



COUNCIL OF GOVERNORS

**MINISTRY OF HEALTH
STATE DEPARTMENT FOR MEDICAL SERVICES**

ADDENDUM NO.1

TO : ALL INTRESTED BIDDERS

DATE: 22nd FEBRUARY 2024

SUBJECT: RESPONSE TO TENDER CLARIFICATIONS

Pursuant to Section 75 (2) of the Public Procurement and Asset Disposal Act 33 of 2015 (Revised Edition 2022) ***"An amendment may be made on the procuring entity's own initiative or in response to an inquiry by a candidate or tenderer"*** the following amendments are in respect to the Framework Agreements for Supply, Delivery, Installation, Testing, and Commissioning of Medical Equipments to County Public Health Facilities Tender No: MOH/SDMS/ADM/ONT/009/2023-2024.

TERMS OF REFERENCE

BACKGROUND

Kenya has made progress towards achieving Universal Health coverage (UHC), but key gaps remain in ensuring equity and quality of health service coverage and effectiveness of financial protection mechanisms. Although coverage and utilization of health care services, especially maternal and child health services have improved significantly, geographic inequities across counties and quality of health services remain a challenge.

Some of the reasons for poor quality of healthcare services are lack of key inputs to guarantee the highest standards of care. Such inputs include human resource, health products and technologies, which include medicines, supplies and lab reagents, and medical equipment and devices.

The situation is worse in marginalized facilities with the poor and vulnerable groups more likely to experience barriers to access to services and receive low-quality services.

Accelerating progress towards UHC requires sustaining and enhancing investments in Kenya's health systems to maintain and expand gains in health service delivery, and service coverage.

Curative services are a key component of health service delivery at level 4 and above requiring specialized medical equipment. This equipment are capital intensive, have high maintenance and operational costs, and need trained human resource.

With limited resources to acquire and operationalize this equipment, there is a need for a model that will ensure that the services are available, accessible, affordable, and uninterrupted.

OBJECTIVES OF THE FRAMEWORK AGREEMENT

To equip the community units, and public primary health facilities - 2s, 3s and specific level 4s health facilities with basic medical equipment to improve the quality of health care to citizen.

This will be achieved through supply, installation, testing and commissioning and AMC of equipment as per set standards.

IMPLEMENTATION OF THE FRAMEWORK AGREEMENT

This Framework Agreement (FA) is an agreement between MOH and suppliers to provide medical equipment as per PPDA 2015, (amendment of 2022, Section 114 and 141). The equipment will be provided to public health facilities (level 2s (4172 public), 3s (1217 public) and county specific level 4s) over three (3) years as required.

The project will have phased in a period of 3 years. The phase 1 will cover 40% of the equipment, phase 2 will cover 30% and phase 3 will cover 30%.

Terms of engagement

The supplier(s) shall deliver, install, test and commission maintain the equipment in facilities as per demand, and service the equipment as per the specifications.

Terms and conditions of payment

The payment to the supplier shall be done in 12 equal Quarterly installments starting delivery, installation, testing, training and upon inspection and acceptance of the equipment at the health facility based on the conditions of the contract.

Scope Coverage

Equipment that will be covered under this framework will be in categories as follows:

- **LOT 1-** OPD, Triage, A& E, Consultation, treatment, MCH/FP and Pharmacy equipment
- **LOT 2-** Laboratory equipment
- **LOT 3-** Medical Imaging – Radiology and ultrasonography equipment and advanced equipment for level 4 and 5 in marginalized areas.
- **LOT 4-** Hospital Furniture- Beds, trolleys, lockers, hoisting, overbed tables
- **LOT 5-** Operating theatre, Anesthesia, Sterilization, and Instrument sets
- **LOT 6-** Maternity- Antenatal, delivery, postnatal, Newborn unit
- **LOT 7 -** Kitchen, Laundry, Biomedical tools, and Medical Waste Management Equipment

Details of the Lots are as mentioned in the Tender.

Roles and Responsibilities of the Ministry of Health- State Department for Medical Services

1. Facilitate bulk procurement of aggregated equipment by counties.
2. Provide specifications for the equipment.

Roles and Responsibilities of the Counties/COG

1. Aggregate the equipment needs and forward to the MOH
2. Provide the adequate human resource, space, infrastructure, security and utilities (power, internet and water) necessary to operate the equipment.
3. Provide for consumables and reagents for the equipment where applicable.
4. Allow for access to the facility where equipment is installed by the supplier(s).
5. Provide accurate and timely information regarding equipment issues.
6. Ensure that staff follow the operating instructions and safety guidelines with detailed Standard Operating Procedures (SOP) provided by the supplier(s).
7. Ensure a clean working environment i.e. free from rodents where the equipment is installed.
8. Ensure that the repair and maintenance are done by authorized personnel.

Joint responsibilities between County and National

1. Bid, and contract suitable suppliers.
2. Sign a contract with the contractors for the implementation of the framework agreement.
3. Ensure payment to the contractor(s) as per the contract.
4. Together with counties monitor and evaluate the project.

Roles and Responsibilities of Contractor(s)

The successful Contractor (s) shall be accountable for the below-mentioned activities while providing the services: -

1. Renovate the existing infrastructure where necessary as per the scope.
2. Medical gas pipeline system where necessary as per the scope.
3. The oxygen supplied should have a purity of minimum 99%, which shall be verified by the Ministry of Health at the bidder, supplier, vendor or subcontractor factory from time to time. The oxygen supplier must have a secondary back-up production facility in the event of failure of primary production facility ensuring no interruption of supply of oxygen.
4. Supply, deliver, install, test, and commission the equipment at hospitals as per the scope mentioned in the tender document.
5. Provide comprehensive maintenance services (Including spare parts and accessories) as per the specifications and to ensure a 95% up-time.

6. Conduct user and maintenance training on the equipment to ensure knowledge transfer to the facilities staff.

Special Requirements

An IPA shall be signed between National and County Governments for the better implementation of the agreement.

S/NO.	CLARIFICATION SOUGHT	RESPONSE
1.	Can one bidder be allowed to participate in all the lots.	Yes, bidders will be allowed to tender for one or more lots
2.	If so in (1) above, can the bidder use one combined document to bid for all the Lots.	Yes, a bidder can use one combined bid document for all lots.
3.	Is it mandatory to provide catalogs, brochures and datasheet for all the quoted items (For example in Lot 2, some items are chemicals of which it's difficult for manufacturers to provide catalogs for them, only literature materials are available for the said chemicals)	Bidders to provide catalogs and brochures for relevant items. Chemicals and consumables are excluded from submission of Brochures, catalogs and certificates of conformity. The bidder should provide the relevant details of the chemicals and reagents they are supplying under this tender.
4.	As mentioned in the tender document, we would like to acknowledge our interest in providing our offer for tender MOH/SDMS/ADM/ONT/009/2023-2024 issued by Ministry of Health, State Department for Medical Services. However, we would like to check whether we are eligible for this tender or not. Our Company is the largest healthcare supplier to UN organizations and NGOs worldwide. Our Headquarters is in <i>Vienna, Austria</i> but we have lots of partners in Kenya that we could partner with for this tender. Is there any such requirement that the tenderer should be based and have a legal entity in Kenya?	Bidders are required to comply with the Evaluation Criteria in the bid document. The tender is an Open National Tender.
5.	Tender number-The tender number in the technical data sheet is MOH/SDMS/ADM/SPPP/009/2023-2024 while the tender invitation on page one reads MOH/SDMS/ADM/ONT/009/2023-2024. Kindly clarify the applicable tender number.	The Tender number is MOH/SDMS/ADM/ONT/009/2023-2024
6.	Quality certificate-Kindly clarify if the Quality Management Certificate (ISO) required is for the manufacturer or the tenderer. ISO certificate should be for the Equipment Manufacturer but Not for Tenderer.	The Quality Management Certificate (ISO) required is for the bidder / Tenderer.

7.	Item repetition-Under Lot 5 Operating theatre, Anesthesia, Sterilization and Instruments sets item No.1 and Item No.22 Autoclave, Large, 20-25 Liters, Table top is repeated. Kindly clarify.	The Item is NOT REPEATED IN LOT 5. If in case of any repetition kindly ignore the repetition.								
8.	MOH-FA-5-03 Autoclave Large, 85 liters- Reference to clause 5.1 the technical specifications on power requirements is contradicting, kindly clarify if the machine is single phase or three phase power.	SINGLE PHASE								
9.	MOH -FA-5-7 Delivery set- The set specification sizes have not been provided. Kindly clarify.	ATTACHED								
10.	MOH-FA-5-10 Foreign Body (Ear/Nose)Set- Reference to Item 22 Edinburg Tray 12"x 18", Third measurement is not provided kindly provide L x W x H.	12MM X 18MM X 50 MM								
11.	MOH-FA-5-12 Incision & Excisional Biopsy- Reference to Item 15 Ss Tray 9"x8" Third measurement is not provided kindly provide L x W x H.	9MM X 8MM X 50 MM								
12.	MOH-FA-5-13 Incision Tray- Reference to Item 1 Ss Tray 10"x8" Third measurement is not Page 1 of 2 provided kindly provide L x W x H.	10MM X 8MMX 50 MM								
13.	MOH-FA-5-17 Speculum set- Reference to Item 4 Ss Tray measurement not provided. Kindly provide L x W x H.	Standard Tray for the set as per the Manufacturer.								
14.	MOH-FA-5-18 Stitch Removing Set- Reference to Item 1 Ss Tray 6"x 4" Third measurement is not provided kindly provide L x W x H.	6MMX 4MMX 50 MM								
15.	The matter refers to above subject. Please note some specifications are not matching with the items to be quoted e.g. Item no. 61 Urine strip combi Item no. 62 Urine strip keto Item no. 66 Anti A Item no 75 Glass tubes and many others	<table><tr><td>Item no. 61 Urine strip combi,</td><td>Pack of 50-100s</td></tr><tr><td>Item no. 62 Urine strip keto</td><td>Pack of 50-100s</td></tr><tr><td>Item no. 66 Anti AB</td><td>4 x 10ml</td></tr><tr><td>Item no 75 Glass tubes and many others</td><td>Pack of 150s</td></tr></table>	Item no. 61 Urine strip combi,	Pack of 50-100s	Item no. 62 Urine strip keto	Pack of 50-100s	Item no. 66 Anti AB	4 x 10ml	Item no 75 Glass tubes and many others	Pack of 150s
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Item no. 66 Anti AB	4 x 10ml									
Item no 75 Glass tubes and many others	Pack of 150s									
16.	Kindly provide clarification regarding the definition of a Registered Power of Attorney.	A Registered power of attorney (POA) or letter of attorney is a written								

	Additionally, we have identified the absence of form CON-2 from the tender document. It would be appreciated if you could provide the form for successful tender completion.	authorization to represent or act on another's behalf in private affairs (which may be financial or regarding health and welfare), or some other legal matter, to be registered at the lands ministry.
17.	Due to complexity of the tender, we have to do lot of ground work for submission of the bid and we need longer processing time for bid submission. Additionally, due to Chinese New Year holidays till end of February, 2024, we are unable to access lot of suppliers to get the optimized and appropriate quote. Considering all the above factors, we would like to request extension of the tender submission date and last date of sending queries by another 30 days.	Please find attached the Con-2 for at the end of this addendum The Tender Closing date is hereby extended by Two (2) Weeks to close on 13th March 2024.
18.	Kindly clarify on the below issue If we are bidding for one or two lots, are we going to attach a bid bond worth 5,000,000/- or we shall attach a bid bond per lot i.e. Kshs. 500,000 for every lot?	Attach bid bond of Kshs. 500,000 per lot.
19.	Dear Sir/Madam, In reference to the TENDER NO: MOH/SDMS/ADM/ONT/009/2023-2024 - FRAMEWORK AGREEMENTS FOR SUPPLY, DELIVERY, INSTALLATION, TESTING, AND COMMISSIONING OF MEDICAL EQUIPMENTS TO COUNTY PUBLIC HEALTH FACILITIES I kindly seek clarification whether you can consider for Extension of the Tender submission deadline by at least 2 weeks from the indicated 26th Feb 2024. This is because our manufacturers who are based in China are on their "NEW YEAR HOLIDAY" hence they have not been working on our inquiries. They will resume to work from 25th February 2024. Look forward to your kind Consideration.	The Tender Closing date is hereby extended by Two (2) Weeks to close on 13th March 2024.

20.	Kindly clarify if the Quality Management Certificate (ISO) required is for the manufacturer or the tenderer. ISO certificate should be for the Equipment Manufacturer but Not for Tenderer	The Quality Management Certificate (ISO) required is for the Tenderer/Bidder
21.	Similarly, payment to supplier/bidder should be in foreign currency	Bidders can quote in KSHs. or USD but the payment would be in KSHs at the mean CBK rate on the day of invoicing.
22.	TENDER NO: MOH/SDMS/ADM/ONT/009/2023-2024 (Direct purchasing) LOT 3 DIGITAL MOBILE X-RAY CLARIFICATIONS - You have requested for a Digital Mobile X-ray for 40-50W. Our AMX Navigate has 30KW Power. Is this acceptable to you? - Requested the Motorized mobile digital Xray. - You did not mention anything about detector specs. Kindy provide us with detector specifications. - Requested KV range: 40kV to 150kV or more – GE has 50kV to 150kV. - Shortest exposure time: should be 1ms or less – GE has 4.0msec - Mention the heat storage capacity of Anode Heat Capacity 300 kHU – GE has 140kHU (300kHU for fixed RAD)	Digital Mobile X-Ray for 40-50W is mandatory. Other models will not be acceptable. The bidder should provide motorized Mobile Digital Xray. The Detector provided should be a flat panel detector. The bidder to maintain 40-150 Kv The Exposure range should be between 1 ms- 3ms The Anode heat capacity to be maintained at 300 kHU
23.	ULTRASOUND CLARIFICATIONS Framework Agreement LOT2 - Ultrasound Scanner Routine Examinations- MOH-FA-3-4 TVS probe captured but missing description unlike the other probes having full description. Is it part of the required probes? Medical Services for FFS	The TVS probe should have a frequency between 5- 7.5 MHz The cardiac probe should have a frequency between 3-10 Mhz

	• LOT2- ICU - Ultrasound Scanner Routine Scanning-ICU - On probes, Cardiac probe captured but missing description unlike the other probes having full description. Is it part of the required probes?	
24.	PCS CLARIFICATIONS FOR BOTH TENDERS ECG 1. Full Disclosure acquisition capturing short cardiac events such as SVT and store up to 5 mins digital copies and can recall multiple 10 seconds strips 2. Pacing Sampling Rate 75000 Sampling Rate per Second 3. Critical Values Capable of event detection with customizable threshold including for e.g STEMI Patient monitor 4. Modular & upgradable unit 5. Paramagnetic O2 sensor (non-depleting technology) 6. FDA approved ECG & NIBP algorithm Patient monitor portable/transport 1. Modular & upgradable unit 2. Paramagnetic O2 sensor (non-depleting technology) 3. Remote service enabled 4. FDA approved ECG & NIBP algorithm Vital signs 1. Definition of vital signs monitor is to capture numerical values of NIBP, Pulse Rate, Temperature & SPO2. Current specifications are related to patient monitor. 2. FDA approved NIBP algorithm Anesthesia 1. Tidal volume of 5ml in pressure control mode to enable neonatal ventilation 2. Integrated spirometry feature 3. 15" touch screen	(STANDARD SPECIFICATIONS ARE ALREADY PROVIDED IN THE RESPECTIVE TENDER DOCUMENTS) The Specification requested by the bidder would favor a select few manufacturers. We kindly request compliance with the standard specifications outlined in both tender documents.

	Ventilator - Should be pneumatic driven 15" touch screen - Battery life of 60 min and above Phototherapy - Number of lamps 10 Radiant Warmer - Table tilt of +/- 15 degrees - Heater element should be made out of very durable & long-life material Calrod-type and bidder should propose a lifetime warranty on the heater element Resuscitaire - Table tilt of +/- 15 degrees - Heater element should be made out of very durable & long-life material Calrod-type and bidder should propose a lifetime warranty on the heater element	
25.	SERVICE CLARIFICATIONS ON BOTH TENDERS Concerns on Training Requirement: There is a requirement for onsite maintenance training. We require detail of the envisioned scope, number of participants and frequency of such training.	The trainings should be part of the services provided by the bidder. The bidder should provide at least one free training session every year
26.	On Evaluation Criteria (Manufacturer's Authorization). We kindly request permission to provide authorization in the form of Manufacturer's Authorization, Proof of Dealership, or Agreements with Dealer and distributors and their authorizations.	Evaluation Criteria (Manufacturer's Authorization) Tenderers shall be required to provide a Manufacturer's Authorization /Prove of Dealership/ Agreements with the authorized Dealers (dealership authorization) for all items quoted in the Lot, Using the Manufacturer's Authorization /Prove of Dealership/ Agreements with

		Dealer and distributors and their authorizations. Failure to provide will lead to disqualification
27.	On Evaluation Criteria (Conformity), Some items lack a certificate of conformity. Please exempt the following items from the requirement to provide a certificate of conformity, brochures and Manufacturer Authorization: lab reagents, equipment consumables	Certificate of Conformity - The tenderer shall be required to submit a certificate of conformity to standards for each of the product offered. Particular standard for each product with exception of Lab Reagents, Equipment's Consumables as is indicated in technical specifications. - Lab Reagents, Equipment's Consumables shall be exempted from provision of Brochures, Manufacturer Authorization and Certificate of conformity.

The above clarifications will form part of the Evaluation criteria.

In line with the above the above captioned, Framework Agreements for Supply, Delivery, Installation, Testing, and Commissioning of Medical Equipments to County Public Health Facilities Tender No: MOH/SDMS/ADM/ONT/009/2023-2024 is hereby extended to **Wednesday 13th March 2024 at 10.00 am** to allow bidders to take into account the above clarifications before submission of their bid documents.



HARRY KIMTAI, CBS

PRINCIPAL SECRETARY

