine Cut (Grade 1) Masonry Stone 9 x 9 inch	Each	
8	Hand Cut Masonry Stone 9 x 9 inch	Each	
9	Cement (Grade 32.5Nmm <sup>2</sup> ) 50Kg	Bag	
	Other (specify)		

We hereby certify that the information above is correct to the best of our knowledge. Aggregate materials shall be supplied at the above rates should the Employer require the Contractor to make such provisions at any given time during the contract period.

Tenderer : \_\_\_\_\_

Signed : \_\_\_\_\_

Date : \_\_\_\_\_

Name : \_\_\_\_\_

Title : \_\_\_\_\_

## 6.6 Site visit form

Plan International Kenya

Kilifi Programme Unit

### Site Visit Letter

**RE: TENDER NO: KCO/00/00/FY24 – CONSTRUCTION AND REHABILITATION OF SCHOOLS INFRASTRUCTURE**

NAME OF SCHOOL:

This letter confirms that the bidder:

Contractor Name: \_\_\_\_\_ on (Date) \_\_\_\_\_

visited the above site prior to the submission of bid documents as required.

Yours Sincerely,

Sign: \_\_\_\_\_ Date: \_\_\_\_\_

Stamp \_\_\_\_\_

Headteacher for..... School