



**MINISTRY OF INVESTMENTS, TRADE AND INDUSTRY
STATE DEPARTMENT FOR INDUSTRY**

Telephone: 020-2731531-9
0704097021/23, 0788484840/41
Fax: 020-2731511
Email: ps.moied@gmail.com
When replying please quote:

Social Security House BLK 'A'
Bishops Road, Capital Hill
P.O. Box 30418 - 00100
NAIROBI

Ref: MITI/SDI/006/2026-2027(1)

Date: 14th October 2026

ADDENDUM NO. 2

TENDER NO. MITI/SDI/004/2026-2027 FOR SUPPLY, DELIVERY, INSTALLATION, COMMISSIONING, TESTING, TRAINING AND TWO-YEAR TECHNICAL SUPPORT FOR UASIN GISHU COUNTY AGGREGATION INDUSTRIAL PARKS (CAIPS) MILK PROCESSING EQUIPMENT.

Pursuant to Section 75 of Public Procurement and Assets Disposal Act 2015 and ITT Clause 9 of the tender document. SDI issues addendum No. 2 following requests for clarification from prospective bidders.

QUERY NO. 1. TAX COMPLIANCE, MR7 AND ITT 4.13

ITT 4.13 requires a Kenyan tenderer to produce a tax compliance certificate issued by the Kenya Revenue Authority. MR7 requires a valid tax compliance certificate without naming the issuing authority. For a tenderer registered outside Kenya, will a valid Tax Compliance Status certificate issued by the South African Revenue Service satisfy MR7?

RESPONSE TO QUERY NO. 1.

A valid Kenya Revenue Authority (KRA) Tax Compliance Certificate, verifiable on the KRA TCC Checker is mandatory for Kenyan tenderers. Upon verification, a valid Tax Compliance Status (TCS) certificate issued by the South African Revenue Service (SARS) will be accepted for a South African-registered tenderer as evidence of tax compliance under MR7. To verify a SARS TCS, the tenderer shall provide its tax reference number and TCS access PIN to allow access to SARS online verification service.

For a Joint venture, each member shall provide a valid tax-compliance certificate. The certificate must be valid and capable of verification. Any certificate shown as withdrawn, cancelled or otherwise invalid will not satisfy MR7.

QUERY NO. 2. LOCAL SOURCING BY FOREIGN TENDERERS, ITT 4.10

ITT 4.10 requires foreign tenderers to source at least forty per cent of their contract inputs in supplies, subcontracts and labour from national suppliers and contractors.

(a) Is the forty per cent measured against the tender price, or against another base?

- (b) What documentary evidence will be accepted at tender stage? For example, signed letters of intent or subcontract agreements with Kenyan firms stating the value of their supply.
- (c) Where a foreign firm tenders in joint venture with a firm registered in Kenya, how is the requirement applied?

RESPONSE TO QUERY NO. 2

a) The 40% requirement is assessed against the total value of the contract inputs identified in the tenderer's proposal. It is not calculated as 40% of the tender price.

(b) The tenderer shall provide the relevant documentary evidence. Evidence may include signed letters of intent or subcontract/supply agreements identifying the Kenyan supplier or contractor, the goods or services to be provided, and their estimated value. For labour, the tenderer may provide a staffing plan showing the roles, number of personnel and estimated labour value. The evidence must allow the Procuring Entity to assess the proposed Kenyan-sourced inputs against the 40% requirement.

(c) For a Joint venture, the requirement applies to the JV tender as a whole. where the JV is classified as a foreign tenderer under the tender documents. Eligible inputs to be provided directly by the Kenyan JV member, together with qualifying supplies, subcontracts and labour sourced from Kenyan suppliers and contractors, may be included in the calculation, provided they are identified and supported by the required evidence. The same input shall not be counted more than once.

QUERY NO. 3: AUDITED FINANCIAL STATEMENTS, MR11

MR11 requires audited financial statements for 2023, 2024 and 2025.

(a) For a tenderer incorporated during 2024, will audited statements for the financial years completed since incorporation be accepted?

(b) In a joint venture, must each member provide three years of audited statements, or may the requirement be met by the members combined?

RESPONSE TO QUERY NO. 3

(a) A tenderer incorporated during 2024 could not have audited financial statements for a period before its incorporation. The tenderer may submit audited financial statements for the completed financial years since incorporation, together with an explanation that it was not in existence during 2023. The tenderer's financial capacity will be assessed against the requirements in Section III of the tender document.

(b) Each Joint venture member shall submit its own audited financial statements for the specified years for which it was in existence. The financial qualification requirement shall be assessed in accordance with the joint venture compliance requirements in Section III.

QUERY NO. 4: TENDER SECURITY, MR3

MR3 requires a tender security of KES 4,500,000 issued by a reputable financial institution Licensed by the Central Bank of Kenya. Will a demand guarantee issued by a South African bank be accepted if it is confirmed by a bank licensed by the Central Bank of Kenya, or must it be issued directly by an institution licensed in Kenya?

RESPONSE TO QUERY NO. 4

MR3 requires the KES 4,500,000 tender security in the required amount, format, beneficiary and validity period set out in the tender document to be issued by a reputable financial institution licensed by the Central Bank of Kenya. Therefore, a demand guarantee issued by a South African bank and merely advised or confirmed by a Kenyan bank will not satisfy MR3. Any confirmation arrangements must make the Kenyan institution directly and unconditionally liable under the security, mere confirmation or authentication of the South African bank's guarantee is insufficient.

Bidders are informed that this is addendum No. 2. Addendum No. 1 was previously issued and is available on the website www.industrialization.go.ke or government dedicated tender portal www.tenders.go.ke . The addenda forms part of the tender Document.

Completed tender documents are to be enclosed in plain sealed envelopes, marked the tender name and number, and addressed to:

**Principal Secretary
State Department for Industry
Ministry of Investment, Trade and Industry
P.O Box 30547-00100,
Nairobi**

and be deposited in the tender box situated at the **State Department for Industry offices, on Bishops Road, NSSF Building, Block A, Eastern Wing, 16th floor**, during normal working hours so as to be received on or before **Friday, 30th October 2026 at 11:00am**.

Tenders will be opened immediately thereafter in the presence of tenderers or their representatives who choose to attend, at the **Bishops Road, NSSF Building, Block A, 23rd Floor Boardroom**, on **Friday, 30th October 2026 at 11:00am**.

**HEAD, SCMS
FOR: PRINCIPAL SECRETARY**

