



Kenya (:) VISION 2030



MINISTRY OF WATER, SANITATION AND IRRIGATION

LAKE VICTORIA NORTH WATER WORKS DEVELOPMENT AGENCY

INTERNATIONAL COMPETITIVE BIDDING

**EXPRESSION OF INTEREST FOR ENGINEERING, PROCUREMENT,
CONSTRUCTION AND FINANCING (EPCF) FOR KEBEN DAM WATER SUPPLY
PROJECT**

DECEMBER 2024



Lake Victoria North Water Works Development Agency

KEFINCO Offices, Off Kakamega-Kisumu Road
P.O. BOX 673 – 50100 KAKAMEGA

TEL: 056– 203079, 2031552, E-mail:info@lvnwwda.go.ke /procurement@lvnwwda.go.ke

INTERNATIONAL TENDER

CALL FOR EXPRESSIONS OF INTEREST

INVITATION FOR BIDS FOR THE ENGINEERING, PROCUREMENT, CONSTRUCTION AND FINANCING (EPCF) FOR KEBEN DAM WATER SUPPLY PROJECT

CONTRACT NO. LVNWWDA/EOI /NANDI/ KEBEN DAM/2024-2025/001

Lake Victoria North Water Works Development Agency has prioritized implementation of Keben Dam Water Supply Project under EPC-F framework in line with applicable laws and statutes of Kenya.

1. LVNWWDA hereby invites Expressions of Interest from interested firms/consortia for Engineering, Procurement, Construction and Financing of the proposed Keben Dam water supply project.
2. The envisaged scope of works include;
 - a) **Priority/Core Works**
 - i. Construction of a 43 meters high dam with reservoir capacity of 5,000,748 m³ .
 - ii. Water Treatment plant capacity of 24,000m³/day
 - iii. Construction of 82 km transmission and distribution network.
 - iv. Comprehensive last mile connectivity with smart meters in the project area and six (6) storage tanks of cumulative 12,500m³
 - v. The comprehensive last mile connectivity should cover Chepterit Water Supply and including administration blocks and site offices.
3. The Proposed project is as follows;

Bid Number:	LVNWWDA/EOI /NANDI/ KEBEN DAM/2024-2025/001
Subject:	Expression of Interest for Engineering, Procurement, Construction and Financing (EPCF) of Keben dam for water supply project
Submission Deadline:	24TH JANUARY 2025
Time:	1200 Hours Kenya Time
Name	County:
Keben Dam Water Supply Project	Kakamega

4. Mandatory pre-conference to be held on 7th January 2025 at Kapsabet – Nandi Water and Sanitation Company.
5. Applicants will be required to demonstrate that they possess the Technical, Financial, Financing and Legal capacity and as well as the relevant experience in Engineering, procurement, construction and financing (EPCF) of similar nature of infrastructural works broadly listed above and a capacity to mobilise project finance from own equity and debt at concessionary borrowing interest rates.
6. Address for Submission;

LAKE VICTORIA NORTH WATER WORKS DEVELOPMENT AGENCY
 Kefinco Hse, Off Kakamega/Kisumu Road
 P.O Box 673 – 50100, KAKAMEGA,
 TEL: 0562031552, Fax 0562031506
 Email: info@lvnwwda.go.ke
 Website: www.lvnwwda.go.ke

Bidders are required to obtain Project Information, Feasibility Studies and Prequalification Criteria at: www.lvnwwda.go.ke / www.tenders.go.ke. Enquiries and/or clarification can be obtained by sending emails to: info@lvnwwda.go.ke and copied to: procurement@lvnwwda.go.ke. Bidders are urged to continue checking on the www.lvnwwda.go.ke portal for updates.

CHIEF EXECUTIVE OFFICER
LAKE VICTORIA NORTH WATER WORKS DEVELOPMENT AGENCY

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1 Request for Expression of Interest Particulars

1.1 Title of the EOI

Engineering, Procurement, Construction and Financing (EPCF) For Keben Dam Water Supply Project

1.2 Date of The EoI : **17TH DECEMBER 2024**

1.3 Classing Date for Receipt of EoI : **24TH JANUARY 2025**

1.4 EoI Number : **LVNWWDA/EOI/NANDI/ KEBEN DAM/2024-2025/001**

2 Background

The Ministry of Water, Sanitation, and Irrigation, through the Lake Victoria North Water Works Development Agency (LVNWWDA) (referred to as "The Employer"), seeks to execute the proposed Keben Dam Water Supply Project utilizing an Engineer, Procure, Construct, and Finance (EPCF) framework. LVNWWDA is a semi-autonomous state agency charged with the development, maintenance and management of national public water works within the counties of Nandi, Vihiga, Kakamega, Busia, Bungoma and Trans Nzoia all in the western part of Kenya. Further information on the mandate of the Agency and its portfolio can be found in Water Act 2016 and the Agency's website <https://lvnwwda.go.ke>. Identification of the service provider to partner with the Agency shall be done through an international open tendering process.

2.1 Scope of Work

The successful bidder shall be expected to secure financing for execution of the entire scope of works prescribed in the EPCF Tender Document. The work entails detailed design of the Employer's requirements and execution of the works within applicable laws and standards up to and including commissioning. Financing must comply with the requirements set out by The National Treasury of the Government of the Republic of Kenya.

2.2 Application Process

- i This process is aimed at shortlisting bidders interested in providing the prescribed services to LVNWWDA towards the realization of the Keben Dam Water Supply Project through an EPCF framework. Consequently, international and local firms, consortia or joint ventures with the set experience and qualifications are required to express their interest by completing the provided Application Forms and submit necessary and relevant documentation/information as to demonstrate that they are eligible and have required capacity to undertake the project on EPCF basis.
- ii The following procedures will be adopted:
 - a. Interested bidders shall submit their Expressions of Interest containing all the relevant information necessary for the evaluation of the application. The criterion for evaluation is set forth in the Instructions to Bidders.
 - b. Bidders whose Expressions of Interest are determined to meet the set criteria shall be shortlisted and designated as "Qualified Bidders".
 - c. Only Qualified Bidders shall be issued with a Request for Proposal/Bidding Document which shall require them to submit a comprehensive proposal aimed at satisfying the Employer's Requirements based on the lowest evaluated bidder.
 - d. The bids submitted after issuance of the bidding document shall be evaluated through post-qualification method in line with evaluation criteria set out in the Bidding Document. The lowest evaluated bidder who meets all requirements shall be invited for negotiations and subsequent appointment.

iii Interested bidders shall submit three hard copies of the Expression of Interest and all attachments not later than 12 noon, East African Time on **24TH JANUARY 2025** at the address indicated below with following particulars:

Bid Number: LVNWWDA/EOI/NANDI/ KEBEN DAM/2024-2025/001

Subject: Expression of Interest for Engineering, Procurement, Construction and Financing (EPCF) of Keben Dam Water Supply Project

Submission Deadline: 24TH JANUARY 2025

Time: 1200 Hours Kenya Time

Address: CHIEF EXECUTIVE OFFICER,
LAKE VICTORIA NORTH WATER WORKS
DEVELOPMENT AGENCY
Kefinco Hse, Off Kakamega/Kisumu Road
P.O Box 673 - 50100, KAKAMEGA,
TEL: 0562031552, Fax 0562031506
Email: info@lvnwwda.go.ke
Website: www.lvnwwda.go.ke

- iv Applications received after the above deadline will be rejected.
- v The outer envelope of the submission **MUST** be clearly marked with the EOI Reference number as stated in the advertisement and EOI Document. Unmarked bids will not be opened.
- vi At any time prior to the deadline for submission of the EOI, LVNWWDA may, for any reason, whether at its own initiative or in response to a clarification requested by interested bidders, modify the Expression of Interest and its attachments by amendment, including through provision of supplementary information. Such amendment will be posted on LVNWWDA's website.
- vii Bidders may request for additional information by writing an e-mail to info@lvnwwda.go.ke with a copy to procurement@lvnwwda.go.ke not later than seven days to the submission date. Clarifications will be provided as soon as possible and before the EOI submission date. However, any delay in providing such information may not be considered a reason for extending the submission date of the EOI. Responses to any requests for clarification will be posted on the Agency website.
- viii Completion of the EOI and submission of relevant documentation is compulsory as indicated in the data sheet. Submissions with incomplete submissions SHALL be disqualified.

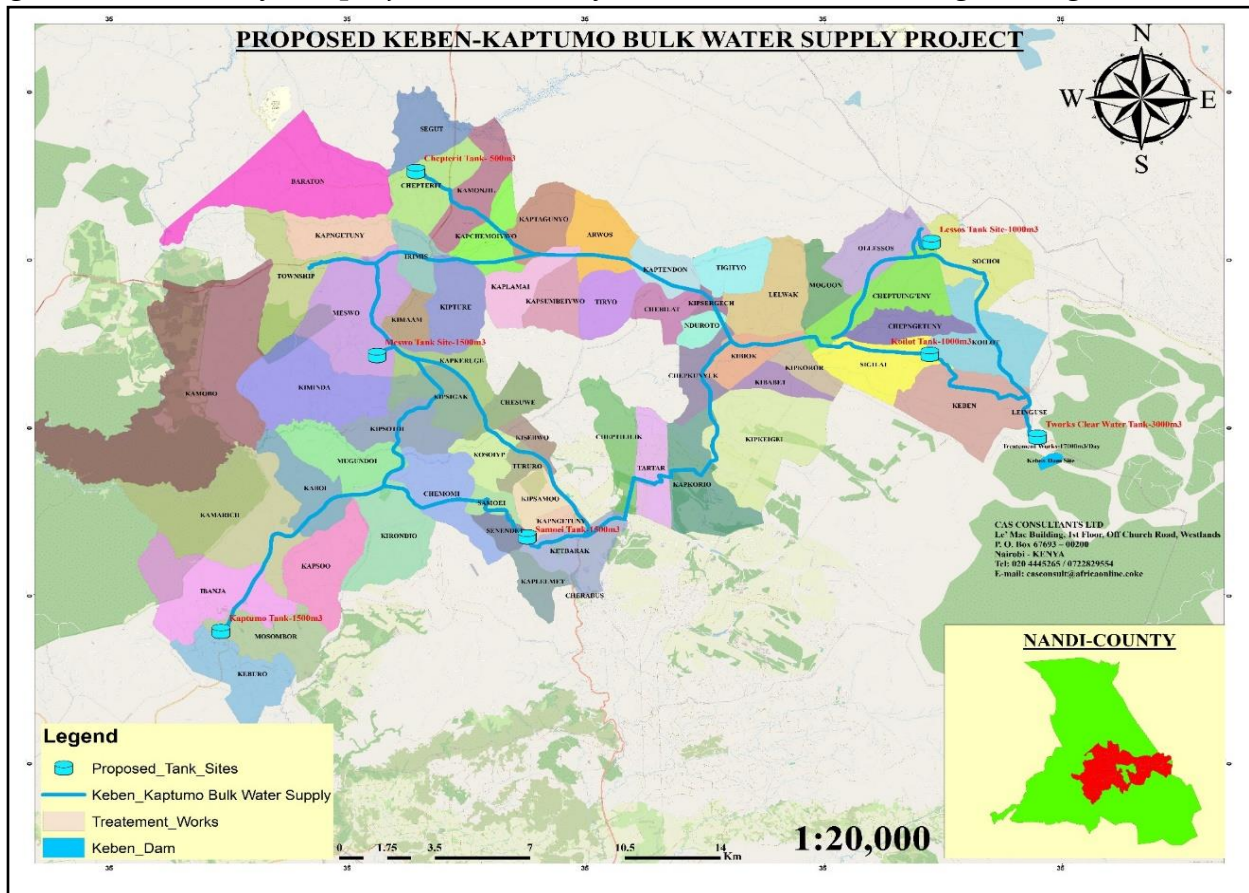
3 Brief on Keben Dam Water Supply Project

3.1 Project Background

The Keben Dam Water Supply Project is a critical infrastructure development initiative aimed at addressing the growing demand for access to water and sanitation services in Nandi County, Kenya. The project is being undertaken by the Ministry of Water, Sanitation, and Irrigation through the Lake Victoria North Water Works Development Agency (LVNWWDA).

3.2 Project Location

The proposed project is situated in Nandi County, with the dam site located within Serengoni forest on the Eastern fringes of the Emgwen constituency, near the border with Uasin Gishu County. The water supply network will cover Chesumei, Nandi Central, Nandi East, and Nandi South Sub-Counties, targeting urban and peri-urban areas of Kapsabet, Nandi Hills, Kaptumo, and Ol'lessos. The project will also target sub-locations along the pipeline routes, these areas comprise several sub-locations, as summarized in the figure below. The project area was home to a total population of 185,910 as of the Kenya Population and Housing Census (KPHC) of 2019, and this number is projected to grow to 455,705 by the project's ultimate year of 2050, underscoring the urgent need for



the water supply project.

Figure 3-1: Project location Layout

3.3 Project Scope

The project encompasses the following key components:

- i. **Dam Construction:** Construction of the Keben Dam to create a water reservoir (43 meters high dam with reservoir capacity of 5,000,748 m³).
- ii. **Water Treatment Plant:** Establishment of a 24,000m³/day water treatment plant.
- iii. **Bulk Water Transmission:** Construction of a 90km bulk water transmission system with varying pipe diameters.
- iv. **Distribution Network:** Development of an 800km Last Mile Connectivity Distribution Network with smart meter integration in the project area and six (6) storage tanks of cumulative 12,500m³.
- v. **Smart Water Management System:** Implementation of a smart water supply monitoring and management system.
- vi. The Comprehensive last mile connectivity should cover Chepterit Water Supply and including administration blocks and site offices.

3.4 Project Objectives

- i. Increase access to clean and safe water for the target population.
- ii. Improve water supply reliability and efficiency.
- iii. Support economic growth and development in the region.
- iv. Enhance public health and sanitation.

3.5 Target Beneficiaries

The project will primarily benefit the residents of Chesumei, Nandi Central, Nandi East, and Nandi South Sub-Counties, with a particular focus on urban and peri-urban areas.

3.6 Project Timeline

3.6.1 Proposed Project Phases and Timeline

3.6.2 Phase 1: Project Preparation and Initiation (2025)

- Finalize project design and engineering plans.
- Secure necessary permits and licenses.
- Establish project management team and structure.
- Develop detailed project budget and financial plan.
- Conduct environmental and social impact assessments.

- Initiate land acquisition and resettlement processes.
- Develop procurement strategy and tender documents.

3.6.3 Phase 2: Infrastructure Development (2026-2028)

- i. **Dam Construction:** Construction of the Keben Dam to create a water reservoir (43 meters high dam with reservoir capacity of 5,000,748 m³).
- ii. **Water Treatment Plant:** Establishment of a 24,000m³/day water treatment plant.
- iii. **Bulk Water Transmission:** Construction of a 90km bulk water transmission system with varying pipe diameters.
- iv. **Distribution Network:** Development of an 800km Last Mile Connectivity Distribution Network with smart meter integration in the project area and six (6) storage tanks of cumulative 12,500m³.
- v. **Smart Water Management System:** Implementation of a smart water supply monitoring and management system.
- vi. The Comprehensive last mile connectivity should cover Chepterit Water Supply and including administration blocks and site offices.

3.6.4 Phase 3: System Commissioning and Testing (2029)

- Commission the dam, water treatment plant, and transmission system.
- Conduct comprehensive testing of the entire water supply system.
- Train operations and maintenance personnel.

3.6.5 Phase 4: System Expansion and Optimization (2030-2050)

- Gradually increase water production and distribution.
- Monitor system performance and make necessary adjustments.
- Expand the distribution network to accommodate population growth.
- Conduct regular maintenance and upgrades.

3.6.6 Key Milestones and Deliverables

- **2025:** Project initiation and preparation completed.
- **2025:** Dam construction initiated; water treatment plant design finalized.
- **2026:** Significant progress in dam construction and transmission pipeline.
- **2026:** Water treatment plant operational, distribution network under construction.
- **2027:** Entire water supply system commissioned and tested.
- **2030:** Initial phase of system expansion and optimization.

4 Important Notice

The EOI Document is provided to the recipient solely for use in preparing and submitting applications for shortlisting as a qualified bidder in connection with the Project.

While all care has been taken in the preparation of this EOI, neither LVNWWDA nor their consultants make any representation (express or implied) or warranties as to the accuracy or completeness of the information contained herein, or any other document made available to a person in connection with the tender process for the Project and shall have no liability for this Document or for any other written or oral communication transmitted to the recipient in the course of the recipient's evaluation of the Project. Neither any of these entities, nor their consultants will be liable to reimburse or compensate the recipient for any costs nor expenses incurred by the recipient in evaluating or acting upon this Document or otherwise in connection with the Project as contemplated herein

5 Description of Requirements

LVNWWDA has carried out a feasibility study and conceptual/preliminary designs of the proposed project. It includes the construction of Keben Dam with all appurtenant structures, draw-off and raw water conveyance system, Conventional Water Treatment Works, Clear Water Transmission and Distribution pipelines, water tanks as well as sewerage treatment and other sanitation facilities to serve Kapsabet Town, Nandi Hills Town and intervening populations.

Due to the multi-disciplinary nature of the assignment, bidders are encouraged to form consortia, if necessary, so that they meet the Employer's Requirements in terms of capacity to not only design and execute the construction of the project works but also to arrange suitable financing of the project from acceptable sources. The work comprises of several specialized components and bidders are required to demonstrate their capacity to successfully deliver on those specialized components.

The expertise of the firms shall include but not be limited to the following:

- i. Project Financing,
- ii. Development and Project Management,
- iii. Civil and Structural Works,
- iv. Mechanical, Electrical and Plumbing Works,
- v. Environmental and Social Impact Mitigation Activities,
- vi. Specialist Information Technology and Security Services,
- vii. Project Cost Planning,
- viii. Engineering Services, and
- ix. Procurement of specialized goods, equipment and services.

Where the bidder is a consortium or joint venture, a copy of the consortium or joint venture agreement shall be submitted with the EOI. The agreement must be signed by authorized officials of each member firm of the consortium or joint venture indicating their intention to participate in the EOI and subsequent EPCF tendering process.

This EOI is open to both local and international applicants and will be adjudicated in compliance with the Public Procurement and Asset Disposal Act of the Republic of Kenya.

6 Minimum Qualification Requirements

Interested bidders are expected to meet the mandatory minimum requirements outlined below to qualify for shortlisting to participate in the EPCF bidding process:

6.1 Technical Capacity

The bidder shall demonstrate technical capacity in the following by submitting completion certificates, resumes, proof of ownership and other relevant documents:

- i. The design of two similar works in Sub-Saharan Africa in scope and complexity within the last fifteen years.
- ii. Portfolio of key staff with a minimum of ten years of specific experience in their various fields of expertise relevant to the assignment. The expertise shall cover all the components of the assignment i.e. project financing, engineering services, procurement and construction.
- iii. The completion or substantial completion of construction of at least two projects in Sub-Saharan Africa of similar nature, scope and complexity in the last 15 years.
- iv. Portfolio of plant, machinery and equipment necessary for the execution of similar works.

6.2 Legal Capacity

The bidder shall demonstrate legal capacity by submitting the following and other relevant documents of the firm or each member of the consortium or joint venture:

- i. Certificate(s) of Incorporation from country of registration
- ii. Tax Compliance Certificate or equivalent declaration in the country of registration.
- iii. Ownership or shareholding document(s) outlining the Directors and their interest. Those in other languages to be translated into English and endorsed by a Commissioner of Oaths or Judicial Officer (Magistrate or Judge).
- iv. Litigation history
- v. Power of attorney

6.3 Financial Capacity:

The bidder shall demonstrate financial capacity by submitting Audited Financial Statements for the last 5 accounting years and other relevant documents to demonstrate that they meet the following requirements:

- i. Lead Contractor has an average turnover of a minimum of **KES 100B** or equivalent in other currencies in the last 5 years.
- ii. Lines of credit amounting to **KES 7B** or equivalent in other currencies tenable for two years.

6.4 Financing Capacity:

The bidder shall demonstrate financing capacity by submitting relevant documents of the firm or member of the consortium or joint venture responsible for arranging financing by submitting documents showing that they have undertaken within the last 15 years:

- i. Arranged at least 2 concessional loans of a minimum amount of USD60 million or equivalent in Sub-Saharan Africa.
- ii. Organized at least 2 commercial loans with interest rates not exceeding 8%.
- iii. Secured financing for at least 2 EPCF project in Sub-Saharan Africa.
- iv. Secured at least 2 project financing packages with repayment periods of 10 years and above.

7 Prequalification Terms and Procedures

7.1 Pre-qualification of Applicants

This Pre-Qualification Document is available for use by entities that wish to respond to the Expression of Interest invitation published in MyGov publication or one of the local daily newspapers and detailed posted on the LVNWWDA website www.lvnwwda.go.ke / www.tenders.go.ke.

7.2 EOI Structure

The structure of this EoI is as prescribed in this document. Bidders are encouraged to provide adequate documentation arranged in an orderly manner and clarity to aid evaluation. The EOI document should be paginated.

7.3 Eligibility of Applicants

For determining the eligibility of Applicants for their pre-qualification as qualified bidders hereunder, the following shall apply:

- I. The Applicant for pre-qualification may be a single entity or a group of entities ("Consortium") coming together to implement the Project(s). However, no applicant applying individually or as a member of a consortium can be a member of another Consortium. The term Applicant used herein would apply to both a single entity and a consortium applicant.
- II. An Applicant may be a natural person, private or public entity or any combination of them with a formal intent to enter into an agreement or under an existing agreement to form a consortium. A Consortium shall be eligible for consideration.
- III. An Applicant shall not have conflict of interest (the "Conflict of Interest") that affects the qualification Process. Any Applicant found to have Conflict of Interest shall be disqualified.

7.4 Expression of Interest (EOI) Costs

The Applicant shall bear all costs ("EOI Costs") associated with the preparation and submission of its EOI Application, including, without limitation, all costs and expenses relating to the EOI Applicant's preparation of questions or requests for clarification.

7.5 Fraud and Corrupt Practices

The Bidders and their respective officers, employees, agents and advisers shall observe the highest standard of ethics during the Bidding Process. Notwithstanding anything to the contrary contained herein, LVNWWDA may reject an EOI without being liable in any manner whatsoever to the Qualified Bidder if it determines that the Qualified Bidder has, directly or indirectly or through an agent, engaged in corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice in the Bidding Process.

8 EoI Preparation

8.1 Language of EOI Application

The EOI Application prepared by the Applicant, and all correspondence and documents related to the EOI Application, shall be prepared and submitted in **English language**.

8.2 Documents Comprising the EoI Application

The EOI Applications submitted by the Applicant shall comprise the following documents:

Part I – The information required by Section 8.3 Part I.

Part II – The documents or information required by Section 8.3.

Part III – Where the Prequalification Applicant is a Consortium, the documents required by Section 8.4.

Part IV – Power of Attorney required by Section 8.6; and

Part V – Optional, separately bound pre-printed literature, as specified by Section 8.6.

8.3 Part I – EOI Criteria

In Part I of the EOI Application, the Applicant shall submit proof that it meets the Criteria set out below:

Eligibility and Qualification Criteria			Compliance Requirements			Document Required	
Part - 1. Eligibility							
No	Subject	Requirement	Single Entity	Joint Venture, Consortium or Association (JVCA)			
1.	Certificate of Incorporation	Certificate of Incorporation showing registration in its country of Incorporation.	Single Entity		Each Partner		Certificate of Incorporation
2.	Articles of Incorporation and Bylaws.	Articles of Incorporation and bylaws evidencing that such a bidder has the capacity to submit a bid in the RFQ and RFP processes and to enter into the Project Agreements.	Single Entity		Each Partner		Articles of Incorporation and Bylaws
3.	Agreement	Consortium/Joint Venture Agreement that has been duly executed and notarized by all the Consortium Members and evidence of the consent of each Member to join the Consortium and participate in the bidding process. In addition, the Consortium/Joint Venture Agreement should set out the specific roles each member is envisaged to undertake.		All Parties Combined			Signed JV/ Consortium Agreement
4.	Power Attorney of	A duly notarized Power of Attorney appointing one of its directors to submit the bid, negotiate and possibly execute the Project Agreement.	Single Entity		Each Partner	Lead Partner	Notarized Power of Attorney

Eligibility and Qualification Criteria			Compliance Requirements				Document Required
5.	Board Resolution	A duly executed Board Resolution/s appointing one of its directors to submit the bid, negotiate and possibly execute the Project Agreement on behalf of the Consortium	Single Entity		Each Partner		Board Resolution Minutes

Eligibility and Qualification Criteria			
	Qualification Criteria		Document Required
1	Project Value	Must demonstrate successful completion of at least 2 large projects (KES 15 billion (or equivalent in any Currency)) in the last 10 years	Signed Contract Agreement and Completion Certificates and Letter of Recommendation for at Least 2 projects in the last 10 Years
2	Technical Criteria	Demonstrate experience as Developer, financier, and/or prime contractor in developing projects with a value not less than KES 50 billion (or equivalent) in aggregate over the last 10 financial years, of which at least one of the above-mentioned contracts must have a value exceeding KES 15 billion (or equivalent);	Signed Contract Agreement and Completion Certificates and Letter of Recommendation for at Least 2 projects in the last 10 Years
2	Financial Criteria	The bidder shall demonstrate financial capacity by submitting Audited Financial Statements for the last 5 accounting years and other relevant documents to demonstrate that they meet the following requirements: <ul style="list-style-type: none"> i. Lead Contractor has an average turnover of a minimum of KES 100B or equivalent in other currencies in the last 5 years. ii. Lines of credit amounting to KES 7B or equivalent in other currencies. 	Notarized Audited Financial Statement for the last 5 years Proof of line of Credit amounting to KES 7 billion in the for a Bank Letter of Credit

Eligibility and Qualification Criteria			
	Qualification Criteria	Document Required	
3	Financing Criteria	<p>The bidder shall demonstrate financing capacity by submitting relevant documents of the firm or member of the consortium or joint venture responsible for arranging financing by submitting documents showing that they have undertaken within the last 15 years:</p> <ul style="list-style-type: none"> i. Arranged at least 2 concessional loans of a minimum amount of USD60 million or equivalent in Sub-Saharan Africa. ii. Organized at least 2 commercial loans with interest rates not exceeding 8%. iii. Secured financing for at least 2 EPCF project in Sub-Saharan Africa. iv. Secured at least 2 project financing packages with repayment periods of 10 years and above. 	<ul style="list-style-type: none"> i. Audited Financial Statements for the past 5/10 years. ii. Portfolio of loans/credit of similar nature issued over the last five years. iii. Litigation history with special focus on ongoing cases and any court decisions with financial or strategic implications under implementation. iv. Business registration, licensing and ownership documents clearly indicating nominal shares, and directors. v. Signed EPCF Contract Financing Agreement for at Least 2 projects in the last 15 Years

Eligibility and Qualification Criteria			
	Other Qualification Criteria	To Be Met By	Document Required
3	The Prequalification Applicant is not aware of any conflict of interest or potential conflict of interest arising from prior or existing contracts or relationships which could materially affect its capability to comply with its obligations under the JV agreement.	Prequalification Applicant (if sole applicant) or each member of the Consortium (if the Prequalification Applicant is a Consortium or a JV).	Signed Undertaking
4	Has not been declared bankrupt and is not subject to liquidation proceedings.	Prequalification Applicant (if sole applicant) or each member of the Consortium (if the Prequalification Applicant is a Consortium or a JV).	Signed Undertaking
5	Has not been convicted of fraud, corruption, or money laundering as principal or accessory.	Prequalification Applicant (if sole applicant) or each member of the Consortium (if the Prequalification Applicant is a Consortium or a JV).	Signed Undertaking
6.	Project Management Plan	Submits Detailed Project Management and Implementation Plan	Detailed Project Management Plan

8.4 Part II- EoI Application and Other Documents

Each Prequalification Applicant shall provide the following with its Prequalification Application:

- I. Prequalification Application form signed by the Applicant (or if the Prequalification Applicant is a Consortium, by the Lead Member) in the form provided in Annex 4.
- II. The following legal documents and basic information:
 - 1 Basic information on the shareholding structure (or equivalent document) of the Prequalification Applicant (or each member of a Consortium), including up-to-date shareholders' certificate for each shareholder holding 10% or more of shares in the Prequalification Applicant (or each Consortium member) or equivalent corporate information (e.g. company shares registry) listing such shareholders and their respective shareholdings.
 - 2 Up-to-date company memorandum, articles of association or incorporation and/or by-laws (or equivalent document) of the Prequalification Applicant (or, if the Prequalification Applicant is a Consortium, such information as to each member); and
 - 3 Valid extract of the Annual Company Tax Return (or equivalent document) of the Prequalification Applicant (or, if the Prequalification Applicant is a Consortium, such information in relation to each member).
 - 4 An Affidavit confirming that the Prequalification Applicant or each member of the Consortium (in the event that the Prequalification Applicant is a Consortium): (a) is not in bankruptcy or liquidation proceedings; (b) has not been convicted of, fraud, corruption, collusion or money laundering, and is not aware of any pending prosecution, proceedings or legal action against it in such respect); and (c) is not aware of any conflict of interest or potential conflict of interest arising from prior or existing contracts or relationships which could affect its capability to comply with its obligations under in the Engineering, procurement, construction and finance agreement.
 - 5 If registered company's copy of current CR12 extract from registration of companies.

8.5 Part III - Consortia Documents and Requirements

If the Prequalification Applicant is a Consortium, there must be a Lead Member who is duly authorized through a power of attorney, as described in Section 8.6, by all other Consortium members to act on their behalf and proceed with the prequalification procedures.

As of the Prequalification Application submission deadline indicated in section 1, it is prohibited to undertake any change in the structure/form or members of the Consortium without the prior written consent of LVNWWDA.

A Prequalification Applicant wishing to qualify as a Consortium shall submit, the Prequalification Application, a written commitment, in the form of a letter duly executed by the legal representative of each Consortium member, which:

- a. Confirms each member's commitment (in terms of % interest) to the Consortium; and
- b. Identifies the member that will assume the role of Lead Member on behalf of the other members, with the authority to commit all members.

8.6 Part IV - Power of Attorney

If the Prequalification Applicant is a Consortium, each member of the Consortium shall authorize the Lead Member in signing the Prequalification Application documents. Such authorizations - duly notarized indicating that the person(s) signing the Prequalification Applications has/have the authority to sign - shall be provided with the Prequalification Application.

If the Prequalification Applicant is a company, the prequalification documents shall include a recent extract of the company's annual return, or equivalent evidence, indicating the person having the right to sign on behalf of the company. The prequalification documents shall be signed by that person, or any other person officially authorized by him. Such authorizations - duly notarized by the Prequalification Applicant's bank - shall be provided along with the Prequalification Application.

8.7 Part V - Printed Brochures or Booklets

If the Applicant wishes to provide printed brochures or booklets about the entity or about the consortia members, such printed material shall be appended to Part V of the Application only and should be separately bound.

8.8 Requests for Clarifications

Applicants requiring any clarification on the Instructions to Applicants, EOI Criteria or any of the requirements set out herein may notify LVNWWDA on the email address; (info@lvnwwda.go.ke and copied to: procurement@lvnwwda.go.ke.) indicated in the Data Sheet attached as Annex 1.

Any request for clarification of the EOI Document must be sent at least 7 days before closure of the bid. Responses to such queries shall be sent, without identifying the identity of the requesting party and distributed to all Applicants who have already received the EOI Document within 7 days before closure of bid.

8.9 Form and Signature of the EOI Application

Each Applicant shall prepare and submit one original of its relevant EOI Application and the number of copies specified in the Data Sheet, clearly marking each one as "Original" and the other "Copy" as appropriate. In the event of any discrepancy between the copies and the original, the original shall prevail.

- 1 The original and all copies of the EOI Application, each consisting of the documents listed in Section 8.2, shall be typed or written in permanent ink. The person or persons duly authorized to bind the Applicant shall sign the EOI Application by:
 - a. Signing the original of the relevant EOI Application where indicated; and
 - b. Initialing all the pages of the original of the relevant Application, except for any un-amended printed literature.
- 2 The relevant EOI Application shall contain no alterations, omissions or additions, unless such corrections are signed by the person or persons signing the EOI Application.

8.10 Sealing and Marking of the EOI Application

The Applicant shall seal the original EOI Application and each copy thereof in 2 separate envelopes, each containing the documents specified in Section 8.2, and shall mark the envelopes as "EOI Application-Original" and "EOI Application - Copy." The 2 envelopes shall be placed in 1 sealed envelope. The inner and outer envelopes shall all bear the following:

- 1 Expression of Interest in Engineering, Procurement, Construction and Financing (EPCF) Of Keben Dam for Water Supply Project.
- 2 Do Not Open Before **24TH JANUARY 2024**
- 3 The inner envelopes shall each indicate the name and address of the Applicant or Lead Member to enable the relevant Application to be returned unopened in the event of delayed delivery.
- 4 If the outer envelope is not sealed and marked as required in section 8.10 above, the evaluation Committee shall not assume any responsibility for any EOI Applications misplacement or pre - mature opening.

There will be a two-stage evaluation process as outlined below.

9.1 Preliminary Examination of EOI Applications

The EOI Evaluation Committee will examine each Application to determine whether it is complete, documents have been properly signed, and that it is generally in order. Any Application not in compliance with the submission requirements or documents may be subject to rejection by the Committee.

Where the EOI Committee head of supply chain may if appropriate or necessary, it may request supplementary information or documentation from the Applicant (including each member of the Consortium) for determining the Applicant's eligibility for Pre-qualification. Whenever such request is made, the Applicant shall provide the requirements on the date specified by the Committee, failing which; the EOI Application may be subject to rejection.

9.2 Evaluation of EOI Applications

The EOI Evaluation Committee against four sections will evaluate the applications as follows:

- 1 Mandatory Requirements
- 2 Technical Capacity
- 3 Financial Capability
- 4 Project Management Plan

Mandatory and Eligibility Criteria	Yes/No
A. Provided certificate of registration	
B. Provided current tax compliance certificate	
C. Provided proof of professional indemnity cover	
D. Provided proof of financial strength and stability by providing audited accounts for the last three (3) years	
E. Provided practicing license(s) for the firm and/or its key experts by relevant professional body, if applicable	
F. Provided valid NCA Registration Certificate and Practicing License as a Building Works Contractor under NCA 1 for Local companies and equivalent of the same for foreign companies.	
Technical Capability Criteria	Points
A. Detailed profile of firm/company	10
B. Demonstrate the ability to put together a project management team to deliver the project within a maximum	15

Mandatory and Eligibility Criteria	Yes/No
C. Proof that they have undertaken project(s) of similar nature through and EPCF	10
D. Recommendation letters from at least three (3) clients / Practical completion certificate signed from at least (3) Clients	10
Financial Capacity Criteria	
	10
A. Demonstrate capacity and ability to raise funds for the project (s) USD 60 Million.	5
B. Demonstrate Sound Net worth of the entity of USD 50 Million and Consortia of USD 100 Million.	5
C. Applicant shall demonstrate ability to raise Project Funds through Financial Arrangement at competitive concessionary interest rates of 7%-9%	5
D. Applicant shall demonstrate ability to raise Project Funds through Financial Arrangement with a Repayment Period of 15-20 Years and above	5
E. Applicant shall demonstrate ability to raise Project Funds through Financial Arrangement with a moratorium or grace period of at least 4 years	5
Project Management Plan	
A. Provide the organization structure of the proposed project with the profiles of key personnel in the organization.	
B. Detailed CVs of staff assigned to this project i. Team Leader Qualification (5 points) ii. Team members Qualification (10 points)	15
C. Demonstrated ability to mobilize adequate staff to conduct the assignment	5
D. Key experts must have served in related career for a minimum of five (5) years	10
	100

The evaluation will be carried out based on a scoring matrix on a scale of 100 points allocated based on the strength of the three points listed below:

This evaluation will be enabled by an evaluation of score using a scale of 100 points allocated according to the quality, thoroughness and credibility of the Technical and Financial Capacity elements as defined in Section 8.3. The available total points and relative weights for these sections are presented below:

- 1 There are 100 maximum possible points. Any features that Applicants wish to include over and above the LVNWWDA financial services stated requirements will not receive any additional points.
- 2 Only those Applicants who shall have an overall aggregate score of 70 points of the evaluated Technical and Financial Capability and a Pass on Project Management, shall be considered as Qualified Partners
- 3 An Applicant whose Application is found to be in compliance with the Criteria specified in Section 8.3, and the other requirements in Section 8 relating to the Criteria of the EOI, shall be designated as a "Qualified Partner." An Applicant whose Application is found not to be in compliance with the Criteria specified in Section 8.3 and the other requirements in Section 8, relating to the Criteria of the EOI, shall be designated as a "Non-Qualified Partner."

9.3 Invitation to participate in the Tender process

- 1 Following the submission of EOI applications, interested bidders or consortia will be evaluated on the requirements and criteria set forth in the attached instructions to Applicants.
- 2 The applicants whose application is determined by the Evaluation Committee to be substantially responsive to the requirements and criteria of the pre –qualification process shall qualify them for the next bidding step.
- 3 Qualified bidders shall be provided with a Request for Proposal document which shall require
- 4 them to submit a detailed architectural and engineering design proposal and financial proposal inclusive of term sheets for the financing input of the project.
- 5 The evaluation committee will then evaluate the proposals received from qualified bidders based on an evaluation criterion spelt out in the RFP document and select the most suitable bidder for contract award subject to the outcome of the negotiation process.

9.4 Prequalification.

9.4.1 Partnering Between Qualified Partners

Without prejudice to Section 9.4, a Qualified Partner may not partner (directly or indirectly) with another Qualified Partner without the express written approval of the Employer.

If the Qualified Partner is a Consortium, the above shall apply to all members of the Consortium.

9.4.2 Partnering Between Qualified Partners and Non-Qualified Partners

Without prejudice to Section 9.4, Non-Qualified Partners or new entities that have not applied for prequalification shall be entitled to form a Consortium with a Qualified Partner, provided that:

1. Only the Qualified Partner can be the Lead Member of the Consortium.
2. The said Non-Qualified Partner or new entity fulfills Prequalification Criteria in Section 8.3.
3. A Consortium which includes a Non-Qualified Partner or new entity continues to fulfill all Prequalification Criteria in Section 8.3; and
4. The express written approval of the Employer.

10 ANNEX 1: EOI Data Sheet

1.	Project Name	EXPRESSION OF INTEREST FOR ENGINEERING, PROCUREMENT, CONSTRUCTION AND FINANCING (EPCF) FOR KEBEN DAM WATER SUPPLY PROJECT
2.	Location of these Documents	The Documents can be obtained from the following address: www.lvnwwda.go.ke / www.tenders.go.ke .
3.	Address for submission of Expression of Interest	LVNWWDA/MOWSI LAKE VICTORIA NORTH WATER WORKS DEVELOPMENT AGENCY Kefinco Hse, Off Kakamega/Kisumu Road P.O Box 673 - 50100, KAKAMEGA, TEL: 0562031552, Fax 0562031506 Email: info@lvnwwda.go.ke Website: www.lvnwwda.go.ke
4.	Submission Deadline.	Submission Deadline will be on 24th January, 2025 at noon, which will be the date on which the Opening Committee convenes to open Expression of interest Envelopes. Location: CONFERENCE ROOM LAKE VICTORIA NORTH WATER WORKS DEVELOPMENT AGENCY Kefinco Hse, Off Kakamega/Kisumu Road P.O Box 673 - 50100, KAKAMEGA,
5.	Currency	Kenya Shillings (KES)
6.	Language of Bid	All, correspondence, and documents required under or related to is English
7.	Number of Copies of the Expression of Interest	1 (one) original EOI and 7 (Seven) Copies and a CD Rom containing an electronic version of the original Expression of Interest Application. A soft copy submission should be sent to the email address below. procurement@lvnwwda.go.ke .
8.	Official Guidelines on Financial Market Information in Kenya	Central Bank of Kenya - https://www.centralbank.go.ke
9.	Non responsiveness of the EOI	EOI which will not have met the mandatory requirements will be deemed nonresponsive, e.g. Power of attorney Not signed, not commissioned Misrepresentation of facts

10.	Investor Conference	The date for the investor conference will be held at Kapsabet Nandi Water and Sanitation Company (KANAWASCO) on 7th January 2024 at 10.30 a.m East African Time
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ANNEX 2: Prequalification Process Timetable

	Prequalification Process	Schedule
1.	Issuance of EOI	
2.	Deadline for submission of Requests for Clarifications on Documents	
3.	Issuance of an addendum to the Documents	
4.	Submission Deadline	
5.	Opening of EOI Submissions	
6.	Notification of the evaluation results	
7.	Announcement of the Qualified Partners	
8.	Issuance of RFP to qualified Partners	
9.	Submission of Technical and Financial offers by qualified Partners	
10.	Notification of Successful Partners	
11.	Signing of Partnership Agreements between LVNWWDA/MOWSI and National Treasury with Successful bidder	

11 ANNEX 3: EPCF Consortium summary sheet

	Requirements	
1.	Indicate names of all the partners of the Consortium (Lead Consortium member and all the members.	
2.	Consortium Member information	
3.	Applicant's Authorized representative information	
4.	Attach copies of original documents of -Letter of intent to form a consortium or consortium agreements	

EXPRESSION OF INTEREST FOR THE DEVELOPMENT OF WATER AND SANITATION INFRASTRUCTURE ASSETS THROUGH AN ENGINEERING, PROCUREMENT, CONSTRUCTION AND FINANCING FRAMEWORK

Date: _____

Pursuant to the Invitation for Expression of Interest dated, [*Name of Prequalification Applicant/Lead Member*] hereby submits this Prequalification Application for the participation in the tender for Proposed real estate developments by LVNWWDA/MOWSI, in conformity with the Instructions to Prequalification Applicants.

We confirm our interest in bidding for developments within the.....category where the project value is at a maximum of KES.....

[*Name of Prequalification Applicant /Lead Member*] hereby confirm that I:

Agree to comply with all the bidding rules, laws and regulations governing the tender as issued by the relevant authorities from time to time.

Accept the right of the Prequalification committee to:

- a. Request additional information reasonably required to assess the application.
- b. Amend the procedures and rules or any clarifications thereof; and
- c. Extend or amend the time schedule of the prequalification and the tender.

Accept the exclusive application of Kenyan law with respect to the tender process.

I [*Name of Prequalification Applicant/Lead Member*] hereby represent and warrant that, by virtue of this Prequalification Application and as of the date of this letter, all the information submitted in the Prequalification Application, including the enclosed forms and documents, are accurate in all respects.

Attached to this Prequalification Application are the following documents:

- 1 Power of Attorney (Annex 3).
- 2 Basic Information Form (Annex 4).
- 3 Project Management Capability Form (Annex 9).
- 4 Audited Financial Statements (Annex 5).
- 5 Affidavit (Annex 6); and

Other documents are required in Section 3 of the Instructions for Prequalification Applicants. VII. Parent company letter of support (Annex 10) if applicable.

I, *[Name of Prequalification Applicant / Lead Member]*, hereby designate _____ as our individual representative for receiving notices in respect of the prequalification and the tender at the following address, telephone and facsimile numbers and email address:

[Representative's address, telephone, facsimile numbers, and email address]

Dated this _____ day of _____, 2024.

[Signature]

In the capacity of ____

[Position]

Authorized to sign this Prequalification Application of _____

[Name of Prequalification

Applicant/Lead Member]