



ADDENDUM SET 1

25th April 2024.

To all Prospective bidders,

**REF: TENDER NO. KRA/HQS/NCB -059/2023-2024 – PROCUREMENT OF
TRANSFER PRICING DATABASE FOR THE INTERNATIONAL TAX
OFFICE.**

Kenya Revenue Authority wishes to inform prospective bidders of the following amendments/clarifications:

NO.	Tender Document reference	ACTIVITY/QUERY	KRA RESPONSE
1.	Mandatory Evaluation criteria – Page 29	Paragraph (6), We are a foreign based entity and we shall be bidding for this Tender as a single entity without any Joint Venture. As such, under this paragraph and from our understanding, that the tender security of Kenya Shillings 100,000.00 must be issued from a Kenyan Bank. We do not have a Kenyan Bank or any registered entity in Kenya, could we issue a tender security from our bank in the UK? Or would other forms of security be considered?	Bidders are advised that for foreign contractors, the security must be issued by a local bank or an authorized financial institution with a corresponding bank in Kenya recognized by the Central Bank of Kenya.
2.	Mandatory Evaluation criteria – Page 30	Paragraph (14), We are not comfortable to share our client contracts with other third parties, we work with many Revenue Authorities including currently with the KRA. We are of the opinion that we could in-place of these contracts, provide the name of the revenue authority or client name and the respective persons who can be contacted?	In the case where a bidder is unable to disclose contract information, bidders are advised to provide a list of their clients with <u>full contacts of the client; postal address, telephone and email address</u> where they have carried out similar assignment within the last five (5) years. The contact information should be up-to-date so that the procuring entity can seek further information from the bidders' clients, if needed.
3.	Tender Notice – Page 4	Would you be able to extend the tender deadline by 2 weeks? We have only just become aware of the tender and would not have sufficient time to respond with our solution, TP Catalyst.	Bidders are advised that the tender closing/opening date has been revised from 3 rd May 2024 to Friday 10th May 2024 at 11.00 a.m.
Bidders are advised to take note on the following additional information			
4.	Mandatory Evaluation criteria – Page 29- 30	Copy of Certificate of Registration/Incorporation of	For a foreign firm, bidders are advised to submit an equivalent to Copy of Certificate of Registration/Incorporation clearly labelled to guide the evaluation committee.



NO.	Tender Document reference	ACTIVITY/QUERY	KRA RESPONSE
5.	Mandatory Evaluation criteria – Page 29- 30	Copy of a valid current business permit from the County Government where the business is domiciled	For a foreign firm, bidders are advised to submit an equivalent to a valid current business permit clearly labelled to guide the evaluation committee.
6.	Mandatory Evaluation criteria – Page 29- 30	Copy of CR12/ CR13 certificate which must be dated within twelve months from the tender closing date. (i.e. Not dated earlier than 2nd May 2023)	For a foreign firm, bidders are advised to submit an equivalent to a Copy of CR12/ CR13 certificate clearly labelled to guide the evaluation committee.
7.	Part D: Price schedule page 38		Bidders are advised to familiarize themselves with information on Kenyan taxes. Bidders are also advised that their total cost shall be inclusive of all applicable taxes.
8.	Section I – Instructions to Tenderers ITT 46 ; Signing of Contract		A Successful Foreign Tenderer shall be required to incorporate locally prior to entering into contract with KRA as per the provisions of Section 974 of the Companies Act 2015.
9.	Section I – Instructions to Tenderers ITT 33		Bidders are advised that the tender sum for this shall be in Kenya Shillings.
10.	Page 38; Evaluation Criteria Part C: Presentation/ Demo		Bidders are advised to take note on the amended criteria that shall be used during the demo. The criteria is annexed to this Addendum as Annex “1”.
<ul style="list-style-type: none">• Bidders to take note of the revised tender opening date; Friday, 10th May 2024 at 1100hrs. (EAT)			
Note: <ul style="list-style-type: none">• Bidders are advised to acknowledge receipt of this addendum published and uploaded on the KRA Website on 25th April 2024 on eprocurement@kra.go.ke.• To align their tender securities to be valid for three hundred and sixty five (365) days from the revised tender closing date, i.e. valid until 10th May 2025.			

The Addendum form part of the bidding document and is binding to all bidders. All other terms and conditions of the tender remain the same. You are therefore required to immediately acknowledge the receipt of this addendum.

Regards,

Winnie Kibuchi

For: Deputy Commissioner - Supply Chain Management



ANNEX “1”- AMENDED PRESENTATION/DEMO CRITERIA

This document forms part of the KRA/HQS/NCB-059/2023-2024 – Procurement of Transfer Pricing Database for International Tax Office.

Section III (C) of the Bidding Document requires Bidders to prove to the Procuring Entity, the database/solution’s capability by means of a mock-up demonstration.

The following shall be the technical evaluation criteria for the *virtual* mock-up demonstration.

Item No.	Feature	Minimum Requirements	Live Demo Results	Score
1.	Size of the Database	Bidder shall demonstrate the total number of companies, total number of royalty agreements, total number of loan agreements in the database: - The solution/database should have as a minimum at least 30 million companies, at least 25,000 royalty agreements, at least 10,000 loan agreements and all major commodity indexes and market prices.		Pass or Fail
2.	“Release” Functionality	Bidder shall demonstrate that the database contains a “Release” functionality (i.e. contains publications of data at different dates that can be used to replicate scenarios using different Release versions).		Pass or Fail
3.	Independence Indicator	Bidder shall demonstrate the independence indicators and degree of ownership concentrations parameters available in the database.		Pass or Fail
4.	Benchmarking workflow process	Bidder shall demonstrate the workflow process of identifying arm’s length standard by constructing TP benchmarking analyses for <u>tangible property, intangible property, intra-group service, intra-group financial transactions and commodities sold through commodities exchange</u> . This includes the selection of data source, application of criteria for the case study, selection the data fields, application of filters (qualitative and quantitative screening), TP analytics (rejection matrix, PLI selection and adjustments), and publication of benchmark results.		Pass or Fail
5.	Specific Transactions	The specific transactions for the mock-up demonstration are for each of the following category of transaction; i) Remunerating marketing activities for tangible property;		Pass or Fail



Item No.	Feature	Minimum Requirements	Live Demo Results	Score
		<ul style="list-style-type: none">ii) Value contribution (DEMPE analysis) for Intellectual Property;iii) Remunerating Intra-group procurement/ sourcing activitiesiv) Intra-group financial transactions – Determination of credit rating and debt capacity analysis for a borrower (i.e. arm's length loan amount available to a borrower)v) Commodities – Sales price for a commodity sold through a commodity exchange		
6.	Additional information	The Procuring Entity may, where necessary, provide to the qualifying Bidders only, further details regarding the mock-up demonstration.		

WN.