

# **COUNTY GOVERNMENT OF NYERI**

## **REQUEST FOR PROPOSAL**

### **FOR**

## **THE DEVELOPMENT OF SOLAR ENERGY GENERATING PLANT**

### **IN NYERI COUNTY**

**BID NO. CGN/ENERGY/RFP/109/2014-2015**

**MAY 2015**

# **INTRODUCTION**

The County Government of Nyeri requests proposals from shortlisted firms in its earlier Expression of Interest (E.O.I) for development of solar exploration and energy generation in facilities located in KIAMARIGA, NYERI COUNTY. **The land covers 54 Hectares.**

NYERI COUNTY Government seeks proposals from experienced solar project developer capable of designing, constructing, financing and operating a commercial scale SOLAR energy facility to receive serious consideration, proposals must incorporate state of the art measure to minimize impacts on environment

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## SECTION I

# LETTER OF INVITATION TO BID

## **To all Bidders solar farm Development**

**BID No. CGN /ENERGY/RFP/109/2014-2015**

**BID NAME: RFP FOR DEVELOPMENT OF SOLAR ENERGY GENERATING PLANTS  
IN NYERI COUNTY**

Nyeri County Government invites submission of request for proposal for development of solar Energy Generating Plants in Nyeri county land site

1.1 The request for proposal (RFP) includes the following documents

Section I	-	Letter for invitation to bid
Section II	-	Instruction to Bidders
Section III	-	Appendix to Bidders instruction
Section IV	-	Schedule of particulars
Section V	-	Standard Forms
Section VI	-	Terms of reference

This request for Proposal (RFP) has been addressed to the following shortlisted bidders following their participation in the expression of Interest issued by the County Government of Nyeri on September 28<sup>th</sup> 2014.

<b>S/No.</b>	<b>Name of Company/ Association</b>	<b>Address</b>
1.	SOVENTIX	P.O Box 464 WESEL
2.	HOLLY BANK HOUSE NAAROWO ENERGY UK LIMITED	P.O BOX SL 107 UN- UNITED KINGDOM
3.	ENVIRON TECH CONSULTANCY AFRICA LIMITED	P.O BOX 16601 – 00100 NAIROBI
4.	NORFUND SCATEE SOLAR	
5.	NEXTGEN SOLAR	P.O BOX 2303 COLONEL LINDAY
6.	PHALARORE ENERGY LIMITED	P.O BOX 25464 – 0063 NAIROBI
7.	INNOVENT / EDGEN	P.O BOX 52809-00100 VALLEY ARCADE NAIROBI
8.	SWISSWATT NATURALLY ENERGY	P.O BOX 20478 – 00200 NAIROBI
9.	EDISON POWER GROUP	
10.	YENGIL GREEN ENERGY SUBSAHARA PTY LTD	P.O BOX 1685 WINDLAND JOHHANNESBURG SOUTH AFRICA
11.	CCS KENYA LIMITED	P.O BOX 20748 – 00200 NAIROBI
12.	ENERGY COMPANY OF AFRICA	P.O BOX 132 – 00606 NAIROBI
13.	GRANSOLAR	
14.	AFRIGEN ENERGY	P.O BOX 3610 NAIROBI
15.	BONFIDE C & F COMPANY LIMITED	P.O BOX 60119 – 00200 NAIROBI
16.	ZTE CORPORATION	P.O BOX 49477 – 00100 GPO NAIROBI
17.	ELECTRO WATTS LIMITED	P.O BOX 82289 – 00100 NAIROBI
18.	KUMARAND ASSOCIATES	P.O BOX 38349 – 00100 NAIROBI

19.	SOLAIRE DIRECT SOUTHERN AFRICAN LIMITED	
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1.2 Completed bid documents are to be enclosed in plain sealed envelopes marked with bid name and reference number and deposited in the bid box

1.3 Bids will be opened immediately thereafter in the presence of the candidates or their representatives who choose to attend at county Offices Boardroom.

Yours Faithfully,

COUNTY SECRETARY  
NYERI COUNTY GOVERNMENT

## **SECTION II INSTRUCTIONS TO BIDDERS**

### **2.1 Eligible Bidders / consortium**

2.1.1 This invitation to bidders is intended for firms who are shortlisted in the Expression

of Interest (EOI) as described in the appendix to instructions to bidders. Successful bidders shall be contracted for the stipulated duration from the date of commencement (hereinafter referred to as the term) specified in the schedule of requirements.

- 2.1.2 The Investors, under development contract, will finance the required capital. Further, the Investors will finance, design, construct, operate and maintain the power plants. **The Government of Kenya/Nyeri County Government will not provide sovereign guarantees relating to this investment and therefore the investors should seek other alternatives such as MIGA (World Bank)**

## **2.2 Cost of Bidding**

- 2.2.1 The bidder shall bear all costs associated with the preparation and submission of its RFP, and The procuring entity, will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the bidding process.

- 2.2.2 **This document is offered free of charge**

## **2.3 Contents of Bid Documents**

- 2.3.1
- (i) Instructions to bidders
  - (ii) Form of bid
  - (iii) Price schedule
  - (iv) Bid security form
  - (v) Contract form
  - (vi) Authorization form
  - (vii) Terms of reference

## **2.4 Documents Comprising the Bid**

- 2.4.1 The bid prepared by the bidder shall comprise the following components:
- (a) A bid form and a price schedule
  - (b) Documentary evidence established in accordance with paragraph 2.6 that the bidder is Eligible to bid and is qualified to perform the contract if its bid is accepted;
  - © Bid security furnished in accordance with paragraph 2.6

## **2.5 Bidders Eligibility and Qualifications**

- 2.5.1 Pursuant to paragraph 2.1.1 and 2.1.2 the bidder shall furnish, as part of its bid, documents Establishing the bidders eligibility to bid and its qualification to perform the contract if it's bid is accepted.

2.5.2 The documentary evidence of the bidders qualifications to perform the contract if it's bid is Accepted shall establish to the procuring entity's satisfaction that the bidder has the financial and technical capability necessary to perform the contract.

## **2.6 Bid Security**

2.6.1 The bidder shall furnish, as part of its bid, a bid security for the amount and form specified In the appendix to instructions to bidders.

2.6.2 The bid security shall be in the amount of USD 11,000 or KShs. 1,000,000

2.6.3 The bid security is required to protect the procuring entity against the risk of bidders Conduct which would warrant the security forfeiture, pursuant to paragraph 2.6.6

2.6.4 The bid security shall be denominated in Kenya shillings or in another freely Convertible currency, and shall be in the form of

- (a) An authenticated bank guarantee
- (b) Irrevocable and confirmed letter of credit

2.6.5 Unsuccessful bidders bid security will be discharged or returned as promptly as Possible but not later than thirty (30) days after the expiration of the period of bid validity

2.6.6 The successful bidders bid security will be discharged upon the bidders signing the Contract.

2.6.7 The bid security may be forfeited:

- (a) If a bidder withdrawals its bid during the period of bid validity
- (b) In case of a successful bidders, if bidder fails;
  - (i) to sign the contract or

## **2.8 Validity of Bids**

2.8.1 Bids shall remain valid for 90 days after the date of bid opening pursuant to paragraph 2.13. A bid valid for a shorter period shall be rejected by the procuring entity as non-responsive

2.8.2 In exceptional circumstances, the procuring entity may solicit the bidders consent to an extension of the period of validity. The request and the responses thereto shall be made in writing. The bid security provided under paragraph 2.6 shall also be suitably extended. A bidder granting the request will not be required nor permitted to modify its bid.

## **2.9 Format and Signing of Bids**

- 2.9.1 The bidders shall prepare original and copy of the bid, clearly marking each “ORIGINAL BID” and COPY OF BID”, as appropriate. In the event Of any discrepancy between them, the original shall govern.
- 2.9.2 The original and all copies of the bid shall be typed or written in indelible ink and Shall be signed by the bidder or a person or persons duly authorized to bind the bidder to the contract. All pages of the bid, except for un-amended printed literature, shall be initialed by the person or persons signing the bid
- 2.9.3 The bid shall have no interlineations, erasures, or overwriting except as necessary to Corrections shall be initialed by the person or persons signing the bid.

## **2.10 Sealing and Marking of Bids**

- 2.10.1 The bidders shall seal the original and the copy of the bid in separate envelopes, duly Marking the envelopes as “ORIGINAL BID” and “COPY OF BID”. The Envelopes shall then be sealed in outer envelope.
- 2.10.2 The inner and outer envelopes shall:
  - (a) Be addressed to the procuring entity at the address given in the invitation to bid
  - (b) Bear bid number and name in the invitation to bid and the words,” **DO NOT OPEN BEFORE” 1<sup>st</sup> July 2015 at 12.00 p.m**
- 2.10.3 The inner and outer envelopes shall also indicate the name and address of the bidder to Enable the bid to be returned unopened in case it is declared ‘late’
- 2.10.4 If outer envelopes are not sealed and marked as required by paragraph 2.10.2, the Procuring entity will assume no responsibility for the bid’s misplacement or premature opening

## **2.11 Deadline for Submission of Bids**

Bids must be received by the procuring entity at the address specified under paragraph 2.10.2 no later than Monday 1<sup>st</sup> July 2015 at 12.00 p.m

- 2.11.1 The procuring entity may, at its discretion, extend this deadline for the submission of bids by amending the bid documents in which case all rights and obligations of the procuring entity and candidates previously subject to the deadline will thereafter be subject to the deadline as extended.
- 2.11.2 Bulky bids which will not fit in the bid box shall be received by the procuring entity as provided for in the appendix.

## **2.12 Modification and Withdrawal of Bids**

- 2.12.1 The bidder may modify or withdraw its bid after the bid’s submission, provided that written notice of the modification, including substitution or withdrawal of the bids, is received by the procuring entity prior to the deadline prescribed for



submission of bids.

2.12.2 No bid may be modified after the deadline for submission of bids.

2.12.3 No bid may be withdrawn in the interval between the deadline for submission bids and the expiration of the period of bid validity. Withdrawal of a bid during this interval may result in the bidders forfeiture of its bid security.

## **2.13 Opening of Bids**

2.13.1 The procuring entity will open all bids in the presence of bidders representatives who choose to attend on **1<sup>st</sup> July 2015 at 12.00 p.m** at Governors office procurement office and in the location specified in the invitation of bid. The bidders representatives who are present shall sign a register evidencing their attendance

2.13.2 The bid's name , bid modifications or withdrawals, bid prices, discounts, and the presence or absence of requisite bid security and such other details as the procuring entity, at its discretion , may consider appropriate, will be announced at the opening

2.13.3 The procuring entity will prepare minutes of the bid opening, which will be submitted To bidders that signed the bid opening register and will have made request

## **2.14 Clarification of Bids**

2.14.1 To assist in the examination, evaluation and comparison of bids the procuring entity may, at its discretion, ask the bidder for a clarification of its bid. The request for clarification and the response shall be in writing, and no change in the prices or substance of the bid shall be sought, offered , or permitted.

2.14.2 Any effort by the bidder to influence the procuring entity in the procuring entity's bid evaluation, bid comparison or contract award decisions may result in the rejection of the bidders bid

The proposal should comply with the threshold criteria in the T.O.R

Proposals that do not satisfy the threshold criteria will not receive further consideration.

Apart from TOR the following marking scheme will be used

No	Parameters	Marks	Allocated
1.	Projects developments and installations of more than 40 ( MW) mega watts in total in renewable energy	10	

2.	Successful renewable energy project management and implementation experience in at least three countries	10	
3.	Employees with wide solar development and financing experience for more than 10 years.	10	
4.	Technical capability including mode of financing to enable realize the project within one year from the date of acceptance	15	
5.	Firms to provide structure for local input in terms of personal, and training division and maintenance unit	20	
6.	Firms will be expected to show and demonstrate management of succession plans	10	
7.	Firms will be expected to state clearly preferred mode of financing the project and a commitment letter from a financial Institution is a must.	15	
8.	Demonstrate successful track record of implementing similar projects.	5	
9.	Evidence of technological transfers (training to NYERI COUNTY STAFF)	3.0	
10.	Corporate social responsibility programs	2.0	
	<b>TOTAL</b>	<b>100</b>	

### 2.15 Financial Proposal

Bidders shall state their bid price for the payment on schedule outlined in the special conditions of contract. This schedule should be submitted in a separate sealed envelope marked financial proposal. Bids will be evaluated on the basis of this base price.

The bid processing (evaluation) committee shall evaluate the bids within 14 days from the date of opening the bid.

Procuring entity may make the award to the next most favorable evaluated bid.

### 2.16 Post qualification

- 2.16.1 The procuring entity will verify and determine to its satisfaction whether the bidder that is selected as having submitted the most favorable evaluated responsive bid is qualified to perform the contract satisfactorily.
- 2.16.2 The determination will take into account the bidder financial and technical capabilities. It will be based upon examination of the documentary evidence of the bidders qualifications submitted by the bidder, as well as such other information as the procuring entity deems necessary and appropriate. Particular attention will be made to the thresholds set in the attached terms of reference.
- 2.17 Award criteria**
- 2.17.1 The procuring entity will award the contract to the successful bidder whose bid has been determined to be substantially responsive and has been determined to be most favourable evaluated bid, provided further that the bidder is determined to be qualified to perform the contract satisfactorily.
- 2.17.2 To qualify for contract awards, the bidder shall have the following:-
- (a) Necessary qualifications, capability experience, services, equipment and facilities to provide what is being procured.
  - (b) Legal capacity to enter into contract for procurement
  - (c) Shall not be insolvent, in receivership, bankrupt or in the process of being wound up and is not the subject of legal proceedings relating to the foregoing.
  - (d) Shall not be debarred from participating in public procurement.
- 2.26 Procuring entity reserves the right to accept or reject any or all bids**
- 2.26.1 The procuring entity reserves the right to accept or reject any bid, and to annul the bidding process and reject all bids at any time prior to contract award, without thereby incurring any liability to the affected bidder or bidder's of the grounds for the procuring entity's action. If the procuring entity determines that none of the bids is responsive, the procuring entity shall notify each bidder who submitted a bid.
- 2.26.2 The procuring entity shall give prompt notice of the termination to the bidders and on request give its reasons for termination within 14 days of receiving the request from any bidder.
- 2.26.3 A bidder who gives false information in the bid document about its qualification or who refuses to enter into a contract after notification of contract award shall be considered for debarment from participating in future public procurement.

## **2.18 Notification of Award**

- 2.18.1 Prior to the expiration of the period of bid validity, the procuring entity will notify the successful bidder in writing that its bid has been accepted.
- 2.19.2 The notification of award will constitute the formation of the contract subject to the signing of the contract between the bidder and the procuring entity. Simultaneously the unsuccessful bidders shall be notified that their bids have been unsuccessful.
- 2.19.3 Upon the successful bidders furnishing of the performance security , the procuring entity will promptly notify each unsuccessful bidder and will discharge its bid security, pursuant to paragraph 2.6.1

## **2.20 Signing of contract**

- 2.20.1 At the same time as the procuring entities notifies the successful bidder that its bids has been accepted, the procuring entity will simultaneously inform the other bidders that have not been successful
- 2.21.2 Within fourteen (14) days of receipt of the contract form, the successful bidder shall sign and date the contract forms and return it to the procuring entity.
- 2.22.3 The contract will be definitive upon its signature by the two parties.
- 2.23.4 The parties to the contract shall have it signed within 30days from the date of notification of contract award unless there is an administrative review request.

## **2.30 Corrupt or fraudulent practices**

- 2.30.1 The procuring entity requires that bidders observe the highest standard of ethics during the procurement process and execution of contracts. A bidder shall sign a declaration that he has not and will not be involved in corrupt or fraudulent practices.
- 2.30.2 The procuring entity will reject a proposal; for award if it determines that the bidder recommended for award has engaged in corrupt or fraudulent practices in competing for the contract in question.
- 2.30.3 Further a bidder who is found to have indulged in corrupt or fraudulent practices risks being debarred from participating in public procurement in Kenya.

### SECTION III - APPENDIX TO INSTRUCTIONS TO BIDDERS

#### Notes to the appendix to the instructions to bidders

1. The appendix to instructions to bidders is intended to assist the procuring entity in providing specific information in relation to corresponding clauses in the instructions to bidders included in section II and has to be prepared for each specific procurement.
2. The procuring entity should specify in the appendix information and requirements specific to the circumstances of the procuring entity, the particulars of the bid, and the bid evaluation criteria that will apply to the bids.
3. In preparing the appendix the following aspects should be taken into consideration;
  - (a) The information that specifies and complements provisions of section II to be Incorporated
  - (b) Amendments and /or supplements if any, to provisions of section as necessitated by the Circumstances of the particulars of the bid to be also incorporated
4. Section II should remain unchanged and can only be amended through the appendix to Instructions to bidders.
5. Clauses to be included in this part must be consistent with the public procurement law and regulations
6. The following information for letting, leasing, licensing, tenancy, franchise or management Contract of (*Land for development of solar energy generating plants*) shall complement, Supplement, or amend, the provisions of the instructions to bidders. Wherever there is a conflict between the provisions on the instructions to bidders and the provisions of the appendix, the provisions of the appendix herein shall prevail over those of the instructions to bidders

ITT REFERENCE NO.	APPENDIX TO INSTUCTIONS
2.1.1	This invitation for bids is intended for bidders who were shortlisted in the Expression of interest (EOI)
2.12.1	Bid security shall be USD 11,000. (Kshs. 1 million)
2.15.2	Closing date 1 <sup>st</sup> July 2015 at 12.00 p.m
2.16.1	Deadline for submission of bids is as in 2.15.2 above
2.18.1	Opening of bids is as 2.15.2 above

## Appendix to instructions to bidders

1.	Procuring Entity is: NYERI COUNTY GOVERNMENT
2.	Name of project is: Bid for development of solar energy generating plant in NYERI COUNTY land site
3.	Bid No. <b>CGN/ENERGY/RFP/109/2014-2015</b>
4.	The expected completion date of the lease will be determined during signing of this contract
5.	Non-attendance at the site or pre bid meeting will result in disqualification i.e site visit is mandatory. The date for site visit has been set as indicated in GCC section 4.19
6.	Bidders must submit one original and two additional copies of the technical proposal which shall include the financial proposal
7.	Address for clarification of bidding document is <b>THE COUNTY SECRETARY</b> <b>COUNTY GOVERNMENT OF NYERI</b> <b>P.O BOX 1112</b> <b>NYERI</b> <b>Email: <a href="http://www.nyeri.go.ke">www.nyeri.go.ke</a></b>
8.	In the case of consortium arrangement each partner shall submit information required and in addition the bidder shall submit a completely signed consortium agreement by all partners as a mandatory requirement.

9.	Bids: COUNTY BID BOX Located at NYERI TOWN HALL
10.	The extension of the deadline for submission of bids shall be made not later than seven days before the expiry of the original deadline
11.	Bid must remain valid 90 days after the submission date, i.e. until the evaluation and awarding of contract is complete
12.	Technical and financial proposal are requested: YES
13.	The method of selection is Quality Based Selection (QBS)
14.	Client will provide the following inputs: Facilitation of access to project area, available maps, Data, Reports and contacts with other stake holders
15.	Description of work plan and methodology required: YES
16.	Training is a specific component of this assignment:
17.	The minimum required experience of proposed professional staff is: Project Director : Atleast 15 Years Other senior staff: 10 Years
18.	Reports that are part of the assignment must be written in the following language: ENGLISH
19.	Information on the outer envelope should also include the bid name Bid Solar <b>BID NO. CGN/ENERGY/RFP/109/2014-2015</b>
20.	Prices quoted to include taxes and duties

21.	Bidders costs to be stated in United States dollars with the indication of the rate of conversion YES
22.	The points given to evaluation criteria are as indicated in the instruction to bidders 2.22.3; Information given must be supported by documentary proof. References must be accompanied by current addresses, telephone and email contacts. The minimum technical score required to pass is 60%
23.	Bidders must be deposited in the bid box located at
24.	Information on evaluation and award is confidential YES
25.	The client shall issue any addendum/corrigendum or clarification in writing through emails provided by the bidders in their submitted bid documents

#### **SECTION IV - SCHEDULE OF PARTICULARS OF BID**

1. (Details of assets, services of facilities being offered)

<b>No</b>	<b>Description of assets</b>	<b>Quantity</b>	<b>Value (where applicable)</b>
6.1	Land for the development of solar energy generating plants.	<b>54 Hectares</b>	



## **SECTION V - STANDARD FORMS**

### **Notes on the sample forms**

1. **Form of bid** - The form of bid must be completed by the bidder and submitted with the bid documents. It must also be duly signed by duly authorized representatives of the bidder.
2. **Price schedule form**- The price form must similarly be completed and submitted with the bid
3. **Contract form** - The contract form shall not be completed by the bidder at the time of submitting the bid. The contract form shall be completed after contract award and should incorporate the accepted contract price
4. **Bid security form** - When required by the bid documents the bidder shall provide the bid security either in form included herein or in another format acceptable to the procuring entity. The bid security form must be completed by the bid and submitted with the bid.
5. **Authorization form** - When required by the bid documents this form must be completed and submitted with the bid documents. This form will be completed by the principal where the bidder is an agent.
- 6 .Letter of notification of award

## FORM OF BID

To

Name and address of procuring entity

Date

Tender no.

Tender Name

Gentlemen and/or Ladies

1. Having examined the bid documents including addenda No. (insert numbers).....the receipt of which is hereby duly acknowledged, we the undersigned, offer to procure (the particulars of the bid) under this bid in conformity with the said bid document for the sum.....of [total amount in words and figures]

2. We undertake, if our bid is accepted, to abide by the conditions of the bid.

3. We agree to abide by this bid for a period of .....[number] days from the date fixed for bid opening of the instructions to bidders, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

4. This bid, together with your written acceptance thereof and your notification of award, shall constitute a contract between us subject to the signing of the contract by both parties.

5. We understand that you are not bound to accept the lowest or any bid you may receive.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2005

\_\_\_\_\_  
[signature]

\_\_\_\_\_  
[in the capacity of]

Duly authorized to sign bid for on behalf of \_\_\_\_\_

PRICE SCHEDULE FORM

ITEM NO	PARTICULARS OF BID BEING OFFERED	UNIT OF MEASURE	QUANTITY	RATE-USED (Minimum)	BIDDERS QUOTED PRICE (USED)
1.	Bidders' site.....	Ha		xxxxxxx	xxxxxxxx
2.	Lease for solar Exploration rights	Ha	54	60	
3.	Installation fees	MW		250	
4.*	Operating fee	Gross p.a Revenue/MW		1%	
5.*	Operating fee	Gross p.a Revenue/MW		2,000	

NB\* - means whichever is higher between 4 and 5 will be adopted by COUNTY GOVERNMENT OF NYERI

\_\_\_\_\_  
Signature of bidder

## CONTRACT FORM

This agreement made the .....day of.....20.....between.....name of procurement entity.....[country of procurement entity] (hereinafter called the procuring entity”) of one part and.....[name of bidder] of the other part:

Whereas the procuring entity invite bids for the lease, development and operation of solar energy generating plants in NYERI COUNTY land sites and has accepted a bid by the bidder for the lease, development and operation in the sum of \_\_\_\_\_  
\_\_\_\_\_ [contract price in words in figures] (hereinafter called ‘the contract price’.)

NOW THIS AGREEMENT WITNESSTH AS FOLLOWS:-

1. In this agreement words and expressions shall have the same meanings as are respectively assigned to them in the conditions of contract referred to.
2. The following documents shall be deemed to form and be read and construed as part of this Agreement, viz:
  - (a) The bid form and the price schedules submitted by the bidder;
  - (b) The schedule of particulars of bid
  - (c) The details of cover
  - (d) The procuring entity’s notification of award
  - (e) The terms of reference
3. In consideration of the offer for lease, development and operation of solar energy generating plants as indicated in the schedule of prices, by procuring entity to the bidder as hereinafter mentioned, the bidder hereby covenants with the procuring entity to make timely payments to the procuring entity therein conformity in all respect with the provisions of the contract
4. The bider hereby covenants to pay procuring entity in consideration for the lease and Other services, the contract price or such other sum as may become payable under the Provisions of the contract at the times and in manner prescribed by the contract

IN WITNESS whereof the parties hereto have caused this agreement to be executed in accordance with their respective laws the day and year first above written

Signed, sealed, delivered by \_\_\_\_\_ the \_\_\_\_\_ (for procuring entity)

Signed, sealed, delivered by \_\_\_\_\_ the \_\_\_\_\_ (for the bidder) in presence of \_\_\_\_\_

## BID SECURITY FORM

Whereas [name of bidder](hereinafter called <the bidder> has submitted its bid dated[date of submission of bid] for [particulars](hereinafter called<the bid>).

KNOW ALL PEOPLE by these presents that WE [name of bank] of [name of country], having our registered office at[name of procuring entity] (hereinafter called < the procuring entity > in the sum of [state the amount] for which payment well and truly to be made to the said procuring entity, the bank bids itself, its successors, and assigns by these presents. Sealed with the common seal of the said bank this\_\_\_\_\_day of\_\_\_\_\_20\_\_\_\_\_

THE CONDITIONS OF this obligation are;

1. If the bid withdraws its bid during the period of bid validity specified by the procuring entity on the form; or
2. If the bid, having been modified of the acceptance of its bid by the procuring entity during the period of bid validity
  - (a) Fails or refuses to execute the contract form ,if required; or
  - (b) Fails or refuses to furnish the performance security, in accordance with the instructions to bids
  - (c) Refuses correction of arithmetic errors in the bid

We undertake to pay the procuring entity up to the above amount upon receipt of its first written demand, without the procuring entity having to substantiate its demand, provided that in its demand the procuring entity will note that the amount claimed by its due to it, owing to the occurrence of one or both of the conditions, specifying the occurred condition(s)

This bid guarantee will remain in force up to and including thirty (30) days after the period of bid validity, and any demand in respect thereof should reach the bank not later than the above date

[Signature of the bank]

(Amend accordingly if provided by the insurance company)

## AUTHORIZATION FORM

To [name of the procuring entity].....

WHEREAS.....

[Name of the principal]

Who are established and reputation dealers in .....[type of business] having  
registered offices at.....[Address of principal] do  
hereby authorizing.....[name and address of bidder] to submit a bid,  
[reference of the bid] for thee stated 9particulars of bid).

We hereby extend our full guarantee and warranty as per the general conditions of contract for the  
services to be provided against this invitation for bids.

---

[Signature for and on behalf of the principal]

Note: This letter of authority should be on the letterhead of the principal and should be signed  
by a competent person

LETTER OF NOTIFICATION OF AWARD

Address of procuring Entity

\_\_\_\_\_  
\_\_\_\_\_

To: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RE: Tender No. \_\_\_\_\_

Tender Name \_\_\_\_\_

This is to notify that the contracts stated below under the above mentioned bid have been awarded to you.

\_\_\_\_\_  
\_\_\_\_\_

1. Please acknowledge receipt of this letter of notification signifying your acceptance
2. The contract shall be signed by the parties within 30 days of the date of this letter but not earlier than 7days from the date of the letter.
3. You may contact the officer(s) whose particulars appear below on the subject matter of this letter of notification of award.

(FULL PARTICULARS) \_\_\_\_\_  
\_\_\_\_\_

SIGNED FOR ACCOUNTING OFFICER

**SECTION VI**

- **TERMS OF REFERENCE (TOR)**

## **6.0 Introduction**

COUNTY GOVERNMENT OF NYERI requests proposals from shortlisted SOLAR energy project developers for the development of solar energy generation facilities to be located at KIAMARIGA in NYERI COUNTY

The land covered in this request for proposals (RFP) are described in this RFP under common lease COUNTY GOVERNMENT OF NYERI seeks proposals from experienced SOLAR project developers capable of undertaking feasibility studies, designing, financing, constructing, and operating a commercial scale solar energy facility. To receive serious consideration, proposals must also incorporate state of the art measures to minimize impacts to the environment. Also the developer will be expected to facilitate county staff visit countries of origin or plant making PV cells and train county technical staff.

### **6.1 Site Visit**

The applicant at own responsibility and risk, is advised to visit the site of works and its surroundings and obtain all information that may be necessary for preparing the proposal and entering into a contract for the development of the project. The costs of visiting the site shall be at the applicants own expense.

### **6.2 This RFP covers the following:-**

The development of SOLAR energy on NYERI COUNTY land is offered under a competitive bidding process through RFP. This RFP offering is to select a qualified developer. If NYERI COUNTY GOVERNMENT determines the proposal is responsive and meets minimum criteria, land assignment will be offered to allow the developer access and development rights to the parcel.

Upon completion of the elements of the RFP, including approval of an environment review through the Environmental Impact Assessment (EIA) process a common lease will be offered to the developer.

### **The content of this RFP should cover the following items:-**

Cover and Title

Intent and Project characteristics

Bidder description

Legal entity of bidder

Plans and Financing. Letter confirming proof of Funds as attachment is mandatory and should be attached along with the proposal. Otherwise the proposal will be rejected without any reason.

Project Description



Site access and Acquisition

Project development status

Project Design

Solar P.V Manufactures and Procurement

Compensation/Benefits as part of Corporate Social Responsibility (CSR) to NYERI COUNTY

Demonstration of Financial Ability

Project site utilization and Expansion potential

Site Control

Project output

Major equipment

Transmission and Electrical Interconnection

Environmental review, key permits

Implementation Schedule

Any additional information

NYERI COUNTY reserves the right to reject any or all proposals.

#### **6.2.1 Land offered for SOLAR energy project**

The **COUNTY GOVERNMENT OF NYERI** has 54 Hectares of land at Kiamariga in NYERI COUNTY

#### **6.2.2 Objectives**

NYERI COUNTY objectives in issuing this bid document are:-

- To enter into a common lease with successful bidder on land assigned for new commercial scale SOLAR power plant development
- To generate income for COUNTY GOVERNMENT OF NYERI that reflects full market value of the use of land for solar energy development; and
- To achieve commercial operation of the solar projects as soon as possible, with minimal impacts to the environment

## **6.3 RESPONSE FORMAT**

### **6.3.1 Introduction**

This section contains the instructions for preparing the technical proposal. The proposal should include the requested project information. A minimum set of mandatory information is required to ensure an adequate description of the proposed work. A prescribed format for the proposal is given to facilitate preparation and evaluation.

The merits of a proposal depend on:

1. How well the proposal demonstrates understanding of and meets NYERI COUNTY objectives and Requirements as described in the project description.
2. The bidders qualifications;-
3. The bidders responsiveness to the technical proposal preparation
4. Any additional material may be presented beyond that requested only if it's necessary for clarification of the proposal

### **6.3.2 Proposal details and format**

The proposal presents the bidders plans for the project based on the concepts given in the project description, the details requested below, and how the bidder expects the project to proceed

The proposal must be recognized and have the requested information in the sequence presented below. Additional subsections may be defined if they will help present and identify important material. If a requested item is not known or is not applicable, please indicate that in the applicable section of the proposal. Relevant documents may be cited.

Please note that if an applicant has questions or seeks clarification regarding the bid document, and that question and answer may be applicable to all RFP applicants, the question and the NYERI COUNTY answers will be provided to all bidders by email.

### **6.3.3 Response detail**

Response to this RFP should be clear, concise, in depth, conclusive, definite and designed to convey intent and the basic concept of supporting information

### **6.3.4 Proposal evaluation process**

Each proposal received on time will be reviewed and evaluated by a proposal evaluation panel.

Proposals will be screened to determine if they contain the requested information in the required format. Proposals that meet these criteria will be designated as responsive and will be evaluated and ranked according to the criteria given in this RFP

#### **6.3.5 Developer selection and contract award process**

The Nineteen (19) responsive proposals with the best overall score will be assigned a “land site” for “Exploration and secured development rights”. If no proposals are deemed satisfactory, NYERI COUNTY may return all proposals and may issue a new solicitation. The top nineteen (19) ranked bidders will be contacted to confirm details relative to their technical proposal, development schedule, and compatibility with the authority. A letter describing NYERI COUNTY intent to award and assign land site will be sent to the bidders.

#### **6.3.6 Threshold requirements**

Proposed projects must meet the following threshold requirements. Proposals that do not meet these requirements will be rejected.

- i. Output from the facility must be delivered to a transmission line that has sufficient capacity to transmit power and has firm and or non firm transmission rights available or already in the applicants name. The applicant must demonstrate that the above is possible or necessary steps will be taken to acquire and accomplish the requirement .
- ii. The developer must provide estimates of hourly, daily, and monthly power production, as further described in the response format section of the RFP
- iii. The developer must be willing to cooperate in the environmental review required under the Environment Management Coordination Act (EMCA) 1999. EMCA requires state agencies to consider the environment impacts of any major decision before making an irretrievable commitment of resources. Costs associated with the development and completion of EMCA will be met by the applicant.

### **6.4 PROPOSAL**

#### **6.4.1 Cover and title page**

Put the name of the project, company name, date of the proposal, the persons(s) responsible for the proposal preparation, and all co-sponsors currently in the project. The cover shall include the legend “Request for proposal for development of solar energy generating plant in NYERI COUNTY land site” Number each copy on the cover. Clearly show that it is the RFP on both the cover and the title pages. Number each copy of submitted proposal as 1 of 5, 2 of 5 and so on.

#### **6.4.2 Legal entity of bidder**

Description of the current or proposed legal status of bidder, the state of incorporation and all affiliated companies, including holding companies, subsidiaries, and predecessor companies presently or in past engaged in developing and/or implementing similar projects. This should include but is not limited to:

- The type of business entity (bidder)- corporation, partnership, joint venture, etc
- Business entity is registered with the state and authorized to do business
- Business entity is currently active and in good standing with the state
- The state (or country) the business entity is primarily domiciled.

#### **6.4.3 Plans and Financing**

Describe the structure and status of a plan for project financing. Include major provisions of plan along with any milestones the project must meet for ongoing financing.

If past financing has resulted in an operational SOLAR firm briefly describe that past financing process.

Provide a list of any current credit issues raised by rating agencies, banks or accounting firms and a list of all credit ratings from the major rating agencies, if available.

#### **6.4.4 Project description**

Describe a development work plan for the SOLAR firm. The intent of this criterion is to assess the Solar farm developers capacity and interest in developing the project in a timely manner, preferably in 5 years or less.

#### **6.4.5 Work plan**

Identify anticipated completion dates of major milestones including:

- Permitting – Describe the permitting plan and timeline anticipated to collect baseline information and other environmental data. Indicate if environmental baseline information has already been collected including location of data collection and dates.
- Transmission plan – Describe a plan for electrical transmission and any transmission interconnection studies or agreements completed to date.
- Included in this plan should be a discussion of any potential phasing of the SOLAR farm development

Identify the criteria used to locate SOLAR P.V PANELS on project lands. The project summary must include an estimate of the number and type of SOLAR PANELS placed on the site and its environs

- Construction – provide anticipated construction dates (s)
- Commercial operation – Provide anticipated commercial operation dates(s)
- Power purchase plan - Demonstrate the ability to obtain a power purchase agreement (PPA), show other PPA's that have been negotiated and secured.

#### **6.4.6 Preliminary Design**

Provide preliminary design to map up how the complex electronics will perform the functions specified in the requirements, within the constraints, the defined interfaces, and the environment the device will operate within

#### **6.5 SOLAR P.V PANEL Manufacturers and procurement**

Describe any existing agreement with SOLAR P.V panel manufactured and ability to procure SOLAR panels and on what timeframes.

#### **6.6 Compensation to NYERI COUNTY GOVERNMENT**

The minimum bid amounts are detailed in this section below. Responses should indicate both the minimum bid from the RFP, and the bid from the respondent.

#### **6.7 Exploration and secured development rights**

Solar exploration and the right to hold the property for SOLAR development has minimum bid of \$ 25 per acre per year for years 1-2 of a two year land use assignment. Should additional time be needed the land assignment may be extended for an additional two years at a rate double the amount bid in the RFP response for the first two years. This right to hold the property for SOLAR development cost as proposed will carry over to the lease document until such time under the lease the other. Compensation elements (below) are triggered by construction and operation of the solar farm.

#### **6.8 Installation fees**

Minimum one time installation fee is equal to \$ 2,000 per megawatt of installed capacity annually, whichever is greater; Gross annual revenue is defined below.

#### **6.9 Operating fees**

Three percent (3.0%) of gross annual revenues, or \$3,000 for each megawatt of installed capacity annually, whichever is greater; Gross Annual Revenues is defined below

#### **6.10 Definition of “Gross Annual Revenue”**

The fair market value of electricity produced upon the leasehold, or all compensation received by the lessee for the production of electricity and its attributes, whichever is great. Payments received by or on behalf of the lessee from utility or from any other person or entity by the lessee which is generated from the normal and intended use of the SOLAR power facilities constructed by the lessee and located at NYERI COUNTY.

Revenues shall be determined as measured at the interconnection to a utility transmission system of another purchaser of electrical energy, without deduction of offset of any kind, including all revenues from CDM, Revenue/ voluntary, carbon markets or certified credits or offsets.

For the purpose of computing gross revenue for CDM, revenue / voluntary, carbon markets or CER certificated, the lessor's portion will be on a ratio of the total energy produced at the lease [premises to the total energy produced at the SOLAR project. For purpose of computing gross revenues all electricity generated at the leasee premises that is donated or battered electricity or non electric products shall be valued at the rate of its most recent sale by the lessee, or prevailing commercial rates, whichever is higher.

This includes payments to the lessee by an insurer or by the manufacturer of any SOLAR generator, which are made specifically in lieu of revenues as defined above.

#### **6.11 Proposal evaluation**

The evaluation proposal has 1 – 100 points maximum

This is as stipulated in the instruction to bidders section 2.14.2

Following review of the information contained in phase I proposals; the most favourable bidders will be selected. At this point NYERI COUNTY will offer and assign land to the successful bidder for exploration and secured development rights' the bidder will be offered a lease for solar power development.

#### **6.12 PROPOSAL**

This proposal must be completed and approved prior to issuance of a common lease for SOLAR energy development.

#### **6.13 Project description**

Describe the projects features and the work completed to date. Describe the SOLAR data collection program for the site including the following information (this list is indicative, not exhaustive).

- Project location. Provide a map showing the location of keys sites for facilities , including such items as transmission lines, access roads, substations, operation buildings, etc
- Project size in acreage. If the project can be expanded, please describe.
- Expected annual and monthly output (in megawatt-hours) of the facility. A graph showing monthly output is suggested
- The make and model of SOPLAR P.V panel manufacturer that will be used. If a final SOLAR panel P.V manufacturer selection has not been made, list the candidates under consideration.
- Where the facility will connect to a transmission system, and any new transmission facilities that will be required.
- The schedule for permitting and construction, and expected date of commercial operation

#### **6.14 Demonstration of financial ability**

Information submitted must include a balance sheet (proforma) for leasing and developing the property. This must include a summary of projected income and costs for the first 10years of the operation of the lease along with a discussion of the economic assumptions upon which the projections are based. The summary must include an analysis of the annual minimum cash flow requirements for the applicant to break even.

#### **6.15 Project site and expansion potential**

Describe the size of the solar power plant (number of units, nameplate capacity, and estimated annual output) to be installed as part of the proposed project sites.

#### **6.16 Site control**

Provide documentation of site control, including land rights, access road, and transmission corridor easements needed to construct and operate the facility during the term of the power purchase agreement.

#### **6.17 SOLAR output**

Provide an estimate, in tabular form, of monthly and hourly project output in megawatts hours. Provide this information separately as an excel file. Describe how the estimate was derived

#### **6.18 SOLAR Resource**

Describe the source and basis of the SOLAR speed data used in the development of the proposal. Include the purpose and location of the data collection, period of record, levels of measurements and seasonal data recovery, and the organization responsible for the data collection.

#### **6.19 Major equipment**

Describe the selection criteria and process:

- To select the SOLAR P.V panels
- Past operating experience, if any, with the selected manufacturer.
- Technical specifications for the selected P.V panels
- Describe the other major SOLAR plant components, such as structures, controllers, major
- Electrical components and software. Identify the suppliers and provide technical specifications

## **6.20           Transmission availability and electrical interconnection**

- Identify the expected interconnection point to the available transmission system , discuss any new pole lines, line upgrades, switch yards and substation work required to complete the interconnection
- Discuss the distribution or transmission grid capacity at the interconnection now, after planned upgrade work, and the after the project is in full operation
- Provide copies of system impact studies, interconnection studies, and correspondence with appropriate transmission business line related to the availability of transmission capacity and whether upgrades will be needed to integrate the proposed Solar project.
- Discuss the availability of transformers and other long dead electrical equipment that will be required to support the project
- Describe plans for metering the energy from the project
- Include the schedule for completing the expected electrical interconnection work

## **6.21           Environmental review, key permits**

The proposer is responsible for securing the data and resources necessary to complete an Environmental Impact Assessment (EIA) or Environmental Impact Statement (EIS). Discuss known environment issues relative to the development and operation of the project.

Identify the key permits (such as a conditional use permit or site certificate) required to build and operate the project. Discuss their current status, the schedule for obtaining key permits and approvals, and the approach to be used.

Outline the process you plan to follow to involve local residents in the planning/ permit process

## **6.22           Schedule**

Show a schedule of tasks in a graphic form, such as a Gantt chart, detailing the length of time required for each task. Include the time lines requested in other sections of this proposal so that all schedules are together.

## **6.23           Additional information – value addition**

Provide additional information, with appropriate headings, that will help describe the project and plan



## **7.0 FINAL PROJECT REQUIREMENTS – successful bidder**

This RFP is directed to experienced SOLAR project developers with demonstrated ability to design, construct, operate, and maintain large scale SOLAR energy facilities. Applicants must be able to obtain transmission rights, necessary road and utility easements, the lessee is responsible for the design, labor, materials, and equipment necessary to construct and operate the project. Bidders must be able to obtain construction and long term project financing. They will also be responsible for a transmission study to determine if nearby transmission lines has the carrying capacity to accept and deliver energy generated from the solar project and costs associated with the preparation and completion of the environmental review under the EMCA 1999

### **7.1 Project design**

The developer must design, engineer, procure, construct, install and provide all support necessary to build a solar energy facility and deliver the output to an available transmission system. Developer obligations include but are not limited to:

- Securing all land rights, easements and right of way needed to construct and operate the facility.
- Obtaining or updating any permits or agreements required for the project, including any wheeling agreements necessary to deliver project output to existing transmission systems
- Paying the costs for environmental impact mitigation monitoring and studies required for the project
- Operating maintaining and decommissioning the facility, and the associated costs

SOLAR P.V panels must be appropriate for utility grade operations and designed to have an expected life commensurate with the term of the lease. SOLAR panels must be procured from an established manufacturer of commercial SOLAR panels.

Electrical equipment, metering and interconnection facilities must be selected, installed, and maintained in accordance with prudent utility industry practices.

### **7.2 Interconnection to the transmission systems**

Obtaining a system impact study to determine transmission availability and upgrades necessary to integrate the project developer. A professional transmission services associate should be contacted for information regarding the cost and time required for the system impact study.

Facilities necessary to deliver the output to the transmission line and the cost of hardware engineering services needed to connect to the system are responsibility of the project developer

The developer will need to request an interconnection study from appropriate owner of the transmission line. The transmission services account executive should be contacted for information regarding the cost and time required for the interconnection study.

### **7.3 Environmental and permitting considerations**

EMCA 1999 requires considering the environmental consequences of a major decision prior to making an irretrievable commitment of resources. It is expected that in nearly all cases an environmental impact assessment study (EIA) will need to be completed before making a decision whether to sign a lease agreement for a new SOLAR power facility with NYERI COUNTY. Most power projects require an EIA

The applicant will pay for the EIA and will be expected to cooperate in the process.

### **7.4 Where to send proposals**

Submit five papers copies of the proposal to the address shown below:

THE COUNTY SECRETARY  
COUNTY GOVERNMENT OF NYERI  
P.O BOX 1112  
NYERI

### **7.5 Withdrawal and modification of proposals**

Bidders may withdraw their proposal and submit a revised proposal prior to the response deadline through a written notification. After the response deadline, bidder initiated changes will not be accepted.

### **7.6 Confidential or proprietary information**

NYERI COUNTY will not accept proposals or other documents that are marked to indicate the entire document is the confidential or proprietary information of the sender or that restricted handling is required.

If the bidder considers data to be confidential or proprietary, those portions of the proposal must be clearly marked “confidential” on each page containing confidential information.

### **7.8 Communication**

Communication with NYERI COUNTY GOVERNMENT related to this RFP must be sent by email to THE COUNTY SECRETARY, COUNTY GOVERNMENT OF NYERI, [www.nyeri.go.ke](http://www.nyeri.go.ke)

Parties who request a copy of the RFP or send email regarding the RFP will be placed on an email distribution list. Questions and requests for clarification regarding the RFP and NYERI COUNTY GOVERNMENT responses will be distributed to everyone on the email distribution list.