

Ref. No: CA/SCM/PQ/06/2024-2025

April 23rd, 2025,

Addendum No. 3

To All Bidders,

RE: PRE-QUALIFICATION FOR PROVISION OF REVENUE ASSURANCE SYSTEM (RAS)

Please refer to the above-mentioned tender.

Pursuant to ITT 9.1 of the tender document shared with bidders, the Authority wishes to respond to the clarifications sought out as follows:

	Clarification sought	CA's Response
1.	We have further questions: 1. Does collection which is a critical process to be high available? 2. Any other processes to be highly available too?	Bidders are required to propose an appropriate deployment model with high availability due to the real-time or near real-time nature of the system.
2.	How long does the report data to be stored?	Bidders are required to propose an appropriate deployment model with data storage capability for a period of at least 7 years.
3.	How long does the raw data collected from Operator at regular side?	The data collected from the Operators will be retained as follows: <ul style="list-style-type: none"> Raw data generated within the last Six (6) months should be available online at any given time. All other raw data should be archived in an easily accessible media for a minimum of 7 years.
4.	The mandatory requirement condition number 14 on page 17 of the pre-qualification document (highlighted below in yellow) states that the teaming agreement/Joint Venture document must be notarized either by a Kenyan authority or by an equivalent authority in the country of the signatories. In the event that the Joint Venture parties are from different jurisdictions, legally and procedurally, notarization without the signatories being physically present is not valid in Kenya or most jurisdictions. Kindly confirm if it is acceptable for the directors of the Joint Venture to sign via DocuSign, and for a third party to obtain	As stipulated in the tender document, the JV/Consortium/Teaming Agreement must be notarized by an Advocate of the High Court of Kenya or a Commissioner for Oaths from the domiciled country of the signatories. Use of electronic signature platforms such as DocuSign is acceptable. However, this does not substitute the requirement for formal notarization as outlined in the tender. In the circumstances, please note the following; - <ul style="list-style-type: none"> Notarization by a Third Party on Behalf of the Signatories is not acceptable UNLESS a notarized Power of Attorney is provided by the duly authorized person. Notarization by a third

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	<p>notarization in Kenya without the signatories present. This is not standard practice. If this is truly accepted in this context, we kindly ask for written confirmation from clearly stating: That a third party (non-signatory) can obtain the notarization; And that such notarization will be accepted as valid under the Pre-qualification criteria/tender.</p> <p>No 14: In case of a Joint Venture (JV), Consortium, or Association, all parties shall be jointly and severally liable and must provide a duly executed Joint Venture (JV)/Consortium/ Teaming Agreement(s) signed all parties, clearly indicating the lead association/consortium/JV Party that will sign and execute the contract on behalf of the association/consortium/JV. The JV /Consortium/Teaming Agreement(s) must be notarized by an Advocate of the High Court of Kenya or a Commissioner for Oaths from the domiciled country.</p>	<p>party (non-signatory) without proper legal authority (such as a notarized Power of Attorney) will not meet the requirement.</p> <p>ii. For the purposes of this pre-qualification, only duly notarized agreements that comply with the applicable legal standards of the country in which the notarization is performed (or in Kenya) will be accepted. It is the responsibility of the JV parties to ensure that the notarization is legally valid and meets the criteria specified. In this case, this would require notarization in the country where the JV is domiciled/registered.</p> <p>iii. ALTERNATIVELY, Should JV parties be unable to appear physically for notarization, they may explore the legal option of issuing a notarized Power of Attorney to an authorized representative who may then appear on their behalf before the notarizing authority. The resulting notarization, if conducted in accordance with the law of the respective country or Kenyan law, will be considered valid.</p> <p>iv. Where the Power of Attorney (POA) to the 3rd party is not immediately available, then a Letter of Authorization (LOA) may be accepted on condition that <i>A commitment is made in writing that, should the contract be awarded, the requisite POA will be submitted without undue delay and prior to contract signing.</i></p>
5.	<p>13. Provide a formal authorization confirming that the person signing the documents is duly empowered to act on behalf of the bidder. Attach a valid and officially signed Power of Attorney, either commissioned by a Commissioner for Oaths or notarized by a Notary Public in case the signatory is not the firm's Chief Executive Officer.</p> <p>Based on the above requirements, the tender appears to request a Power of Attorney specific to this tender. We would like to confirm whether we can submit a Letter of</p>	<p>The requirement for a formally signed and commissioned Power of Attorney is intended to ensure that the individual signing the tender documents is legally authorized to bind the company in contractual obligations. However, we understand the constraints you have outlined. In light of this, we are willing to accept a duly signed and dated Letter of Authorization (LOA) for the purposes of the tender submission on the condition that:</p> <ol style="list-style-type: none"> 1. <i>The LOA clearly states the authority of the signatory to bind the company in this specific tender;</i> 2. <i>The LOA is issued on official company letterhead and signed by an authorized</i>

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	<p>Authorization (LOA) in lieu of the Power of Attorney.</p> <p>As Tech Mahindra is a publicly listed company, obtaining approval for a Power of Attorney (POA) requires the approval of our Board of Directors, which will take approximately a month. Given this timeline, we respectfully request that you consider allowing us to submit a Letter of Authorization (LOA) for the tender submission.</p>	<p><i>officer of the company (e.g., Company Secretary or Director);</i></p> <p>3. <i>A commitment is made in writing that, should the contract be awarded, the requisite POA will be submitted without undue delay and prior to contract signing.</i></p> <p>Kindly ensure that the above conditions are met and that the LOA is included as part of your submission documents.</p>
6.	<p>Clarification: Due to non-disclosure agreements and confidentiality clauses in place with the respective government ICT/Telecommunication Regulatory Authority involved, we are unable to disclose the project value. Instead, project value can we provide the information on the subscriber base of at least 140 million</p> <p>We kindly request you to consider this constraint and remove the requirement for project value disclosure from the submission criteria. We assure you that all other details have been provided with full transparency and in good faith.</p>	<p>The requirement for project value (Project Cost) has been removed from the mandatory requirement MR 12.</p>
7.	<p>Clarification 1</p> <p>The mandatory requirement description number 11 highlighted below requests bidders to provide award letters/contracts. Will reference letters from the same clients confirming a bidder carried out similar assignments/projects suffice understanding that reference letters will serve the same purpose as they are only issued after completion of a project?</p> <p>Must submit evidence (award letter or contract) of having undertaken three (3) or more similar Assignments/projects within the last five (5) years, with each assignment/project having a minimum Subscriber base of at least 140 million.</p>	<p>The Authority has revised the mandatory requirement 11 (MR11) to the following:</p> <p>Must submit evidence (certificate of completion or reference letter) of having undertaken three (3) or more similar assignments/projects within the last five (5) years, with each assignment/project having a minimum subscriber base of at least 140 million</p>
8.	<p>Clarification 2</p> <p>The mandatory requirement description number 12 highlighted below requests bidders to obtain reference letters from government authorities and that the letters are to be</p>	<p>Reference letters/contracts/award letters/completion certificate and the contact person from a government ICT/Telecommunications regulatory authority or a similar government agency, for three (3) similar assignments/projects will be adequate.</p>

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	<p>addressed to the Director General of Communications Authority of Kenya.</p> <p>Question 1</p> <p>In regards to the reference letters, noting that clients are government institutions that have their own internal procedures relating to issuance of documents such as reference letters, in the event the internal procedures from the government institutions delay the issuance of reference letters before the closing date of the tender, will the evidence provided (award letters/contracts) plus the contact person from the government clients suffice?</p> <p>We note that the key requirement is to submit evidence. A contract/award letter and a contact from the government client to confirm the same documentation should suffice.</p> <p>Must submit evidence (award letter or contract) from a government ICT/Telecommunication Regulatory Authority, or a similar government agency, for three (3) similar assignments/projects Using the following format;-</p> <p>The reference letters MUST indicate the details of the contact person of each of the assignment/project And addressed to the Director General, Communications Authority of Kenya.</p>	
9.	<p>Question 2</p> <p>In regard to the contract:</p> <p>Can bidders provide the first page of the contract clearly stipulating the date, the client's name, the bidder's name and the description of works? Most contracts have a confidentiality clause that may prevent bidders from sharing the entire document. Kindly confirm</p> <p>Must submit evidence (award letter or contract) from a government ICT/Telecommunication Regulatory Authority, or a similar government agency, for three (3) similar assignments/projects Using the following format;-</p> <p>The reference letters MUST indicate the details of the contact person of each of the assignment/project And addressed to the Director General, Communications Authority of Kenya.</p>	<p>Bidders can provide the pages of the contract(s) clearly stipulating the date, the client's name and the bidder's name as evidence from a government ICT/Telecommunication Regulatory Authority, or a similar government agency, for three (3) similar assignments/projects. Further, bidders must duly complete the table in MR 12, save for the column on "<i>Project Cost</i>", to provide a comprehensive description of the scope of works.</p>

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10.	MR10 - Submit audited accounts for the years 2021, 2022 and 2023 for the proposed bidder (or lead bidder in case of an association/consortium/JV) with a minimum average turnover of Kshs. 25 billion or USD 200 Million for the three (3) years.	The mandatory requirement has been revised to: Submit audited accounts for the past three (3) financial years for the proposed bidder or association/consortium/JV with an average turnover of Kshs. 25 billion or USD 200 Million for the three (3) years
11.	Must submit evidence (award letter or contract) of having undertaken three (3) or more similar assignments/projects within the last five (5) years, with each assignment/project having a minimum subscriber base of at least 140 million.	The mandatory requirement has been revised to: Must submit evidence (certificate of completion or reference letter) of having undertaken three (3) or more similar assignments/projects within the last five (5) years, with each assignment/project having a minimum subscriber base of at least 140 million
12.	<p>We would like to request an extension of the tender submission deadline to May 12th, 2025. This additional time will allow us to prepare comprehensive solutions that meet the requirements, as the scope of this tender is extensive. Currently, I am working on gathering all necessary information and mandatory documents. Specifically, obtaining a Power of Attorney (POA) is taking longer than anticipated because the firm is a publicly listed company, and we require the approval of our Board of Directors. This process typically takes around a month.</p> <p>Given this timeline, we kindly ask that you consider allowing us to submit a Letter of Authorization (LOA) in place of the POA for our tender submission.</p>	The deadline for submission of pre-qualification has been extended from 30th April 2025 and to now close on 14th May 2025 at 10.30 A.M(East African Time) .

ALL other conditions of the initial tender and addendum 1 and 2 issued remain unchanged.

Yours Faithfully,

Peter Mwangi – D/SCM

FOR: DIRECTOR GENERAL /CEO

