

SPECIAL ISSUE

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LEGAL NOTICE NO. 274

THE NATIONAL CONSTRUCTION AUTHORITY ACT

(No. 41 of 2011)

IN EXERCISE of the powers conferred by section 42 of the National Construction Authority Act, 2011, the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development, in consultation with the Board, makes the following Regulations—

**THE NATIONAL CONSTRUCTION AUTHORITY
(AMENDMENT) REGULATIONS, 2017**

1. These Regulations may be cited as the National Construction Authority (Amendment) Regulations, 2017. Citation.
2. The National Construction Authority Regulations, 2014 in these Regulations referred to as “the principal Regulations” are amended in regulation 4— LN. No 74/2014.
 - (a) in paragraph (1), by deleting the words “ Parts I, II and III of Form I set out in the First Schedule” and substituting therefor the word “Schedule”;
 - (b) in paragraph (2) by—
 - (i) deleting the word “Second”;
 - (ii) deleting the word “Third”;
 - (c) in paragraph (3), by deleting the words “paragraph (2)” and substituting therefor the words, m n“ the Schedule”.
3. Regulation 9 of the principal Regulations is amended—
 - (a) in paragraph (1), by inserting the words “as specified in the Schedule” immediately after the expression “NCA-1”;
 - (b) in paragraph (2), by deleting the word “Third” .
4. Regulation 12 of the principal Regulations is amended in paragraph (2) by inserting the words “specified in the Schedule” immediately after the expression “NCA 1”.
5. The principal Regulations are amended by deleting the First, Second and Third Schedules and substituting therefor the following new Schedule —

SCHEDULE

PART I

EVALUATION CRITERIA FOR REGISTRATION OF BUILDING WORKS CONTRACTORS

1. ABOUT THE CRITERIA

This document contains the evaluation criteria for contractors' registration. The evaluation will be carried out in three stages—

1. Physical evaluation of mandatory requirements.
2. Technical evaluation (70 marks).
3. Financial evaluation (30 marks).

Stage 1 – 'physical evaluation of mandatory requirements' – will assess the documents showing proof of existence and tax compliance of the company.

Stage 2 – technical evaluation – will assess the technical aspects of the firm i.e. the directors, the staff, plant and equipment, firm's experience and office and work space. The relevant professional bodies shall include but not limited to—

- (a) Engineers Board of Kenya or Institution of Engineers Kenya;
- (b) Board of Registration of Architects and Quantity Surveyors;
- (c) National Construction Authority skilled workers accreditation scheme;
- (d) Institute of certified accountants of Kenya;
- (e) Institute of construction project Managers;
- (f) Institution of Engineering Technicians and Technologists; and
- (g) Law society of Kenya, among others.

Stage 3 – financial evaluation – will assess the annual turnover and cash flow or working capital for the firm. This will be based on audited accounts of the company.

The evaluation can only proceed to stage 2 and 3 upon complete presentation of all the mandatory requirements outlined in stage 1.

2. PHYSICAL EVALUATION OF MANDATORY REQUIREMENTS

	<i>Mandatory requirements</i>	<i>For Official use</i>
(a)	Receipt of the payment of application form	
(b)	Society name/ Company name, Address and Contacts	
(c)	Certificate of registration with societies / Certificate of Incorporation and memorandum of association	
(d)	Valid Business Permit	
(e)	CR 12	
(f)	Valid work permit for foreign staff	
(g)	Application form duly completed including all annexes	
(h)	Declaration signed, witnessed and stamped	
(i)	Tax compliance certificate	
(j)	Referees – Should be defined	

Fulfillment of stage 1 requirements, as outlined in the application form, should allow a contractor to be considered for registration. Attachments are specified in the application form.

Table 1: Mandatory requirements

Referees:

These should be fully defined—

- (a) recommendation letters from clients and consultants for completed works;
- (b) recommendation letters from former employers in related field;
- (c) letters and certification from professional bodies including but not limited to Engineers Board of Kenya and Institution of Engineers Kenya for engineers, Board of Registration of Architects and Quantity Surveyors for architects and quantity surveyors, among others.

3. TECHNICAL EVALUATION (70 Marks) – specific for building works

This stage will evaluate the technical strength of the company. The following will be evaluated—

- (a) directors – 12 marks;
 - (b) staff – technical and support staff - 22 marks;
 - (c) plant and equipment owned – 15 marks;
 - (d) firms experience – 16 marks;
 - (e) office and workshop facilities – 5 marks.
- (a) Directors : 12 marks

The authority will assess the managing director and technical director as indicated in Annex 1.1 (directors 'details – to be revised). The technical director will be graded according to the professional qualifications and relevant experience of not less than three years IN THE CONSTRUCTION INDUSTRY.

Table 3 below highlights the marks awarded in respect of one technical director. columns (4) and (5) provide for awarding industry experience marks as a percentage of columns (3). Marks will be allowed for up to two highest ranked technical directors for each firm, giving a maximum possible of nine marks.

Table 4 highlights the marks to be awarded to any other non-technical director(s) submitted for consideration by the firm. Marks will be awarded for up to two non-technical directors. These directors will be evaluated per relevant business or managerial experience.

The firms score will be the total score for the two technical directors and the other two non-technical directors.

Table 2: Directors mark sheet

Technical director's professional qualification (1)	Marks to be awarded		Exp. In years (4)	% of total marks (5)
	Basic Professional Qualification (2)	Industry Experience (3)		
			>10	100
			8 – 10	80
			5 – 7	60
Bachelor's Degree.	1.5	2.0	< 5	40
Higher Diploma	1.25	1.5		
Diploma.	1.0	1.25		
Certificate.	0.75	1.0		
Trade test	0.5	0.75		
NB: Registration by relevant professional body will give director 1 mark				

Table 3: Other Directors Mark sheet

Other director's professional qualification (1)	Marks to be awarded		Exp. In years (4)	% of total marks (5)
	Basic Professional Qualification (2)	Industry Experience (3)		
			>10	100
			8 – 10	80
			5 – 7	60
Bachelor's Degree.	0.5	0.75	< 5	40
Higher Diploma	0.4	0.5		
Diploma.	0.3	0.3		
Certificate.	0.2	0.2		
Trade test	0.1	0.1		
NB: Registration by relevant professional body will give director 0.25 marks				

(b) Staff – technical and support staff: 22 marks

Marks will be awarded as indicated in table 3 below for the academic qualifications and experience in the construction. Depending on the composition of staff submitted in Annex 1.2 (staff details), the breakdown is as follows –

- (a) Degree holders – maximum of 2.0 marks each. If all staff provided have minimum of Bachelor's degree, evaluate up to three staff members at this level;
- (b) Higher Diploma or Diploma holders – maximum of 1.5 mark each. If all staff provided have minimum of Higher Diploma or Diploma, evaluate up to four staff members at this level;
- (c) Certificate and trade test holders – maximum of 0.75 marks each. If all staff provided have minimum of certificate or trade test, evaluate for up to eight

staff members in this level, columns (4) and (5) provide for awarding industry experience marks as a percentage of columns (3);

- (d) marks will only be awarded for staff whose academic certificates and detailed curriculum vitae have been attached.

Table 4: Evaluation of Technical Staff

Technical staff professional qualifications (1) (in related field of study)	Marks to be awarded		Experience in years (4)	% of total marks (8)
	Basic professional Qualification (2)	Experience in construction (3)		
Bachelor's Degree.	0.75	1.0	>10	100
Higher Diploma/Diploma.	0.5	0.75	8 - 10	80
Certificate/ trade test	0.25	0.25	5 - 7	60
			< 5	40

B: Registration by relevant professional body will give technical staff 0.25 marks

Table 5: Evaluation of Other Staff

Other Staff	Marks
Accounts and Finance Department	1
Human Resource Department	1
Administration	1
Occupational Health and Safety Officer	1

- (c) Plant and equipment owned: 15 marks

Awarding of marks for all equipment depends on availing all information as in Annex 1.5 (Plant & Equipment). The maximum number of equipment in each category to be considered is listed in the 'No' column and a firm with that number will be awarded the maximum marks. Marks will then be awarded as a portion of that total number.

Marks will only be awarded for plant and equipment with attached proof of ownership, which includes; registration documents (logbooks), certificate of importation and certificate of sale where appropriate.

No provision for hired plant and equipment.

Plant and equipment mark sheet

Table 6: Building Works

Plant & Equipment	No.	Marks
Earth Moving	6	2.5
Bull Dozers (Min. capacity 280HP)	1	
Graders (Min. capacity 186 HP)	1	
Loaders (Min. capacity 200 HP)	2	
Backhoes (Min. capacity 100 HP)	1	
Excavator (30T above 230 HP)	1	

<i>Hauling & Transportation</i>		
Tippers (15cumt or 25T payload)	15	2.5
Agricultural Tractor 4x4, 120HP complete with trailers	5	
Non-tipping Truck (Min. capacity 7T)	1	
Site dumpers (Min. capacity 3T)	5	
	4	
<i>Concreting Equipment</i>		
Concrete Mixers (Min. 750lts)	10	2.5
Compressors (136 Cfm) & vibrators	5	
Concrete pump (10m ³ /hr at 25m high)	3	
	2	
<i>Facilities & Workshops</i>		
Metal works	3	2
Carpentry & joinery	1	
Precast concrete elements	1	
	1	
<i>Surveying Equipment</i>		
Leveling Instrument (e.g. Dumpy level)	3	0.5
Theodolite/Total Station	2	
	1	
<i>Cranes, hoisting and lifting equipment</i>		
Tower crane (Min 25T)	4	2
Passenger hoists	2	
Mobile crane (Min. 25T)	1	
	1	
<i>Water Equipment & Generators</i>		
Water Bowsers (Min. 3000lts)	15	1
Water Pumps (Min. 4" suction)	6	
Generator Set (Min. 250KVA)	6	
	3	
<i>Miscellaneous</i>		
Assortment of Hand Tools (set of shovels, pans, pick axes, hoes, wheel barrows etc.		2
Scaffolding		
Light Duty Vehicles (Pick-ups)		
Welding Set		
Safety gear		
TOTAL		15

(d) This will consider the volume of projects done in the last five years, as indicated in table 7 below. The *Firm experience - 16 marks*

total value of projects done in the last five years will be divided by three, and the figure matched according to the ranges in column (1) and the corresponding marks in column (2).

The list of projects, ongoing and completed, should be clearly provided in Annex 1.6 (firm's experience). Projects will only be considered if accompanied with documentary support; for ongoing projects, and completed projects (Practical Completion Certificate, Certificate of Taking Over and Final Acceptance Certificate).

Table 7: Firms experience – building projects

Projects Value (in millions Kshs) (1)	Marks for Volume of Works over last five years (2)	Notes (3)
500,000,000+	16	Step 1: Total Project Values over last 5 years (single project) Step 2: Find range in Column (1) that figure falls in Step 3: Award corresponding mark
400,000,000 – 500,000,000	14	
300,000,000 – 400,000,000	12	
200,000,000 – 300,000,000	10	
100,000,000 – 200,000,000	8	
50,000,000 – 100,000,000	6	
20,000,000 – 50,000,000	4	
Below 20,000,000	3	

(e) Head office facilities: 5 marks

The office and service facilities indicated in Annex 1.4 will be graded according to—

- (a) workshop and yard; marks awarded up to three. Items to be looked at include size, complexity.
- (b) office space; include branches; marks awarded up to two.

Table 8: Office Facilities

	Marks awarded
workshop and yard	up to 3
office space	up to 2

4. FINANCIAL EVALUATION (30 marks)

The following are items to be assessed in the financial evaluation of a contractor—

- (a) turnover – 20 marks;
- (b) cash flow or working capital – 10 marks.

Table 9: Financial Evaluation Scheme

Annual Turn Over (Kshs)	Marks	Cash Flow/ Working Capital	Marks
375,000,000 – Above	20.0	50,000,000 – Above	10.0
225,000,000 – 375,000,000	17.5	30,000,000 – 50,000,000	8.5
150,000,000 – 225,000,000	15.0	20,000,000 – 30,000,000	6.5
75,000,000 – 150,000,000	12.5	10,000,000 – 20,000,000	5.0
37,500,000 – 75,000,000	10.0	5,000,000 – 10,000,000	3.0
15,000,000 – 37,500,000	7.5	1,000,000 – 5,000,000	3.0
7,500,000 – 15,000,000	5.0	500,000 – 1,000,000	2.0
Below 7,500,000	2.5	Below 500,000	2.0

5. AGGREGATE SCORE

B+C = aggregate score

B - Technical evaluation score

C - Financial evaluation score

Table 10: Aggregate scores per category

Category	Marks Awarded	For Official Use
NCA 1	81-100	
NCA 2	66-80	
NCA 3	56-65	
NCA 4	46-55	
NCA 5	36-45	
NCA 6	21-35	
NCA 7	10-20	
NCA 8	to meet all the Mandatory requirements	

6. VALUE LIMITS

	Class	Category	Value of Works
A	Building Works	NCA 1	UNLIMITED
		NCA 2	1,500,000,000.00
		NCA 3	750,000,000.00
		NCA 4	500,000,000.00
		NCA 5	200,000,000.00
		NCA 6	100,000,000.00
		NCA 7	50,000,000.00
		NCA 8	10,000,000.00

Foreign firms

- (a) the registration fee for foreign firms to be enhanced to 20,000 USD per class of works; and
- (b) renewal fee for foreign firms to be to 10,000 USD per class of works.

PART II

EVALUATION CRITERIA FOR REGISTRATION ROAD WORKS CONTRACTORS

1. ABOUT THE DRAFT CRITERIA

This document contains the evaluation criteria for contractors' registration. The evaluation will be carried out in three stages—

1. Physical evaluation of mandatory requirements.

2. Technical evaluation (70 marks).

3. Financial evaluation (30 marks).

Stage 1 – 'physical evaluation of mandatory requirements' – will assess the documents showing proof of existence and tax compliance of the company.

Stage 2 – technical evaluation – will assess the technical aspects of the firm i.e. the directors, the staff, plant and equipment, firm's experience and office and work space. The relevant professional bodies shall include but not limited to—

- (a) Engineers Board of Kenya or Institution of Engineers Kenya;
- (b) Board of Registration of Architects and Quantity Surveyors;
- (c) National Construction Authority skilled workers accreditation scheme;

- (d) Institute of certified accountants of Kenya;
- (e) Institute of construction project Managers;
- (f) Institution of Engineering Technicians and Technologists; and
- (g) Law society of Kenya, among others.

Stage 3 – financial evaluation – will assess the annual turnover and cash flow or working capital for the firm. This will be based on audited accounts of the company.

The evaluation can only proceed to stage 2 and 3 upon complete presentation of all the mandatory requirements outlined in stage 1.

2. PHYSICAL EVALUATION OF MANDATORY REQUIREMENTS

Fulfillment of stage 1 requirements, as outlined in the application form, should allow a contractor to be considered for registration. Attachments are specified in the application form.

Table 1: Mandatory requirements

	Mandatory requirements	For Official use
(a)	Receipt of the payment of application form	
(b)	Society name/ Company name, Address and Contacts	
(c)	Certificate of registration with societies / Certificate of Incorporation and memorandum of association	
(d)	Valid Business Permit	
(e)	CR 12	
(f)	Valid work permit for foreign staff	
(g)	Application form duly completed including all annexes	
(h)	Declaration signed, witnessed and stamped	
(i)	Tax compliance certificate	
(j)	Referees – Should be defined	

Referees:

These should be fully defined—

- (a) recommendation letters from clients and consultants for completed works;
- (b) recommendation letters from former employers in related field; and
- (c) letters and certification from professional bodies including but not limited to; Engineers Board of Kenya and Institution of Engineers Kenya, for engineers, Board of Registration of Architects and Quantity Surveyors for Architects and Quantity Surveyors among others.

3. TECHNICAL EVALUATION (70 marks) – specific for road works

This stage will evaluate the technical strength of the company. The following will be evaluated—

- (a) directors – 10 marks;
- (b) staff – technical and support staff - 10 marks;
- (c) plant and equipment owned – 20 marks;

- (d) firms experience – 25 mark ;
 (e) office and workshop facilities – 5 marks.

(a) *Directors : 10 Marks*

The authority will assess the managing director and technical director as indicated in Annex 1.1 (directors 'details – to be revised). The technical director will be graded according to the professional qualifications and relevant experience of not less than three years IN THE CONSTRUCTION INDUSTRY.

Table 2 below highlights the marks awarded in respect of 1 technical director. Columns (4) and (5) provide for awarding industry experience marks as a percentage of columns (3). Marks will be allowed for up to two highest ranked technical directors for each firm, giving a maximum possible of 7.5 marks.

Table 4 highlights the marks to be awarded to any other non-technical director(s) submitted for consideration by the firm. Marks will be awarded for up to two non-technical directors. These directors will be evaluated per relevant business or managerial experience. For each firm, giving a maximum possible of 2.5 marks.

The firms score will be the total score for the two technical directors and the other two non-technical directors.

Table 2: Directors Mark sheet

Technical director's professional qualification (1)	Marks to be awarded		Exp. In years (4)	% of total marks (5)
	Basic Professional Qualification (2)	Industry Experience (3)		
Bachelor's Degree.	1.0	1.75	>10	100
Higher Diploma	0.75	1.25	8 – 10	80
Diploma.	0.5	1.0	5 – 7	60
Certificate.	0.25	0.75	< 5	40
Trade test	0.25	0.5		
NB: Registration by relevant professional body will give director 1 mark				

Table 3: Other Directors Mark sheet

Other director's professional qualification (1)	Marks to be awarded		Exp. In years (4)	% of total marks (5)
	Basic Professional Qualification (2)	Industry Experience (3)		
Bachelor's Degree.	0.25	0.75	>10	100
Higher Diploma	0.2	0.5	8 – 10	80
Diploma.	0.15	0.3	5 – 7	60
Certificate.	0.1	0.2	< 5	40
Trade test	0.05	0.1		
NB: Registration by relevant professional body will give director 0.25 marks				

(b) *Staff – technical and support staff: 10 marks*

Marks will be awarded as indicated in Table 3 below for the academic qualifications and experience in the construction. Depending on the composition of staff submitted in Annex 1.2 (staff details), the breakdown is as follows –

- (a) Degree holders – maximum of 2.0 marks each. If all staff provided have minimum of Bachelor's degree, evaluate up to two staff members at this level;
- (b) Higher Diploma/ Diploma holders – maximum of 1.5 mark each. If all staff provided have minimum of Higher Diploma/ Diploma, evaluate up to two staff members at this level.
- (c) Certificate and trade test holders – maximum of 0.75 marks each. If all staff provided have minimum of certificate/trade test, evaluate for up to four staff members in this level.
Columns (4) and (5) provide for awarding industry experience marks as a percentage of columns (3).
- (d) marks will only be awarded for staff whose academic certificates and detailed Curriculum Vitaes have been attached.

Table 4: Evaluation of technical staff

Technical staff professional qualifications (1) (in related field of study)	Marks to be awarded		Experience in years (4)	% of total marks (8)
	Basic professional Qualification (2)	Experience in construction (3)		
Bachelor's Degree.	0.75	1.0	>10	100
Higher Diploma/Diploma.	0.5	0.75	8 – 10	80
Certificate/ trade test	0.25	0.25	5 – 7	60
			< 5	40

NB: Registration by relevant professional body will give technical staff 0.25 marks

Table 5: Evaluation of other staff

Other Staff	Marks
Accounts & Finance Department	0.5
Human Resource Department	0.5
Administration	0.5
Occupational Health and Safety Officer	0.5

(c) *Plant and equipment owned: 20 marks*

Awarding of marks for all equipment depends on availing all information as in Annex 1.5 (plant and equipment). The maximum number of equipment in each category to be considered is listed in the 'No' column and a firm with that number will be awarded the maximum marks. Marks will then be awarded as a portion of that total number.

Marks will only be awarded for plant and equipment with attached proof of ownership, which includes; registration documents (logbooks), certificate of importation and certificate of sale where appropriate.

In addition, for NCA1, NCA2 and NCA3, the minimum score for plant and equipment is 16/20, 12/20 and 8/20 marks respectively.

No provision for hired plant and equipment.

Plant and equipment mark sheet

Table 6: Road Works

<i>Plant & Equipment</i>	<i>No.</i>	<i>Roads</i>
<i>Earth Moving</i>		
Bull Dozers (Min. capacity 280 HP)	20	5
Excavator (30T and above 230 HP)	3	
Graders (Min. capacity 186 HP)	5	
Loaders (Min. capacity 200 HP)	6	
Backhoe (Min capacity 100HP)	4	
	2	
<i>Hauling & Transportation</i>		
Tippers (15cumt or 25T payload)	30	3
Agricultural Tractor 4x4, 120HP complete with trailers	20	
40T Low Loaders + Prime Mover 300HP	2	
Non-tipping Truck (Min. 7T)	4	
	4	
<i>Asphalt & Crusher Plant</i>		
Stone Crusher 3 stages (P/S/T), installed power 750KVA	2	2
Asphalt Plants with 4/5 cold bins, separate dryer and mixer, bag filter for dust collection 80/100T, installed power 600KVA	1	
	1	
<i>Concreting Equipment</i>		
Concrete Mixers (Min. 750lts)	10	1.5
Compressors (Min. 136 Cfm) & vibrators	6	
Concrete batch plant weigh scale capacity min. 30cumt/hr	4	
	1	
<i>Pavement construction (Road Making Equipment)</i>		
Vibrating Rollers (Min. capacity 12T)	30	5
Tandem Rollers (Min. capacity 10T)	6	
Pneumatic Tyre Rollers (Min 10T, 10 wheels)	4	
Pedestrian Rollers/Plate Compactors	4	
Hand Compressors	4	
	2	
Asphalt Paver with hydraulic extended tamper table, automatic level controls, heaters for tamping table	2	
Chip Spreader (Self-propelled for 3.5m wide carriage way)	2	
Bitumen Distributor or Sprayer (Min. 8T for spraying 3.5m wide carriage way)	2	
Mechanical Broom	2	
Stabilization equipment	2	
	2	
<i>Surveying Equipment</i>		
Leveling Instrument (e.g. Dumpy level)	3	0.5
Theodolite/Total Station	2	
	1	
<i>Water Equipment & Generators</i>		
Water Bowsers (Min. 3000lts)	15	1
Water Pumps (Min. 4" suction)	6	
	6	

Generator Set (Min. 250 KVA)	3	
<i>Miscellaneous</i>		2
Assortment of Hand Tools (set of shovels, pans, pick axes, hoes, wheel barrows etc.		
Light Duty Vehicles (Pick-ups)		
Welding Set (Min. 300Amps)		
<i>TOTAL</i>		20

(d) *Firm experience - 20 marks*

This will consider the scope of works done of similar nature for the last five years, as indicated in Table 7 below.

The list of projects; ongoing and completed, should be clearly provided in Annex 1.6 (firm's experience). Projects will only be considered if accompanied with documentary support; for ongoing projects, and completed projects (Practical Completion Certificate, Certificate of Taking Over, and Final Acceptance Certificate).

Table 7: Firm's Experience – Roads Projects:

<i>Projects Description and Value range (Kshs.)</i>	<i>Marks/Score</i>	<i>Notes</i>
Bituminous Works above Kshs. 2.5 Billion	25	Step 1: total of project values over last 5yrs (single roads project) Step 2; find range in column 1 that figures falls in Step 3; award points corresponding to column
Bituminous Works between Kshs. 1.5 – 2.5 Billion	22	
Bituminous Works between Kshs. 1.0 – 1.5 Billion	20	
Bituminous/Gravel Works between Kshs. 0.5 – 1.0 Billion	15	
Bituminous/Gravel Works between Kshs. 250 – 500 Million	10	
Bituminous Works between Kshs. 100 – 250 Million	8	
Bituminous/Gravel Works between Kshs. 20 – 100 Million	5	
Bituminous/Gravel Works between less than Kshs. 20 Million	3	

Note:

For NCA1, NCA2 and NCA3, the minimum score for firm's experience is 22/25, 16/25 and 11/25 marks respectively.

(e) *Office facilities: 5 marks*

The office and service facilities indicated in Annex 1.4 will be graded according to the

- workshop and yard, marks awarded up to three. Items to be looked at include size and complexity;
- office space, include branches, marks awarded up to two.

Table 8: Office facilities

	Marks awarded
Workshop and yard	3
Office space	2

4. FINANCIAL EVALUATION (30 MARKS)

The following are items to be assessed in the financial evaluation of a contractor—

- (a) turnover – 20 marks;
- (b) cash flow or working capital – 10 marks;

Table 9: Financial Evaluation Scheme

Annual Turn Over (Kshs)	Marks	Cash Flow/ Working Capital	Marks
1,125,000,000 – Above	20.0	75,000,000 – Above	10.0
750,000,000–1,125,000,000	17.5	50,000,000 – 75,000,000	8.5
450,000,000 – 750,000,000	15.0	30,000,000 – 50,000,000	6.5
300,000,000 –450,000,000	12.5	20,000,000 – 30,000,000	5.0
150,000,000 – 300,000,000	10.0	5,000,000 – 20,000,000	3.0
75,000,000 – 150,000,000	7.5	2,500,000 – 5,000,000	3.0
37,500,000 – 75,000,000	5.0	1,250,000 – 2,500,000	2.0
Below 37,500,000	2.5	Below 1,250,000	2.0

5. AGGREGATE SCORE:

B+C = aggregate score;

B - Technical evaluation score;

C - Financial evaluation score.

Table 10: Aggregate scores per category

Category	Marks Awarded	For Official Use
NCA 1	81-100	
NCA 2	66-80	
NCA 3	56-65	
NCA 4	46-55	
NCA 5	36-45	
NCA 6	21-35	
NCA 7	10-20	
NCA 8	to meet all the mandatory requirements	

6. VALUE LIMITS

Class	Category	Value Of Works
B	Road Works	
	NCA 1	UNLIMITED
	NCA 2	2,500,000,000.00
	NCA 3	1,250,000,000.00
	NCA 4	750,000,000.00
	NCA 5	500,000,000.00
	NCA 6	200,000,000.00
	NCA 7	50,000,000.00
NCA 8	10,000,000.00	

Foreign firms:

The registration fee for foreign firms to be enhanced to 20,000 USD per class of works.

PART III

EVALUATION CRITERIA FOR REGISTRATION OF WATER WORKS CONTRACTORS

1. ABOUT THE DRAFT CRITERIA

This document contains the draft evaluation criteria for contractors' registration. The evaluation will be carried out in 3 stages—

1. Physical evaluation of mandatory requirements.
2. Technical evaluation.
3. Financial evaluation.

Stage 1 – 'physical evaluation of mandatory requirements' – will assess the documents showing proof of existence and tax compliance of the company.

Stage 2 – technical evaluation – will assess the technical aspects of the firm i.e. the directors, the staff, plant and equipment, firm's experience and office and work space.

In this stage, membership in professional regulatory bodies shall earn the directors and staff extra points. The relevant professional bodies shall include but not limited to—

- (a) Engineers Board of Kenya ;
- (b) Board of Registration of Architects and Quantity Surveyors;
- (c) National Construction Authority skilled workers accreditation scheme;
- (d) Institute of Certified Accountants of Kenya;
- (e) Institute of construction project Managers;
- (f) Institution of Engineering Technologists and Technicians ; and
- (g) Law society of Kenya, among others.

Stage 3 – financial evaluation – will assess the annual turnover and cash flow/working capital for the firm. This will be based on audited accounts of the company.

The evaluation can only proceed to stage 2 and 3 upon complete presentation of all the mandatory requirements outlined in stage 1.

2. PHYSICAL EVALUATION OF MANDATORY REQUIREMENTS

Fulfillment of stage 1 requirements, as outlined in the application form, should allow a contractor to be considered for registration. Attachments are specified in the application form.

Table 1: Mandatory requirements

	<i>Mandatory requirements</i>	<i>For Official use</i>
(a)	Receipt of the payment of application form	
(b)	Society name/ Company name, Address and Contacts	
(c)	Certificate of registration with societies / Certificate of Incorporation and memorandum of association	
(d)	Valid Business Permit	

(e)	Valid work permit for foreign staff	
(f)	CR 12 Form	
(g)	Application form duly completed including all annexes	
(h)	Declaration signed, witnessed and stamped	
(i)	Tax compliance certificate	
(j)	Referees	

Note on Referees:

- (a) recommendation letters from clients and consultants for completed works;
- (b) letters and certification from professional bodies including but not limited to Engineers Board of Kenya and Institute of Engineers Kenya for engineers, Board of Registration of Architects and Quantity Surveyors for Architects & Quantity Surveyors among others.

Table 2: Additional requirements for Water Works Contractors

<i>For Water Works contractors, the following qualifications are mandatory</i>		
<i>Contractor</i>	<i>Minimum requirement</i>	<i>For Official Use</i>
(a) water supply, sewerage and irrigation works	<ul style="list-style-type: none"> • Ministry of Water license 	
(b) dams and pans	<ul style="list-style-type: none"> • Ministry of Water license 	

3. TECHNICAL EVALUATION (70 MARKS)

This stage will evaluate the technical strength of the company. The following will be evaluated—

- (a) directors – 10 marks;
 - (b) staff – technical and support staff - 10 marks;
 - (c) plant and equipment owned – 20 marks;
 - (d) firms experience – 25 marks;
 - (e) office and workshop facilities – 5 marks.
- (a) *Directors : 10 marks*

The authority will assess two technical directors as indicated in Annex 1.1 (Directors' Details). The Technical director will be graded according to the professional qualifications and relevant experience of not less than three years IN THE CONSTRUCTION INDUSTRY.

Table 3 below highlights the marks awarded in respect of 1 Technical Director. Columns (4) and (5) provide for awarding industry experience marks as a percentage of column (3). Marks will be allowed for up to two of the highest ranked technical Directors for each firm, giving a maximum possible of 7.5 marks.

Table 4 highlights the marks to be awarded to any other non-technical director(s) submitted for consideration by the firm. Marks will be awarded for up to a maximum of 2.5 marks for 2 non-technical directors. These directors will be evaluated per relevant business or managerial experience.

The firms score will be the total score for the two technical directors and the other two non-technical directors.

Table 3: Directors mark sheet

Technical director's professional qualification (1)	Marks to be awarded		Exp. In years (4)	% of total marks (5)
	Basic Professional Qualification (2)	Industry Experience (3)		
Bachelor's Degree.	1.0	1.75	>10	100
Higher Diploma	0.75	1.25	8 – 10	80
Diploma.	0.5	1.0	5 – 7	60
Certificate.	0.25	0.75	< 5	40
Trade test	0.25	0.5		

NB: Registration by relevant professional body will give director 1 mark

Table 4: Other Directors mark sheet

Other director's professional qualification (1)	Marks to be awarded		Exp. In years (4)	% of total marks (5)
	Basic Professional Qualification (2)	Industry Experience (3)		
Bachelor's Degree.	0.25	0.75	>10	100
Higher Diploma	0.2	0.5	8 – 10	80
Diploma.	0.15	0.3	5 – 7	60
Certificate.	0.1	0.2	< 5	40
Trade test	0.05	0.1		

NB: Registration by relevant professional body will give director 0.25 marks

(b) staff – technical and support staff: 10 marks

Marks will be awarded as indicated in table 5 below for the academic qualifications and experience in the construction. Depending on the composition of staff submitted in Annex 1.2 (staff details), the breakdown is as follows –

- Degree holders – maximum of 1.75 marks each. If all staff provided have minimum of Bachelor's degree, evaluate up to 2 staff members at this level.
- Higher Diploma/ Diploma holders – maximum of 1.25 mark each. If all staff provided have minimum of Higher Diploma/ Diploma, evaluate up to two staff members at this level.
- Certificate and trade test holders – maximum of 0.75 marks each. If all staff provided have minimum of certificate/trade test, evaluate for up to four staff members in this level.
Columns (4) and (5) provide for awarding industry experience marks as a percentage of column (3).
- marks will only be awarded for staff whose academic certificates and detailed curriculum vitae have been attached.

Table 5: Evaluation of technical staff

Technical staff professional qualifications (1) (in related field of study)	Marks to be awarded		Experience in years (4)	% of total marks (8)
	Basic professional Qualification (2)	Experience in construction (3)		
Bachelor's Degree.	0.5	1.0	>10	100
Higher Diploma/Diploma.	0.5	0.5	8 - 10	80
Certificate/ trade test	0.25	0.25	5 - 7	60
			< 5	40
NB: Registration by relevant professional body will give technical staff 0.25 marks				

Table 6: Evaluation of Other Staff

Other Staff	Marks
Accounts & Finance Department	0.25
Human Resource Department	0.25
Administration	0.25
Occupational Health and Safety Officer	0.25

(c) plant and equipment owned: 20 marks

Awarding of marks for all equipment depends on availing all information as in Annex 1.5 (plant and equipment). The maximum number of equipment in each category to be considered is listed in the 'No' column, and a firm with that number will be awarded the maximum marks. Marks will then be awarded as a portion of that total number.

Marks will only be awarded for plant and equipment with attached proof of ownership, which includes; registration documents (logbooks), certificate of importation and certificate of sale where appropriate.

No provision for hired plant and equipment.

Plant and Equipment Mark sheet

Table 7: Water Works

	Plant & Equipment	No.	Roads
1	Earth Moving	20	5
	Bull Dozers (Min. capacity 280 HP)	3	
	Excavator (30T and above 230 HP)	5	
	Graders (Min. capacity 186 HP)	2	
	Loaders (Min. capacity 200 HP)	8	
	Backhoe (Min capacity 100HP)	2	
2	Hauling & Transportation	30	3
	Tippers (15cumt or 25T payload)	20	
	Agricultural Tractor 4x4, 120HP complete with trailers	2	
	40T Low Loaders + Prime Mover 100HP	4	

	Non-tipping Truck (Min. 7T)	4	
3	<i>Crusher Plant</i>	1	2
	Stone Crusher 3 stages (P/S/T), installed power 750KVA	1	
4	<i>Concreting Equipment</i>	10	1.5
	Concrete Mixers (Min. 750lts)	6	
	Compressors (Min. 136 Cfm) & vibrators	4	
	Concrete batch plant weigh scale capacity min. 30cumt/hr	1	
5	<i>Compaction Equipment</i>	20	4
	Vibrating Rollers (Min. capacity 12T)	6	
	Tandem Rollers (Min. capacity 10T)	4	
	Pneumatic Tyre Rollers (Min 10T, 10 wheels)	2	
	Pedestrian Rollers/Plate Compactors	4	
	Hand Compressors	4	
6	<i>Cranes, hoisting and lifting equipment</i>	1	1
	Mobile crane (Min. 25T)	1	
6	<i>Surveying Equipment</i>	4	0.5
	Leveling Instrument (e.g. Dumpy level)	2	
	Theodolite/Total Station	2	
7	<i>Water Equipment & Generators</i>	15	1
	Water Bowsers (Min. 3000lts)	6	
	Water Pumps (Min. 4" suction)	6	
	Generator Set (Min. 250 KVA)	3	
8	<i>Miscellaneous</i>		2
	Assortment of Hand Tools (set of shovels, pans, pick axes, hoes, wheel barrows etc.		
	Light Duty Vehicles (Pick-ups)		
	Welding Set (Min. 300Amps)		
	<i>TOTAL</i>		20

(d) *firm experience - 25 marks*

This will consider the scope of works done of similar nature for the last three years, as indicated in table 8 below.

The list of projects; ongoing and completed, should be clearly provided in Annex 1.6 (firm's experience). Projects will only be considered if accompanied with documentary support; for ongoing projects, and completed projects (Practical Completion Certificate, Certificate of Taking Over, and Final Acceptance Certificate).

Table 8: Firm's Experience

Projects Description and Value range (Kshs.)	Marks/Score	Notes
Kshs. 1.25 Billion and above	25	The given value ranges are per single water project
Kshs. 1.0 – 1.25 Billion	20	
Kshs. 0.5 – 1.0 Billion	15	
Kshs. 100 – 500 Million	10	
Kshs. 20 – 100 Million	5	
Kshs. 20 Million and below	3	

(e) Office facilities: 5 marks

The office and service facilities indicated in Annex 1.4 will be graded according to the

- workshop and yard— marks awarded up to three. Items to be looked at include size, complexity.
- office space (include branches) — marks awarded up to two.

Table 9: Office Facilities

	Marks awarded
Workshop and yard	up to 3
Office space	up to 2

4. FINANCIAL EVALUATION (30 MARKS)

The following are items to be assessed in the financial evaluation of a contractor—

- turnover – 20 marks;
- cash flow or working capital – 10 marks.

Table 10: Financial Evaluation Scheme

Annual Turn Over (Kshs)	Marks	Cash Flow/ Working Capital	Marks
WATER WORKS			
1,000,000,000 – Above	20.0	75,000,000 – Above	10.0
750,000,000–1,000,000,000	17.5	50,000,000 – 75,000,000	8.5
450,000,000 – 750,000,000	15.0	30,000,000 – 50,000,000	6.5
300,000,000 –450,000,000	12.5	20,000,000 – 30,000,000	5.0
150,000,000 – 300,000,000	10.0	5,000,000 – 20,000,000	3.0
75,000,000 – 150,000,000	7.5	2,500,000 – 5,000,000	3.0
37,500,000 – 75,000,000	5.0	1,250,000 – 2,500,000	2.0
Below 37,500,000	2.5	Below 1,250,000	2.0

5. AGGREGATE SCORE:

B+C= aggregate score;

B-Technical evaluation score;

C-Financial evaluation score.

The total score shall then be matched as per table 11 below to obtain the category of the evaluated applicant.

Table 11: Aggregate scores per category

Category	Marks Awarded	For Official Use
NCA 1	81-100	
NCA 2	66-80	
NCA 3	56-65	
NCA 4	46-55	
NCA 5	36-45	
NCA 6	21-35	
NCA 7	10-20	
NCA 8	to meet all the Mandatory requirements	

Other Proposals—

Foreign firms :

- (a) the registration fee for foreign firms to be enhanced to 20,000 USD per class of works;
- (b) renewal fee for foreign firms to be to 10,000 USD per class of works.

6. VALUE LIMITS:

The proposed value limits are as per Table 12 here below—

Table 12: Value limits for categories of works

Water supply, Sewerage & Irrigation	NCA 1	Unlimited
	NCA 2	1,000,000,000.00
NCA 3	500,000,000.00	
NCA 4	300,000,000.00	
NCA 5	200,000,000.00	
NCA 6	100,000,000.00	
NCA 7	30,000,000.00	
NCA 8	10,000,000.00	

PART IV

EVALUATION CRITERIA FOR REGISTRATION OF CONTRACTORS FOR ELECTRICAL, ELECTRONIC AND COMMUNICATION ENGINEERING WORKS

1. ABOUT THE DRAFT CRITERIA

This document contains the draft evaluation criteria for contractors' registration. The evaluation will be carried out in three stages—

1. Physical evaluation of mandatory requirements.
2. Technical Evaluation (70 marks).
3. Financial Evaluation (30 marks).

Stage 1 – 'physical evaluation of mandatory requirements' – will assess the documents showing proof of existence and tax compliance of the company. This stage shall also assess compliance with other mandatory statutory requirements.

Stage 2 – technical evaluation – will assess the technical aspects of the firm i.e. the directors, the staff, plant and equipment, firm's experience and office and work space.

In this stage, membership in professional regulatory bodies shall earn the directors and staff extra points. The relevant professional bodies shall include but not limited to—

- (a) Engineers Board of Kenya;
- (b) Board of Registration of Architects and Quantity Surveyors;
- (c) National Construction Authority skilled workers accreditation scheme;
- (d) Institute of Certified Public Accountants of Kenya;
- (e) Institute of construction project Managers;
- (f) Institution of Engineering Technologists and Technicians; and
- (g) Law society of Kenya, among others.

Stage 3 – financial evaluation – will assess the annual turnover, largest contract, and available cash for the firm.

The evaluation can only proceed to stage two and three upon complete presentation of all the mandatory requirements outlined in stage one.

2. PHYSICAL EVALUATION OF MANDATORY REQUIREMENTS

Fulfillment of stage 1 requirements, as outlined in the application form, should allow a contractor to be considered for registration. Attachments are specified in the application form.

Table 1: Mandatory requirements

	Mandatory requirements	
(a)	Receipt of the payment of application form	
(b)	Society name/ Company name, Address and Contacts	
(c)	Certificate of registration with societies / Certificate of Incorporation and memorandum of association	
(d)	Valid Business Permit/Licence	
(e)	Valid work permit for foreign staff	
(f)	CR 12 form	
(g)	Application form duly completed including all annexes	
(h)	Declaration signed, witnessed and stamped	
(i)	Tax compliance certificate	
(j)	Referees	

Referees should be from among the following—

- (a) letters from clients and consultants of completed projects;
- (b) letters and certifications from recognized professional bodies or institutions from which the applicant is a member; and
- (c) letters from previous employers.

Table 2A: Additional Mandatory Statutory Requirements for Electrical Engineering Contractors

Class/Sub-Class	Mandatory Requirements	Minimum Requirements	For Official Use
Electrical Installation	Energy Regulatory Commission (ERC) License *	Licence C2	
Generator Installation	Energy Regulatory Commission (ERC) License	Licence A2	
Lifts & Escalators, Travellator Installation	Energy Regulatory Commission (ERC) License	Licence A2	
Solar PV Installation	Energy Regulatory Commission (ERC) License	Licence T1	
Construction of Power Lines	Energy Regulatory Commission (ERC) License	Licence C2	

* Licence issued under the Energy Act, CAP 314 Laws of Kenya

Table 2B: Additional Mandatory Requirements for Communications Engineering Contractors

Class/Sub-Class	Mandatory Requirements	Minimum Requirements	For Official Use
Wireless Communication Systems	Communications Authority of Kenya (CAK) License**	Telecommunications Contractor Licence	
Structured Cabling and IP telephony Installation	Communications Authority of Kenya (CAK) License	Telecommunications Contractor Licence	

** Licence issued under the Kenya Information and Communications Act CAP 411A, Laws of Kenya

3. TECHNICAL EVALUATION (70 MARKS)

This stage will evaluate the technical strength of the company. The following will be evaluated—

- (a) directors – technical and other directors – 10 marks;
- (b) staff – technical and support staff - 20 marks;
- (c) plant and equipment owned – 15 marks;
- (d) firms experience – 20 marks;
- (e) workshop and office facilities – 5 marks.

(a) Directors – technical and Others: 10 marks

The authority will assess a maximum of two technical directors as indicated in Annex 1.1 (Directors' Details). The Technical director will be graded according to the

professional qualifications and relevant experience of not less than three years IN THE CONSTRUCTION INDUSTRY.

Table 3 below highlights the marks awarded in respect of one technical Director. Columns (4) and (5) provide for awarding industry experience marks as a percentage of columns (3). Marks will be allowed for up to two highest ranked Technical Directors for each firm, giving a maximum possible of 7.5 marks.

Table 4 highlights the marks to be awarded to any other non-technical director(s) submitted for consideration by the firm. Marks will be awarded for up to a maximum of 2.5 marks for two non-technical directors. These directors will be evaluated per relevant business or managerial experience.

The firms score will be the total score for the 2 technical directors and the other 2 non-technical directors.

Table 3: Technical Directors Mark sheet

Technical director's professional qualification (1)	Marks to be awarded		Experience In years (4)	% of total marks (5)
	Basic Professional Qualification (2)	Industry Experience (3)		
Bachelor's Degree.	1.0	1.75	>10	100
Higher Diploma	0.75	1.25	8 - 10	80
Diploma.	0.5	1.0	5 - 7	60
Certificate.	0.25	0.75	< 5	40
Trade test	0.25	0.5		
NB: Registration by relevant professional body will give director 1 mark				

Table 4: Other Directors

Other director's professional qualification (1)	Marks to be awarded		Experience In years (4)	% of total marks (5)
	Basic Professional Qualification (2)	Industry Experience (3)		
Bachelor's Degree.	0.25	0.75	>10	100
Higher Diploma	0.2	0.5	8 - 10	80
Diploma.	0.15	0.3	5 - 7	60
Certificate.	0.1	0.2	< 5	40
Trade test	0.05	0.1		
NB: Registration by relevant professional body will give director 0.25 marks				

(b) Staff – technical and support staff: 20 marks

Marks will be awarded as indicated in table five below for the academic qualifications and experience in the construction industry. Depending on the composition of staff submitted in Annex 1.2 (staff details), the breakdown shall be as follows –

- (a) Degree holders – maximum of 2.0 marks each. If all staff provided have minimum of Bachelor's degree, evaluate up to two staff members at this level;
- (b) Higher Diploma/ Diploma holders – maximum of 1.5 mark each. If all staff provided have minimum of Higher Diploma/ Diploma, evaluate up to four staff members at this level;
- (c) Certificate and trade test holders – maximum of 1.0 marks each. If all staff provided have minimum of certificate/trade test, evaluate for up to eight staff members in this level;

Columns (4) and (5) provide for awarding industry experience marks as a percentage of column (3). The marks for the technical staff will be the total for the above categories, with a maximum of eighteen;

- (d) two marks will be awarded for the non-technical support/other management staff as indicated in table six below;
- (e) marks will only be awarded for staff whose certified academic certificates and other professional certificates have been attached.

Table 5: Evaluation of Technical Staff (Electrical Installation)

Technical staff professional qualifications (1) (in related field of study)	Marks to be awarded		Experience in years (4)	% of total marks (8)
	Basic professional Qualification (2)	Experience in construction (3)		
Bachelor's Degree.	0.5	1.0	>10	100
Higher Diploma/Diploma.	0.5	0.5	8 – 10	80
Certificate/ trade test	0.25	0.25	5 – 7	60
			< 5	40

NB:
Registration by relevant professional body will give technical staff 0.5 marks

Table 6: Evaluation of other staff

Other Staff	Marks
Accounts & Finance Department	0.5
Human Resource Department	0.5
Administration	0.5
Occupational Health and Safety Officer	0.5

(c) Plant and equipment owned: 15 marks

Awarding of marks for all equipment depends on applicant providing all information as requested in Annex 1.5 (plant and equipment) of the application form. The maximum number of equipment in each category to be considered is listed in the 'No'

column and a firm with that number will be awarded the maximum marks. Marks will then be awarded as a portion of that total number.

Marks will only be awarded for plant and equipment with attached proof of ownership, which includes; registration documents (logbooks), certificate of importation and certificate of sale where appropriate.

No provision is made for hired plant and equipment.

Plant and Equipment Mark sheet

Table 7A: Electrical Installation

<i>Plant & Equipment</i>	<i>No.</i>	<i>Marks</i>
<i>Equipment for Electrical Installation</i>		
Portable drilling machines	10	5
Cable lagging Machine	6	
	4	
<i>Testing Equipment</i>		
Multimeter	26	5
Earth loop Impedance tester	6	
Earth Resistance Tester	2	
Insulation Tester	2	
Tong Tester	2	
Phase Sequence meter	6	
Phase Tester	2	
	6	
<i>Hauling & Transportation</i>		
Pick-ups	4	4
	4	
<i>Miscellaneous</i>		
Circuit Analyzer	2	1
	1	
Assorted hand tools (Vices, Levels, Hand tools set, snips, pliers, screw drivers, spanners, etc.)	11	
TOTAL		15

NB:

NCA 5 & above **MUST** have Earth loop Impedance and Phase Sequence meter else downgraded to NCA 6.

Table 7B: Generators and Lifts

<i>Plant & Equipment</i>	<i>No.</i>	<i>Marks</i>
<i>Equipment for Generator, Lifts & Escalator Installation</i>		
Portable drilling machines	9	2
Cable lagging Machine	3	
Chain Block & tackle (min. 1 ton)	4	
	2	
<i>Testing Equipment</i>		
Multimeter	14	8
Earth loop Impedance tester	3	
Earth Resistance Tester	2	
Insulation Tester	2	
Tong Tester	2	
Phase Sequence meter	3	
	2	
<i>Hauling & Transportation</i>		
Pick-ups	5	3
	2	

Light trucks (minimum 3ton)	2	
Truck mounted crane	1	
<i>Miscellaneous</i>	11	2
Assorted hand tools (Vices, Levels, Hand tools set, snips, pliers, screw drivers, spanners, etc.)	11	
<i>TOTAL</i>		15

Table 7C: Solar PV Installation

<i>Plant & Equipment</i>	<i>No.</i>	<i>Marks</i>
<i>Equipment for Solar PV Installation</i>	7	4
Solar design software	1	
Portable drilling machines	6	
<i>Testing Equipment</i>	12	7
Multimeter	6	
Earth loop Impedance	2	
Earth Resistance Tester	2	
Insulation Tester	2	
<i>Hauling & Transportation</i>	4	2
Pick-ups (minimum 1ton)	4	
<i>Miscellaneous</i>	13	2
Circuit Analyzer	1	
Assorted hand tools (Vices, Levels, Hand tools set, snips, pliers, screw drivers, spanners, etc.)	11	
Irradiation Meter	1	
<i>TOTAL</i>		15

Table 7D: Power Line Construction (Distribution & Transmission)

<i>Plant & Equipment</i>	<i>No.</i>	<i>Marks</i>
<i>Equipment for Power line construction</i>	14	4
Portable drilling machines	4	
Chain Block & tackle (min. 1 ton)	4	
Pull lift	4	
Come-a-long cable power puller (minimum 3/16" cables)	2	
<i>Testing Equipment</i>	22	4
Multimeter	6	
Earth Resistance Tester	2	
Insulation Tester	2	
Tong Tester	6	
Line Tester	6	
<i>Hauling & Transportation</i>	6	6
Light truck	2	
Non-tipping trucks	2	
Truck mounted cranes	2	
<i>Miscellaneous</i>	11	1
Assorted hand tools (Vices, Levels, Hand tools set, snips, pliers, screw drivers, spanners, etc.)	11	
<i>TOTAL</i>		15

Table 7E: Electronic, Communication, Security and Access Systems

<i>Plant & Equipment</i>	<i>No.</i>	<i>Marks</i>
<i>Equipment for Electronic, Communication, security and Access Systems Installation</i>	4	2
Portable drilling machines	4	
<i>Testing Equipment</i>	22	8
Multimeter	6	
Earth Resistance Tester	2	
Computers	3	
Phase Tester	6	
Cable Tester	2	
Krone tool	3	
<i>Hauling & Transportation</i>	4	3
Pick-ups	2	
Light truck	2	
<i>Miscellaneous</i>	11	2
Assorted hand tools (Vices, Levels, Hand tools set, snips, pliers, screw drivers, spanners, etc.)	11	
TOTAL		15

(d) Firm's experience - 20 marks

(i) Firm's experience - Electrical Installation Works

The firm's experience in electrical installation work shall be evaluated using table 8A and table 8B.

The volume of projects done in the last five years shall be considered as indicated in table 8A below. A maximum of 10 marks shall be awarded for volume of work done.

The value of the largest single projects done in the last five years will be matched according to the ranges in Column (1) and the corresponding marks in Column (2).

The list of projects, ongoing and completed, should be clearly provided in Annex 1.6 (firm's experience).

Projects will only be considered if accompanied with documentary support; for ongoing projects, and completed projects (Practical Completion Certificate, Certificate of Taking Over, and Final Acceptance Certificate).

Table 8B is used to evaluate the firms' experience based on the complexity of the projects handled. The firm with the highest class of the Energy Regulatory Commission licence for electrical installation works shall score a maximum of 10 marks.

The total score on the firm's experience in electrical installation work shall be a combination of the volume of work done and the complexity of work done based on the class of the Energy Regulatory Commission licence of the firm.

Table 8A: Firm's Experience – Volume of Work (Electrical Installation Works):

<i>Projects Value (in millions Kshs)</i>	<i>Marks for Volume of Works over last five years (2)</i>	<i>Notes</i>
(1)		(3)
250,000,000+	10	Step 1: Check for the value of the largest single project done in the
200,000,000 – 250,000,000	9	
150,000,000 – 200,000,000	8	

100,000,000 – 150,000,000	7	last 5 years
50,000,000 – 100,000,000	6	
25,000,000 – 50,000,000	5	Step 2: Find range in Column (1) where that figure falls in.
10,000,000 – 25,000,000	4	
Below 10,000,000	3	

Table 8B: Firms Experience - Complexity of Works (Electrical Installation Works)

Class of ERC Licence	Complexity of Electrical Works	Marks (Max 10marks)
A1	All kinds of electrical installation work	10
B	All kinds of electrical installation work for connection to supply metered at voltages not exceeding medium (i.e. less than 33,000V)	8
C1	Limited to installation works for connection to three phase supply at low voltage (i.e. less than 1,000V), up to four (4) storey buildings not used as factories or places of public entertainment;	5
C2	Limited to installation works for connection to single phase supply at low voltage (i.e. less than 1,000V), up to two (2) storey buildings not used as factories or places of public entertainment;	3

(ii) Firm's Experience - (Construction of Power Lines, Wireless Communications, Structured Cabling, and Security & Access Control, Generators, Lifts, Solar, Audio Visual, and Instrumentation & PLCs)

The volume of projects done in the last five years shall be considered as indicated in Table 8C and Table 8D below. A maximum of 20 marks shall be awarded for volume of work done.

The total value of projects done in the last five years will be divided by 3, and the figure matched according to the ranges in Column (1) and the corresponding marks in Column (2).

The List of projects, ongoing and completed, should be clearly provided in Annex 1.6 (Firm's Experience).

Projects will only be considered if accompanied with documentary support; for ongoing projects, and completed projects (Practical Completion Certificate, Certificate of Taking Over, and Final Acceptance Certificate).

Table 8C: Firm's Experience – Volume of Work (Construction of Power Lines, Wireless Communications, Structured Cabling, and Security & Access Control):

Projects Value (in millions Kshs) (1)	Marks for Volume of Works over last five years (2)	Notes (3)
250,000,000+	20	<ul style="list-style-type: none"> Step 1: Check for the value of the largest single project done in the last 5 years Step 2: Find range in Column
200,000,000 – 250,000,000	18	
150,000,000 – 200,000,000	16	
100,000,000 – 150,000,000	14	
50,000,000 – 100,000,000	12	

25,000,000 – 50,000,000	8	(1) where that figure falls in. • Step 3: Award corresponding mark
10,000,000 – 25,000,000	5	
Below 10,000,000	2	

Table 8D: Firm's Experience – Volume of Work (Generators, Lifts, Solar, Audio Visual, and Instrumentation & PLCs):

Projects Value (in millions Kshs) (1)	Marks for Volume of Works over last five years (2)	Notes (3)
50,000,000 +	20	Step 1: Check for the value of the largest single project done in the last 5 years Step 2: Find range in Column (1) where that figure falls in. Step 3: Award corresponding mark
30,000,000 – 50,000,000	17	
20,000,000 – 30,000,000	14	
10,000,000 – 20,000,000	11	
5,000,000 – 10,000,000	8	
Below 5,000,000	5	

Table 8E: Firm's Experience – Volume of Work (Construction of Power Lines):

Projects Value (in millions Kshs) (1)	Marks for Volume of Works over last five years (2)	Notes (3)
1,000,000,000 +	20	Step 1: Check for the value of the largest single project done in the last 5 years Step 2: Find range in Column (1) where that figure falls in. Step 3: Award corresponding mark
500,000,000 – 1,000,000,000	18	
250,000,000 – 500,000,000	16	
200,000,000 – 250,000,000	14	
150,000,000 – 200,000,000	12	
100,000,000 – 150,000,000	10	
50,000,000 – 100,000,000	8	
25,000,000 – 50,000,000	5	
Below 25,000,000	3	

(e) Head office facilities and workshop: 5 marks

The office and service facilities indicated in Annex 1.4 will be graded according to the—

- workshop and yard— marks awarded up to three. Items to be looked at include size, complexity.
- office space, include branches— marks awarded up to two.

Table 9: Office Facilities and Workshop

	Marks awarded
Workshop and yard	3
Office space	2

4. FINANCIAL EVALUATION (30 MARKS)

The following are items to be assessed in the financial evaluation of a contractor—

- (a) turnover;
- (b) cash flow and working capital.

Table 10A: Financial Evaluation Scheme (Electrical, Construction of Power Lines, Wireless Communications, Structured Cabling, Security & Access Control Systems):

Annual Turn Over (Kshs) in 3yrs. (20 marks)	Marks (A)	Cash Flow / Working Capital (10 marks)	Marks (B)
187,500,000 +	20	25,000,000 +	10
112,500,000 – 187,500,000	18	15,000,000 – 25,000,000	9
75,000,000 – 112,500,000	16	10,000,000 – 15,000,000	8
37,500,000 – 75,000,000	14	5,000,000 – 10,000,000	7
15,000,000 – 37,500,000	12	1,000,000 – 5,000,000	6
7,500,000 – 15,000,000	10	500,000 – 1,000,000	5
3,750,000 – 7,500,000	8	250,000 – 500,000	4
Below 3,750,000	5	Below 250,000	3

Table 10B: Financial Evaluation Scheme (Generators, Lifts & Escalators, Solar PV, Audio Visual, Instrumentation & PLCs):

Best Annual Turn Over (Kshs) in 3yrs. (20 marks)	Marks (A)	Cash Flow / Working Capital (10 marks)	Marks (B)
100,000,000 +	20	17,500,000 +	10
75,000,000 – 100,000,000	18	12,500,000 – 17,500,000	9
50,000,000 – 75,000,000	16	10,000,000 – 12,500,000	8
37,500,000 – 50,000,000	14	5,000,000 – 10,000,000	7
15,000,000 – 37,500,000	12	1,000,000 – 5,000,000	6
7,500,000 – 15,000,000	10	500,000 – 1,000,000	5
3,750,000 – 7,500,000	8	250,000 – 500,000	4
Below 3,750,000	5	Below 250,000	3

Other Comments:

The marks awarded to the construction firm for experience will be reduced by a maximum of 30 percent of total marks awarded if there is proof of any of the following—

- (a) delays to works;
- (b) poor construction standards;
- (c) other malpractices that may compromise the quality and safety of works.

5. AGGREGATE SCORE:

$B + C =$ aggregate score, where—

B - technical evaluation score

C - financial evaluation score

The total score shall then be matched as per table 11A or table 11B below to obtain the category of the evaluated applicant.

Table 11A shall apply to the following sub-classes—

- (a) electrical installation works;
- (b) construction of power lines;
- (c) wireless communication systems;
- (d) structured cabling and IP telephony; and
- (e) security and access control systems.

Table 11A: Evaluation Scores (for 6 possible categories)

Category	Marks Awarded	For Official Use
NCA 1	80-100	
NCA 2	70-79	
NCA 3	60-69	
NCA 4	50-59	
NCA 5	40-49	
NCA 6	To meet all the Mandatory requirements	

Table 11B shall apply to the following sub-classes—

- (a) generator installation;
- (b) lifts and escalators, and traveller installation;
- (c) solar PV Installation;
- (d) audio visual systems; and
- (e) instrumentation and PLC systems.

Table 11B: Evaluation Scores (for 4 possible categories)

Category	Marks Awarded	For Official Use
NCA 1	80-100	
NCA 2	60-79	
NCA 3	40-59	
NCA 4	to meet all the mandatory requirements	

ANNEXURES.

Table 12: Sub-Classes and Value Limits for Electrical, Electronic and Communications Engineering Works

Class/Sub-Class	Scope	Category	Limit (Kshs)	For Official Use
Electrical Installation	Electrical Wiring, Installation of Fittings & Equipment, and Maintenance	NCA 1	UNLIMITED	
		NCA 2	250,000,000.00	
		NCA 3	100,000,000.00	
		NCA 4	50,000,000.00	
		NCA 5	20,000,000.00	
		NCA 6	5,000,000.00	

Generator Installation	Installation & Maintenance of Standby Power Generators	NCA 1	UNLIMITED	
		NCA 2	50,000,000.00	
		NCA 3	20,000,000.00	
		NCA 4	5,000,000.00	
Lifts & Escalators and Travellator Installation	Installation and Maintenance of Lifts and Elevators	NCA 1	UNLIMITED	
		NCA 2	50,000,000.00	
		NCA 3	20,000,000.00	
		NCA 4	5,000,000.00	
Solar PV Installation	Installation of Solar Power Systems	NCA 1	UNLIMITED	
		NCA 2	50,000,000.00	
		NCA 3	20,000,000.00	
		NCA 4	5,000,000.00	
Construction of Power Lines	Power Distribution, Power Transmission, Sub-Station Construction	NCA 1	UNLIMITED	
		NCA 2	250,000,000.00	
		NCA 3	100,000,000.00	
		NCA 4	50,000,000.00	
		NCA 5	20,000,000.00	
		NCA 6	5,000,000.00	
Wireless Communication Systems	Installation of GSM, TDMA & CDMA Telecommunication Systems, Radio Communications, Broadcast Equipment,	NCA 1	UNLIMITED	
		NCA 2	250,000,000.00	
		NCA 3	100,000,000.00	
		NCA 4	50,000,000.00	
		NCA 5	20,000,000.00	
		NCA 6	5,000,000.00	
Structured Cabling and IP Telephony Installation	Data/Voice Cabling, Network Equipment, IP Telephony, Fibre Optic Installations, Building Management Systems (BMS)	NCA 1	UNLIMITED	
		NCA 2	250,000,000.00	
		NCA 3	100,000,000.00	
		NCA 4	50,000,000.00	
		NCA 5	20,000,000.00	
		NCA 6	5,000,000.00	
Audio Visual Systems	Conference Systems, Public Address, Video Conference Systems	NCA 1	UNLIMITED	
		NCA 2	50,000,000.00	
		NCA 3	20,000,000.00	
		NCA 4	5,000,000.00	
Instrumentation and Programmable Logic Control (PLC) Systems	Electronic Control Systems, Digital Display System	NCA 1	UNLIMITED	
		NCA 2	50,000,000.00	
		NCA 3	20,000,000.00	
		NCA 4	5,000,000.00	
Security & Access Control Systems	CCTV Surveillance System, Access Control, Alarm Systems, Parking Management System	NCA 1	UNLIMITED	
		NCA 2	250,000,000.00	
		NCA 3	100,000,000.00	
		NCA 4	50,000,000.00	
		NCA 5	20,000,000.00	
		NCA 6	5,000,000.00	

PART V

EVALUATION CRITERIA FOR REGISTRATION OF MECHANICAL WORKS CONTRACTORS

1. ABOUT THE CRITERIA

This document contains the evaluation criteria for contractors' registration. The evaluation will be carried out in three stages—

1. Physical evaluation of mandatory requirements.
2. Technical evaluation (70 marks).
3. Financial evaluation (30 marks).

Stage 1 – 'physical evaluation of mandatory requirements' – will assess the documents showing proof of existence and tax compliance of the company.

Stage 2 – technical evaluation – will assess the technical aspects of the firm i.e. the directors, the staff, plant and equipment, firm's experience and office and work space. The relevant professional bodies shall include but not limited to—

- (a) Engineers Board of Kenya or Institution of Engineers Kenya;
- (b) Board of Registration of Architects and Quantity Surveyors;
- (c) National Construction Authority skilled workers accreditation scheme;
- (d) Institute of certified accountants of Kenya;
- (e) Institute of construction project Managers;
- (f) Institution of Engineering Technicians and Technologists; and
- (g) Law society of Kenya, among others.

Stage 3 – financial evaluation – will assess the annual turnover and cash flow or working capital for the firm. This will be based on audited accounts of the company.

The evaluation can only proceed to stage 2 and 3 upon complete presentation of all the mandatory requirements outlined in stage 1.

2. PHYSICAL EVALUATION OF MANDATORY REQUIREMENTS

Fulfillment of stage 1 requirements, as outlined in the application form, should allow a contractor to be considered for registration. Attachments are specified in the application form.

Table 1: Mandatory requirements

	Mandatory requirements	For Official use
(a)	Receipt of the payment of application form	
(b)	Society name/ Company name, Address and Contacts	
(c)	Certificate of registration with societies / Certificate of Incorporation and memorandum of association	
(d)	Valid Business Permit	
(e)	CR 12	
(f)	Valid work permit for foreign staff	
(g)	Application form duly completed including all annexes	

(h)	Declaration signed, witnessed and stamped	
(i)	Tax compliance certificate	
(j)	Referees – Should be defined	

Referees:

These should be fully defined—

- (a) recommendation letters from clients and consultants for completed works;
- (b) recommendation letters from former employers in related field.
- (c) letters and certification from professional bodies including but not limited to Engineers Board of Kenya and Institution of Engineers Kenya for engineers, Board of Registration of Architects and Quantity Surveyors for architects and quantity surveyors among others.

Table 2: Additional mandatory requirements for mechanical contractors

<i>For Mechanical Contractors, the following qualifications are mandatory</i>		
<i>Contractor</i>	<i>Minimum requirement</i>	<i>For Official Use</i>
(a) Plumbing and Drainage.	<ul style="list-style-type: none"> • Drain layers license • Plumbers license • Boilers Inspectors' License by DOSH • Bore hole drilling License by Ministry of Water • ERC license for solar heating 	
(b) Boilers, Incinerators and Pressure Vessels.		
(c) Bore Hole Drilling		
(d) Solar Water Installation		

3. TECHNICAL EVALUATION (70 MARKS) – Specific for mechanical works

This stage will evaluate the technical strength of the company. The following will be evaluated—

- (a) directors – 12 marks
- (b) staff – technical and support staff - 18 marks
- (c) plant and equipment owned – 15 marks
- (d) firms experience – 20 marks
- (e) office and workshop facilities – 5 marks

(a) *Directors : 12 marks*

The authority will assess the managing director and technical director as indicated in Annex 1.1 (directors 'details – to be revised). The technical director will be graded according to the professional qualifications and relevant experience of not less than three years IN THE CONSTRUCTION INDUSTRY.

Table 3 below highlights the marks awarded in respect of one technical director. Columns (4) and (5) provide for awarding industry experience marks as a percentage of

columns (3). Marks will be allowed for up to two highest ranked technical directors for each firm, giving a maximum possible of nine marks.

Table 4 highlights the marks to be awarded to any other non-technical director(s) submitted for consideration by the firm. Marks will be awarded for up to two non-technical directors. These directors will be evaluated per relevant business or managerial experience.

The firms score will be the total score for the two technical directors and the other two non-technical directors.

Table 3: Directors Mark sheet

Technical director's professional qualification (1)	Marks to be awarded		Exp. In years (4)	% of total marks (5)
	Basic Professional Qualification (2)	Industry Experience (3)		
Bachelor's Degree.	1.5	2.0	>10	100
Higher Diploma	1.25	1.5	8 - 10	80
Diploma.	1.0	1.25	5 - 7	60
Certificate.	0.75	1.0	< 5	40
Trade test	0.5	0.75		

NB:
Registration by relevant professional body will give director 1 mark

Table 4: Other Directors Mark sheet

Other director's professional qualification (1)	Marks to be awarded		Exp. In years (4)	% of total marks (5)
	Basic Professional Qualification (2)	Industry Experience (3)		
Bachelor's Degree.	0.5	0.75	>10	100
Higher Diploma	0.4	0.5	8 - 10	80
Diploma.	0.3	0.3	5 - 7	60
Certificate.	0.2	0.2	< 5	40
Trade test	0.1	0.1		

NB:
Registration by relevant professional body will give director 0.25 marks

(b) Staff - technical and support staff: 18 marks

Marks will be awarded as indicated in table 5 below for the academic qualifications and experience in the construction. Depending on the composition of staff submitted in Annex 1.2 (staff details), the breakdown is as follows—

- (a) Degree holders— maximum of 2.0 marks each. If all staff provided have minimum of Bachelor's degree, evaluate up to two staff members at this level.

- (b) Higher Diploma/ Diploma holders – maximum of 1.5 marks each. If all staff provided have minimum of Higher Diploma/ Diploma, evaluate up to four staff members at this level.
- (c) Certificate and trade test holders – maximum of 1.0 marks each. If all staff provided have minimum of certificate/trade test, evaluate for up to six staff members in this level.
Columns (4) and (5) provide for awarding industry experience marks as a percentage of columns (3).
- (d) marks will only be awarded for staff whose academic certificates and detailed curriculum vitae have been attached.

Table 5: Evaluation of Technical Staff

Technical staff professional qualifications (1) (in related field of study)	Marks to be awarded		Experience in years (4)	% of total marks (8)
	Basic professional Qualification (2)	Experience in construction (3)		
			>10	100
			8 – 10	80
			5 – 7	60
			< 5	40
Bachelor's Degree.	0.75	1.0		
Higher Diploma/Diploma.	0.5	0.5		
Certificate/ trade test	0.25	0.25		

NB: Registration by relevant professional body will give technical staff 0.25 marks

Table 6: Evaluation of Other Staff

Other Staff	Marks
Accounts and Finance Department	0.5
Human Resource Department	0.5
Administration	0.5
Occupational Health and Safety Officer	0.5

(c) *Plant and equipment owned: 15 marks*

Awarding of marks for all equipment depends on availing all information as in Annex 1.5 (plant and equipment). The maximum number of equipment in each category to be considered is listed in the 'No' column and a firm with that number will be awarded the maximum marks. Marks will then be awarded as a portion of that total number.

Marks will only be awarded for plant and equipment with attached proof of ownership, which includes; registration documents (logbooks), certificate of importation and certificate of sale where appropriate.

In addition, for NCA 1 and NCA 2, the minimum score for plant and equipment is 12 marks

No provision for hired plant and equipment.

Plant and Equipment Mark Sheet

Table 7a: General Equipment for Mechanical works

	No.	Marks for contractor without specialized equipment	Marks for contractor with specialized equipment	Marks for bore hole contractor (only)
<i>Installation Equipment</i>	18	9	4	3
Portable drilling machines	4			
Pipe jointing formation equipment (fusion welder)	4			
Generator (minimum 2HP)	4			
Welding machines (min. 225 Amp-AC)	4			
Threading machine	4			
Pressure testing pump (max. 30bar)	2			
Sheet metal workshop	4			
Pipe chains 14" to 24"	2			
<i>Hauling & Transportation</i>	6	4	4	0
Pick-ups (minimum 1ton)	4			
Light trucks (minimum 3ton)	2			
<i>Miscellaneous</i>	2	2	2	1
Assorted tools (Vices, Levels, Hand tools set, wrench, pliers etc.)	1			
Assorted electrical tools (Testers etc.)	1			
TOTAL		15	10	4

Table 7b: Additional equipment for Refrigeration, cold-rooms & AC/ventilation works

<i>Refrigeration, cold-rooms & Ac/ventilation</i>	No.	Marks
<i>Installation Equipment</i>	8	5
Gas filling equipment	4	
Copper tube handling equipment set (flaring tool, brazing tools etc.)	4	
TOTAL		5

Table 7c: Additional equipment for Boilers, Incinerators and pressure vessels works

<i>Boilers, Incinerators and pressure vessels</i>	No.	Marks
<i>Installation Equipment</i>	12	5
Hoisting equipment (min. 250kg)	1	
Telescopic inspection camera	2	
1000V rated electrical screwdriver set	2	
pressure vessel inspection kit	1	
Differential thermometer	4	
Electronic leak detector	2	
TOTAL		5

Table 7d: Additional equipment for Bore hole drilling & equipping works

<i>Bore hole drilling & equipping works</i>	<i>No.</i>	<i>Marks</i>
<i>Drilling Rigs</i>	5	5
Rig capable of drilling over 500m	1	
Rig capable of drilling up to 500m	1	
Rig capable of drilling up to 300m	1	
Rig capable of drilling up to 150m	1	
Rig capable of drilling up to 100m	1	
Compressor	2	1
Capacity (Over 500) PSI	1	
Capacity (175 – 500) PSI	1	
Mud pump	1	1
Mud Pump	1	
Cementing Pump		
Test Pumping Unit	6	1.5
Over 25m ³ /hr.	1	
(11 – 25) m ³ /hr.	1	
(0 – 10) m ³ /hr.	4	
<i>Hauling & Transportation</i>	22	2.5
Truck mounted cranes (min. 250kg)	4	
Pick-ups (minimum 1ton)	10	
Light trucks (minimum 3ton)	4	
Non-tipping trucks (10 tons, 4x4)	4	
TOTAL		11

(d) *Firm experience - 20 marks*

This will consider the scope of works done of similar nature for the last three years, as indicated in table 8 below.

The list of projects, ongoing and completed, should be clearly provided in Annex 1.6 (firm's experience). Projects will only be considered if accompanied with documentary support, for ongoing projects, and completed projects (Practical Completion Certificate, Certificate of Taking Over, Final Acceptance Certificate).

Table 8a below shall apply for—

- (a) plumbing, drainage and sanitary fittings;
- (b) refrigeration, cold rooms, air conditioning and mechanical ventilation;
- (c) water tanks, treatment plants and pump plants;
- (d) compressed air, hydraulic, LP and medical gas installation;
- (e) cranes and hoist installation;
- (f) mechanical plant and equipment installation;
- (g) oil/gas storage, distribution and pumping;

- (h) bore hole drilling and equipping; and
 (i) solar water heating systems.

Table 8a: Firm's Experience –Projects in relevant trade:

Projects Description and Value range (Kshs.)	Marks/Score	Notes
250,000,000 +	20	Step 1: total of project values over last 5yrs
200,000,000 up to 250,000,000	18	
150,000,000 up to 200,000,000	16	
100,000,000 up to 150,000,000	14	Step 2; find range in column 1 that figures falls in
50,000,000 up to 100,000,000	12	
25,000,000 up to 50,000,000	8	Step 3; award points corresponding to column
10,000,000 up to 25,000,000	5	
Below 10,000,000	2	

Table 8b below shall apply for—

- (a) fire engineering services and installation works;
 (b) swimming pool construction and installation;
 (c) boilers, incinerators and pressure vessels installation.

Table 8b: Firm's Experience –Projects in relevant trade:

Projects Description and Value range (Kshs.)	Marks/Score	Notes
100,000,000 +	20	Step 1: total of project values over last 5yrs
75,000,000 up to 100,000,000	18	
50,000,000 up to 75,000,000	16	
25,000,000 up to 50,000,000	14	Step 2; find range in column 1 that figures falls in
10,000,000 up to 25,000,000	12	
5,000,000 up to 10,000,000	8	Step 3; award points corresponding to column
2,500,000 up to 5,000,000	5	
Below 2,500,000	2	

Note:

For NCA1 and NCA2, the minimum score for firm's experience is 16/20 and 14/20 marks respectively.

(e) Office facilities: 5 marks

The office and service facilities indicated in Annex 1.4 will be graded according to the —

- (a) workshop and yard— marks awarded up to three. Items to be looked at include size and complexity;
 (b) office space, include branches; marks awarded up to two.

Table 9: Office facilities

	Marks awarded
workshop and yard	up to 3
office space	up to 2

4. FINANCIAL EVALUATION (30 MARKS)

The following are items to be assessed in the financial evaluation of a contractor—

- (a) turnover – 20 marks;
- (b) cash flow or working capital – 10 marks.

Table 10a below shall apply for—

- (a) plumbing, drainage and sanitary fittings;
- (b) refrigeration, cold rooms, air conditioning and mechanical ventilation;
- (c) water tanks, treatment plants and pump plants;
- (d) compressed air, hydraulic, LP and medical gas installation;
- (e) cranes and hoist installation;
- (f) mechanical plant and equipment installation;
- (g) oil/gas storage, distribution and pumping;
- (h) bore hole drilling and equipping; and
- (i) solar water heating systems.

Table 10a: Financial Evaluation Scheme

Annual Turn Over (Kshs)	Marks	Cash Flow/ Working Capital	Marks
<i>Mechanical Works</i>			
200,000,000 – Above	20.0	75,000,000 – Above	10.0
150,000,000 – 200,000,000	17.5	50,000,000 – 75,000,000	8.5
100,000,000 – 150,000,000	15.0	30,000,000 – 50,000,000	6.5
75,000,000 – 100,000,000	12.5	20,000,000 – 30,000,000	5.0
50,000,000 – 75,000,000	10.0	5,000,000 – 20,000,000	3.0
25,000,000 – 50,000,000	7.5	2,500,000 – 5,000,000	3.0
10,000,000 – 25,000,000	5.0	1,250,000 – 2,500,000	2.0
Below 10,000,000	2.5	Below 1,250,000	2.0

Table 10b below shall apply for—

- (a) fire engineering services and installation works;
- (b) swimming pool construction and installation; and
- (c) boilers, incinerators and pressure vessels installation.

Table 10: Financial Evaluation Scheme

Annual Turn Over (Kshs)	Marks	Cash Flow/ Working Capital	Marks
<i>Mechanical Works</i>			
75,000,000 – Above	20.0	50,000,000 – Above	10.0
50,000,000 – 75,000,000	17.5	30,000,000 – 50,000,000	8.5
25,000,000 – 50,000,000	15.0	15,000,000 – 30,000,000	6.5
10,000,000 – 25,000,000	12.5	7,500,000 – 15,000,000	5.0
5,000,000 – 10,000,000	10.0	2,500,000 – 7,500,000	3.0
2,500,000 – 5,000,000	7.5	1,750,000 – 2,500,000	3.0

1,000,000 – 2,500,000	5.0	750,000 – 1,750,000	2.0
Below 1,000,000	2.5	Below 500,000	2.0

(c) AGGREGATE SCORE:

B + C = Aggregate Score

B = Technical evaluation score

C = Financial evaluation score

The total score shall then be matched as per table 10 (a) or table 10 (b).

Table 10a below shall apply for—

- (a) plumbing, drainage and sanitary fittings;
- (b) refrigeration, cold rooms, air conditioning and mechanical ventilation;
- (c) water tanks, treatment plants and pump plants;
- (d) compressed air, hydraulic, LP and medical gas installation;
- (e) cranes and hoist installation;
- (f) mechanical plant and equipment installation;
- (g) oil/gas storage, distribution and pumping;
- (h) bore hole drilling and equipping; and
- (i) solar water heating systems.

Table 10a: aggregate scoring plan (6 category scheme)

Category	Marks Awarded	For Official Use
NCA 1	80 - 100	
NCA 2	70 - 79	
NCA 3	60 - 69	
NCA 4	50 - 59	
NCA 5	40 - 49	
NCA 6	to meet all the mandatory requirements	

Table 10b below shall apply for—

- (a) fire engineering services and installation works;
- (b) swimming pool construction and installation; and
- (c) boilers, incinerators and pressure vessels installation.

Table 10a: aggregate scoring plan (4 category scheme)

Category	Marks Awarded	For Official Use
NCA 1	80 - 100	
NCA 2	60 - 79	
NCA 3	40 - 59	
NCA 4	to meet all the mandatory requirements	

Foreign firms

- (a) the registration fee for foreign firms to be enhanced to 20,000 USD per class of works; and
- (b) renewal fee for foreign firms to be to 10,000 USD per class of works.

CATEGORIZATION OF MECHANICAL WORKS

<i>Subclass</i>	<i>Category</i>	<i>Value of Works</i>
Plumbing, Drainage and Sanitary Fittings; <i>plumbing & drainage works, water reticulation, pump installation, sanitary fitting installation, domestic water storage systems, domestic biodigesters and laboratory installations</i>	NCA 1	UNLIMITED
	NCA 2	250,000,000.00
	NCA 3	150,000,000.00
	NCA 4	100,000,000.00
	NCA 5	50,000,000.00
	NCA 6	20,000,000.00
Refrigeration, cold rooms, Air-Conditioning and Ventilation <i>AC works, natural & mechanical ventilation, fume cupboard installations, refuse disposals</i>	NCA 1	UNLIMITED
	NCA 2	250,000,000.00
	NCA 3	150,000,000.00
	NCA 4	100,000,000.00
	NCA 5	50,000,000.00
	NCA 6	20,000,000.00
Kitchen and Laundry Equipment	NCA 1	UNLIMITED
	NCA 2	100,000,000.00
	NCA 3	50,000,000.00
	NCA 4	20,000,000.00
Boilers, Incinerators and Pressure Vessels	NCA 1	UNLIMITED
	NCA 2	100,000,000.00
	NCA 3	50,000,000.00
	NCA 4	20,000,000.00
Water Tanks, Treatment Plant and Pumping plant <i>plumbing & drainage works, water reticulation, pump installation, bulk water storage tanks installation and heavy duty pump installations</i>	NCA 1	UNLIMITED
	NCA 2	250,000,000.00
	NCA 3	150,000,000.00
	NCA 4	100,000,000.00
	NCA 5	50,000,000.00
	NCA 6	20,000,000.00
Compressed Air, Hydraulic, LP and Medical Gas Installation; <i>gas pipe handling, gas/air reticulation, medical gas equipment installation, hydraulic systems installation and LP gas installations</i>	NCA 1	UNLIMITED
	NCA 2	250,000,000.00
	NCA 3	150,000,000.00
	NCA 4	100,000,000.00
	NCA 5	50,000,000.00
	NCA 6	20,000,000.00
Cranes and Hoists installation services <i>gantry cranes and hoists installation/ maintenance, hydraulic systems installation and window cleaning system installations</i>	NCA 1	UNLIMITED
	NCA 2	250,000,000.00
	NCA 3	150,000,000.00
	NCA 4	100,000,000.00
	NCA 5	50,000,000.00
	NCA 6	20,000,000.00

Fire Engineering Services	NCA 1	UNLIMITED
<i>Fire protection equipment installation/ maintenance, automatic fire suppression systems installation and fire engineering sensitization services</i>	NCA 2	100,000,000.00
	NCA 3	50,000,000.00
	NCA 4	20,000,000.00
Health club facilities	NCA 1	UNLIMITED
	NCA 2	50,000,000.00
	NCA 3	20,000,000.00
	NCA 4	5,000,000.00
Mobile shelving.	NCA 1	UNLIMITED
	NCA 2	50,000,000.00
	NCA 3	20,000,000.00
	NCA 4	5,000,000.00
Swimming pool construction & installation	NCA 1	UNLIMITED
	NCA 2	100,000,000.00
	NCA 3	50,000,000.00
	NCA 4	20,000,000.00
Oil & Gas storage, supply & Pumping Reticulation	NCA 1	UNLIMITED
	NCA 2	250,000,000.00
	NCA 3	150,000,000.00
	NCA 4	100,000,000.00
	NCA 5	50,000,000.00
	NCA 6	20,000,000.00
Bore drilling and Equipping	NCA 1	UNLIMITED
	NCA 2	100,000,000.00
	NCA 3	50,000,000.00
	NCA 4	20,000,000.00
Solar heating systems <i>assorted fluids (eg water and air) heating using solar energy</i>	NCA 1	UNLIMITED
	NCA 2	100,000,000.00
	NCA 3	50,000,000.00
	NCA 4	20,000,000.00
Hospital Equipment	NCA 1	UNLIMITED
	NCA 2	250,000,000.00
	NCA 3	150,000,000.00
	NCA 4	100,000,000.00
	NCA 5	50,000,000.00
	NCA 6	20,000,000.00

NB: All NCA 1 contractors MUST be unlimited by capacity and complexity.

Dated the 28th February, 2017.

JAMES MACHARIA,
Cabinet Secretary for Transport, Infrastructure,
Housing and Urban Development.



NATIONAL CONSTRUCTION
AUTHORITY



EXPLANATORY MEMORANDUM TO THE
DRAFT NATIONAL CONSTRUCTION
AUTHORITY (AMENDMENT)
REGULATIONS 2017

DECEMBER 2017

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**THE DRAFT NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT)
REGULATIONS, 2017**

Enacted pursuant to Section 42 of the National Construction Authority Act, No.
41 of 2011

Gazetted on: 20th November 2017

Tabled on:

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EXPLANATORY MEMORANDUM ON THE NATIONAL CONSTRUCTION (AMENDMENT) REGULATIONS 2017

1.0 Introduction and Background

1.1 Vision 2030 First Medium Term Plan for the construction industry

The inception of the National Construction Authority (hereinafter referred to as the “Authority”) predates to the Vision 2030 First Medium Term Plan which provided for the establishment of a Contractor’s Registration Board which trains, regulates, registers and deregisters non performing contractors.

In addition, the Plan also provided for a National Construction Company that will enhance the capacity of Small and Medium Enterprises (SMEs). Prior to the establishment of the Authority, the registration was undertaken administratively by former infrastructure Ministries (the former Public Works, Roads, Energy, Water etc.) for contractors in their specific sectors.

1.2 Establishment of the National Construction Authority

The National Construction Authority (hereinafter referred to as “the Authority”) is a state corporation established by the National Construction Authority Act No. 41 of 2011 (herein referred to “the Act”) to oversee the construction industry and coordinate its development. The Amendment Regulations are anchored under the Act.

Vision

A well coordinated and developed construction industry.

Mission

To regulate, streamline and build capacity in the construction industry for sustainable socio-economic development.

Core Values

Professionalism, Ethics & Integrity, Efficiency, Innovation, Environmental Stewardship, Team Spirit

1.3 The Authority’s Core Functions

As per Section 5(2) of the said Act, the Authority is mandated to regulate the construction industry through the following functions;

- a) To promote and stimulate the development, improvement and expansion of the construction industry;
- b) Advise and make recommendations to the Minister on matters affecting or connected with the construction industry;
- c) Undertake or commission research into any matter relating to the construction industry;
- d) Prescribe the qualifications or other attributes required for registration as a contractor under the Act;
- e) Assist in the exportation of construction services connected to the construction industry;
- f) Provide consultancy and advisory services with respect to the construction industry;
- g) Promote and ensure quality assurance in the construction industry;
- h) Encourage the standardisation and improvement of construction techniques and materials;
- i) Initiate and maintain a construction industry information system;
- j) Provide, promote, review and coordinate training programmes organized by public and private accredited training centers for skilled construction workers and construction site supervisors;
- k) Accredite and register contractors and regulate their professional undertakings;
- l) Accredite and certify skilled construction workers and construction site supervisors;
- m) Develop and publish a code of conduct for the construction industry; and
- n) Do all other things that may be necessary for the better carrying out of its functions under the Act.

1.4 The Authority's Mandate

The Authority's mandate is geared towards streamlining, overhauling and regulating an industry that has for many years suffered poor legislative framework and been dominated by unqualified persons whilst simultaneously facilitating a capacity building culture for the benefit of the industry's stakeholders and the promotion of best practices of international repute and standard in the local construction industry through its core functions.

2.0 Purpose of the Statutory Instrument

The Authority is empowered to undertake registration of contractors under the provisions of section 5 (2) (d) of the National Construction Act No 41 of 2011 to prescribe the qualifications or other attributes required for the registration of a contractor. To this extent the Authority has developed a contractor evaluation criteria to provide a uniform, fair and open process of registration of contractors. The purpose of the Amendment Regulations is to repeal the Authority's current evaluation criteria and prescribe a stakeholder driven Revised Contractor Evaluation Criteria that is reflective of best practices in the construction industry. In line with the Act, the Amendment Regulations (Revised Contractor Evaluation Criteria) provides for evaluation of contractors in the Roads, Buildings, Water, Mechanical, Electrical, Electronic and Communication sectors.

3.0. Policy Background

Due to the accelerated growth of the construction industry and attendant flagship infrastructure projects, the Revised Contractor Evaluation Criteria was developed to inform the status of the country's infrastructure plan in line with Vision 2030 Kenya and the middle income classification of the Republic. The purpose of the review of the Authority's initial criteria was to replace it with a robust evaluation criteria framework reflective of best global practices, growth in the industry and prescription of required competencies to undertake increasingly complex construction works and projects.

The key highlights under the Revised Contractor Evaluation Criteria are as follows;

- 1) The Revised Contractor Evaluation criteria places more emphasis on experience based evidence for registration whilst the previous criteria was document based. This will enable the Authority to validate the technical competencies of applicants.
- 2) Under the Authority's initial evaluation criteria, water works and roads works were grouped together under civil works. In accordance with best practices, the construction works have been split accordingly to underscore the technical differences in the two sectors.
- 3) The initial criteria grouped specialized works in two classes; mechanical and electrical installation works. The Revised criteria has separated the sub classes of the referenced classes of works and in turn, providing a more comprehensive outline of the industry.

- 4) Due to the increase in the scope and value of construction works in the country, the Revised Evaluation criteria has amended the value limits to reflect the current status quo in the industry in all the sectors. The value limits under the building, roads and water sectors have been increased from the current rates. Notably, the value limits for the specialized works were adjusted downwards for the sub classes and other classes maintained at the same level.

4.0 Legislative Context

As stated under Section 5(2) of the Act as read together with the National Construction Authority Regulations 2014, the Revised Contractor Evaluation Criteria will implement the functions and powers of the Authority with regard to the following;

- d) Prescribe the qualifications or other attributes required for registration as a contractor under the Act;
- k) Accredite and register contractors and regulate their professional undertakings.

5.0 Consultation Outcome

As provided under Article 10 of the Constitution of Kenya, the Authority developed the Revised Evaluation Criteria in conjunction with stakeholders knowledgeable in the field of construction works.

Further, the Authority placed a press notice in the local dailies on Friday, 22nd May 2015 to invite contractors, construction industry stakeholders and members of the public to conference forums to validate and comment on the proposed revised contractor evaluation criteria. The advertisement also called for written submissions from the referenced persons.

The following conferences were held as follows;

SCHEDULE OF STAKEHOLDERS' CONSULTATIONS

REGION	VENUE	DATE	No. of Participants
Revised Evaluation Criteria Conference			
Nairobi County	MoW Sports Club, South C	12 th May 2015	215
Kakamega County	Golf Hotel	26 th May 2015	186

Nakuru County	Merica Hotel	27 th May 2015	441
Mombasa County	International Beach Hotel	29 th May 2015	541
TOTAL			1,383

Note:

The stakeholders who participated in the above consultations included representatives from the following agencies, bodies and institutions:

- Ministry of Land, Housing and Urban Development (former);
- Ministry of Transport and Infrastructure, (former) ;
- Ministry of Environment, Water and Natural Resources, (former) ;
- Kenya National Highways Authority, (KeNHA);
- Kenya Rural Roads Authority, (KeRRA);
- Kenya Urban Roads Authority, (KURA);
- Energy Regulatory Commission, (ERC);
- Roads and Civil Engineering Contractors Association, (RACECA);
- Kenya Federation of Master Builders, (KFMB);
- Kenya Association of Building and Civil Engineering Contractors (KABCEC);
- Electrical Contractors Association;
- University of Nairobi, (UoN);
- Jomo Kenyatta University of Agriculture and Technology (JKUAT);
- Kenya Institute of Highways and Building Technology;
- National Industrial Training Authority;
- Board of Registration of Architects and Quantity Surveyors (BORAQS);
- Engineers Board of Kenya (EBK);
- Kenya Pipeline Ltd;
- Geothermal Development Company Ltd (GDC);
- Kenya Power and Lighting Company Ltd (KPLC);
- Registered Contractors.

6.0 Guidance

With regard to publicising the Revised Evaluation Criteria to the Authority's external stakeholders and members of the general public, the Authority will advertise the same as follows;

- 1) Print mediums in the local dailies;

- 2) The Authority's website medium;
- 3) TV and radio mediums;
- 4) Stakeholder forums in both private and public sector;
- 5) Sensitization through nationwide Huduma Centers;
- 6) Sensitization through the Authority's 14 regional offices and 12 liaison offices.

The Revised Evaluation Criteria will be enforced through the Authority's contractor's registration processes in the evaluation of particulars of applications against a criteria. If adopted by Parliament, the same will apply to new applicants and current contractors from the date of the gazette; 20th November 2017.

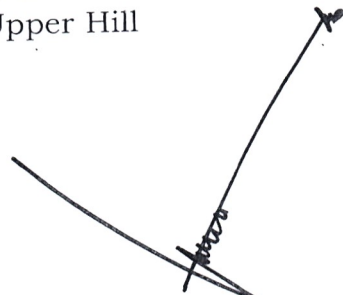
7.0 Monitoring and Review

The review of the evaluation criteria will be undertaken every three (3) years through a stakeholder driven process.

8.0 Contact

The following person can be contacted for queries on the statutory instrument;

Dr. Arch. Daniel O. Manduku
Executive Director
National Construction Authority
9th – 11th floor, KCB Towers
Kenya Road, Upper Hill
NAIROBI

A handwritten signature in black ink, appearing to read 'D. Manduku', is written over a horizontal dotted line. The signature is slanted upwards to the right.

Dr. Arch. Daniel Manduku
EXECUTIVE DIRECTOR

