



# **KENYA PETROLEUM REFINERIES LIMITED**

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## **EXPRESSION OF INTEREST**

### **LEADING TO REQUEST FOR PROPOSALS FOR**

### **ENVIRONMENTAL SOCIAL IMPACT ASSESSMENT (ESIA) FOR BIOREMEDIATION SITE: A REQUIREMENT FOR LICENSE APPLICATION AS A NEMA APPROVED DISPOSAL SITE**

### **TERMS OF REFERENCE AND BIDDING REQUIREMENTS**

**REF: KPR/EOI/023.019/2023-2024**

**SEPTEMBER 2023**

## SECTION 1 (A) - INVITATION FOR EXPRESSION OF INTEREST

**Date: 12<sup>th</sup> September 2023**

**KENYA PETROLEUM REFINERIES LIMITED (KPRL)** now invites eligible firms to indicate their interest in providing below services.

Interested firms must provide information indicating that they are qualified to perform the services, core business description, description of similar assignments, experience in similar assignments and availability of appropriate skills among its workforce etc.

NO	DESCRIPTION	REFERENCE NUMBER
1.	ENVIRONMENTAL SOCIAL IMPACT ASSESSMENT (ESIA) FOR BIOREMEDIATION SITE: A REQUIREMENT FOR LICENSE APPLICATION AS A NEMA APPROVED DISPOSAL SITE	KPRL/EOI/023.019/2023-2024

The shortlisting criteria on required qualification and experience of the firm are: -

- i. Experience in the assignment including technical and managerial capability
- ii. Number of years in business working on the area of the assignment
- iii. Reference letters from Firms of atleast three (3) assignments of similar nature and size carried out in the last three (3) years

Shortlisted firms/lead experts will be invited to submit a Request for Proposal. Firms/lead experts will be selected in accordance with Quality and Cost Based Selection method procedures as set out in the Public Procurement and Asset Disposal Act 2015.

Interested firms/lead experts are required to register their interest through email [tenders@kprl.co.ke](mailto:tenders@kprl.co.ke) to facilitate any further clarification or addendum. No other email shall be used.

Expression of interest must be delivered to the address below by **TUESDAY, 26<sup>TH</sup> SEPTEMBER 2023 at 10:00am**. The EOI document will be opened on the same day in the presence of bidders or their representatives who choose to attend.

Chief Executive Officer,  
Kenya Petroleum Refineries Ltd,  
Refinery Road, Changamwe,  
P O Box 90401-80100,  
**Mombasa, Kenya.**

EOI submitted later than the indicated closing date and time shall automatically be disqualified.

**CHIEF EXECUTIVE OFFICER**

# TERMS OF REFERENCE

## I. BACKGROUND

KPRL was incorporated as a limited liability company in Kenya under the Companies Act in 1960; with the Government of Kenya (GoK) holding fifty percent (50%) in shareholding. On 24<sup>th</sup> June 2016, the GoK entered into an agreement with Essar Energy Overseas Limited (Essar), Essar Energy Holdings Limited (EEHL) and Kenya Petroleum Refineries Limited (KPRL) for the transfer of the legal and beneficial interest in all of the shares owned by Essar in KPRL to GoK. The agreement and the disposal of the shares converted KPRL to a state-owned entity. The entity is currently under the Ministry of Energy and Petroleum.

KPRL is a petroleum refinery located in Changamwe, Mombasa mandated to process crude oil mainly imported for oil marketing companies. KPRL's main products include liquefied petroleum gas, unleaded premium gasoline, regular petrol, automotive gasoil, industrial diesel, fuel oil and special products like bitumen and grease. The company's refining operations stopped on 4<sup>th</sup> September, 2013, however the company continued operating by rendering storage of imported petroleum products services and leasing its storage tanks and pipelines.

On 11<sup>th</sup> August, 2016, when the Cabinet of the GoK (as the sole shareholder of KPRL) directed that KPRL be taken over by Kenya Pipeline Company Limited (KPC). KPC initiated a due diligence process which was conducted by Price Water House Coopers(PWC), to facilitate evaluation of KPRL, and form the basis for the takeover decision. As an interim measure, KPRL signed an operating lease agreement with KPC so as to allow the finalization of the due diligence and decision making on the pending takeover of KPRL by KPC.

On 18<sup>th</sup> July 2023 the government approved KPRLs acquisition by KPC through shares transfer. Pending the finalization of the acquisition process, KPRL remains a corporate entity with responsibilities to its shareholder amongst other regulatory, statutory and corporate obligations.

**Kenya Petroleum Refineries Limited** intends to award this tender to a reputable and capable firm/lead expert, conversant with the environmental laws and regulations to undertake an Environmental Social Impact Assessment (ESIA) For Bioremediation Site.

## II. SCOPE OF SERVICES

Currently, the company's facilities have been leased by the Kenya Pipeline Company Limited (KPC) which is engaged in receipt, storage and dispatch of crude Oil and petroleum products. The products handled include: Automotive Gasoil (AGO), Crude Oil, Fuel Oil (FO), Dual Purpose Kerosene (DPK), Liquefied Petroleum Gas (LPG) and Premium Motor spirit (PMS). These are received from ships berthed at the Shimanzi Oil Terminal (SOT) and Kipevu Oil Jetty and pumped into tanks located within the Changamwe facility. Subsequently, the products are evacuated through interconnecting pipelines to local Oil Marketing Companies, trucks as well as the main pipeline to up-country operated by KPC.

In the course of its operations, hydrocarbon sludge is generated, primarily during cleaning of tanks vessels, drains and during other maintenance activities. The sludge is then disposed within KPRL premises at a disposal site where natural bacteria in the soil progressively degrade the sludge to mainly carbon dioxide and water under ambient conditions.

Consequently, KPRL is desirous of licensing the disposal site so as to comply with Rule 11 of the Environmental Management and Co-ordination (Waste Management Regulations) 2006. To achieve this, the company intends to carry out an ESIA for the petroleum hydrocarbon sludge bioremediation site in accordance

with Environmental Management and Coordination Act (EMCA, Cap 387) and Legal Notice (LN) No. 32 of 2019.

## **1.2. OBJECTIVES OF THE ASSIGNMENT**

The objective of this assignment is to:

- a) Conduct an ESIA study for the petroleum hydrocarbon sludge bioremediation site at KPRL
- b) Prepare and submit to National Environment Management Authority (NEMA) a comprehensive project report for EIA license in accordance to the Environmental (Impact Assessment and Audit) Regulations, 2003.
- c) Follow up on behalf of the client issuance of EIA license by NEMA

### **1.2.1. Preamble**

The scope of consultancy services to be provided will comprise of the following:

The scope of work envisages an Environmental Social Impact Assessment study for a petroleum hydrocarbon sludge bioremediation site at Kenya Petroleum Refineries Limited, Changamwe- Mombasa

### **1.2.2. The ESIA Study and Report**

This study will address environmental, socio-economic and associated issues that are the direct responsibility of KPRL as per the local environmental regulations and relevant international protocols, etc., with the overall objective of the environmental and social impact assessment study being:

- a) Examining in detail likely adverse environmental and associated impacts directly and indirectly attributable to petroleum hydrocarbon sludge bioremediation at KPRL
- b) Appropriate mitigation measures for the identified and associated impacts
- c) Hazard, risk and sensitivity areas mapping in the project locality.
- d) Establishing environmental and associated baselines for future monitoring purposes.

The consultant shall prepare and submit to NEMA a comprehensive EIA report incorporating but not limited to the following information as per EMCA, EIA/EA Regulations 2003 and amendments 2019:

- a) The nature of the task and proposed location.
- b) Specified safe conditions for operations of the bioremediation site
- c) A comprehensive description of applicable legislation and regulatory frame work, baseline information, etc. relevant to the task
- d) The project activities including procedures and processes to be undertaken during the sludge bioremediation process
- e) An action plan for the prevention and management of possible accidents related to hydrocarbon sludge bioremediation process
- f) A description of the potentially affected environment, environmental impact of the project including social, economic, political, bio-diversity and cultural effects, direct, indirect, cumulative, irreversible, short term and long term effect anticipated together with appropriate mitigation measures necessary including the cost, time frame and responsibility for implementing the measures.
- g) An action plan for decommissioning of the bioremediation site and relevant steps required for treatment of the site post decommissioning phase

- h) Review KPRL's emergency response procedure for adequacy to avert major environmental socio-economic disaster and capacity to effectively respond to such occurrences based on the audit.
- i) Regularly communicate progress of the Study and discuss the same with KPRL.
- j) Develop an action plan for management of health and safety incidents on site and the surrounding based on the assessment of existing site emergency response plan and spill response plan.
- k) The economic, political, cultural and social analysis in terms of adverse impacts on the area.
- l) The project budget and any other information NEMA may require.

The study shall cover but not limited to the following issues: Assess the impacts of hydrocarbon sludge bioremediation process on;

- a) Biological diversity.
- b) Ecosystem maintenance.
- c) Surface water quality.
- d) Ground water quality.
- e) Soil and water contamination / pollution.
- f) Social consideration such as economic impacts, social cohesion or disruption.
- g) Effects on human and aquatic life, health including Air and Noise qualities.
- h) Effects on the current land uses and land use potentials.
- i) Landscape entailing compatibility with the surrounding area.

### **1.2.3. Public Consultation**

A fundamental attribute of the EIA process is the involvement opportunity for public participation as stipulated in the NEMA regulations. The Client therefore expects the consultant to collect and collate views of the affected and concerned persons/organizations in this exercise. A thorough consultation involving the different stakeholders such as various Ministries, State Agencies, NGOs, CBOs and general public must be done.

### **1.2.4. HSE Precautions**

- (a) All Consultant Staff who will carry out studies on site must undergo the KPRL Safety induction before commencing work on site.
- (b) The Consultant shall ensure that all KPRL HSSE regulations are adhered to at all times.
- (c) Consultant Staff will be allowed to work ONLY after the relevant work permits are duly signed in accordance to the KPRL permit to work procedure
- (d) A KPRL contact person SHALL accompany the Consultant Staff at all times during site visits. The KPRL contact person will inform the Consultant staff the actions to be taken should the fire alarm sound or in case of any other emergency. The Staff must adhere to these instructions.
- (e) Equipment relevant to the EIA activities (if any) shall be delivered at KPRL one working day before commencement of the exercise for inspection

## **1.3. REPORTING REQUIREMENTS AND TIMELINES**

**1.3.1** The consultant shall deliver as follows:

- a) Draft Report thirty (30) days after commencing date.
- b) KPRL Comments on report forty (40) days after commencing date

c) Final Report incorporating the clients comments forty-five (45) days after commencement date and submit to NEMA

d) License from NEMA to be submitted to KPRL within Thirty (30) days after report submission to NEMA

1.3.2 All the reports/documents outlined below will be prepared in the English language.

1.3.3 The consultant shall submit to NEMA the number of copies as prescribed in Legal Notice 101 (The Environmental and social impact assessment and Audit Regulations, 2003).

1.3.4 The format of the EIA Report should be as prescribed by NEMA in Legal Notice 101 (The Environmental and social impact assessment and Audit Regulations, 2003).

1.3.5 The EIA Report shall be accompanied by a non-technical summary of the main findings and the recommendations of the study and shall be signed by the registered environmental Impact Assessment Lead Experts involved in its preparation

### **III. MANDATORY SUPPORT DOCUMENTS**

- a) Must submit copy of Certificate of Incorporation/Certificate of Registration of the firm
- b) Must submit copy of valid KRA Tax Compliance Certificate
- c) Must submit valid copy of National Environment Management Authority (NEMA) License for Environmental Impact Assessment Lead Expert OR Firm of Experts).
- d) Must submit duly filled FORM SD1 (herewith attached)
- e) Must submit duly filled FORM SD2 (herewith attached)
- f) Must submit duly filled Declaration and Commitment to The Code of Ethics (herewith attached)
- g) Must submit duly filled Confidential Business Questionnaire (herewith attached)

**TECHNICAL EVALUATION CRITERIA**

<b>NO.</b>	<b>ITEM DESCRIPTION</b>	<b>MAX SCORE</b>
1	<p><b>Proof of at least Three (3) assignments of similar nature undertaken</b>  Bidder to attach Letters of reference from at least three (3) clients clearly indicating services rendered – reference checks will be done from the tenderer’s clients.  (15 marks for each reference)</p>	45
2	<p><b>Specific experience of the Consultant / firm, relevant to the Assignment.</b> Bidder to attach proof of experience.  Over 10 years of experience (25 marks)  5-10 years of experience (15 marks)  below 5years of experience (5marks)</p>	25
3	<p><b>Adequacy and quality of the proposed methodology and work plan in responding to the Scope</b>  Proposed methodology 15marks  Work plan 15marks</p>	30
	<b>TOTAL</b>	<b>100</b>
	<p><i>For the tenderer to be considered technically responsive they should score a minimum Technical Score of 70 points to be considered for shortlisting to participate in the Request for Proposal.</i></p>	

# REQUIRED FORMS TO BE FILLED AND SUBMITTED AS PART OF THE EOI

## 1. CONSULTANT'S ORGANIZATION AND EXPERIENCE

A brief description of the Consultant's organization and an outline of the recent experience of the Consultant that is most relevant to the assignment. In the case of a joint venture, information on similar assignments shall be provided for each partner. For each assignment, the outline should indicate the names of the Consultant's Key Experts and Sub-consultants who participated, the duration of the assignment, the contract amount (total and, if it was done in a form of a joint venture or a sub-consultancy, the amount paid to the Consultant), and the Consultant's role/involvement.

### A - Consultant's Organization

Provide here a brief description of the background and organization of your company, and-in case of a joint venture-of each member for this assignment.

### B - Consultant's Experience

1. List only previous similar assignments successfully completed in the last three years.
2. List only those assignments for which the Consultant was legally contracted by the Procuring Entity as a company or was one of the joint venture partners. Assignments completed by the Consultant's individual experts working privately or through other consulting firms cannot be claimed as the relevant experience of the Consultant, or that of the Consultant's partners or sub-consultants, but can be claimed by the Experts themselves in their Curriculum Vitae (CV).
3. The Consultant shall substantiate their claimed experience by presenting copies of relevant documents such as the form of contract (not the whole contract), purchase order, service order, performance certificate, etc.; which shall be included in the proposal as part of *Form Tech 7 Mandatory Documentary Evidence*.

<b>Assignment name:</b>	<b>Approx. value of the contract [KES, US\$ etc.]:</b>
Country:	Duration of assignment (months):
Name of Procuring Entity:	Total N <sup>o</sup> of staff-months of the assignment:
Contact Address: Email:	Approx. value of the services provided by your firm under the contract:
Start date (month/year): Completion date:	N <sup>o</sup> of professional staff-months provided by associated Consultants:
Role on Assignment: (E.g. <i>Lead Member in ABC JV, or Sole Consultant</i> ):	Name of senior professional staff of your firm involved and functions performed:
Narrative description of Assignment:	
Description of actual services provided by your staff within the assignment:	
Name of Consulting Firm:	Name and Title of Signatory:



## **2. COMMENTS AND SUGGESTIONS**

The Consultant to provide comments and suggestions on the Terms of Reference, counterpart staff and facilities to be provided by the Procuring Entity that could improve the quality/effectiveness of the assignment; and on requirements for counterpart staff and facilities, which are provided by the Procuring Entity, including: administrative support, office space, local transportation, equipment, data, etc.

### **A - On the Terms of Reference**

*{Improvements to the Terms of Reference, reporting, potential issues/risk if any}*

### **B - On Counterpart Staff and Facilities**

*{Include comments on counterpart staff and facilities to be provided by the Procuring Entity. For example, administrative support, office space, local transportation, equipment, data, background reports, etc., if any}*

## **3. DESCRIPTION OF APPROACH, METHODOLOGY, AND WORK PLAN**

A description of the approach, methodology and work plan in responding to the terms of reference for performing the assignment, including a detailed description of the proposed methodology and staffing for training, if the Terms of Reference specify training as a specific component of the assignment.

## **4. TEAM COMPOSITION, ASSIGNMENT, AND KEY EXPERTS' INPUTS** which should include

- i. Academic Certificates
- ii. Professional Certificates
- iii. Professional Membership of Key Experts

**FORMAT OF CURRICULUM VITAE (CV)**

Position Title and No.	{e.g., K-1, Team Leader}
Name of Expert:	{Insert full name}
Date of Birth:	{day/month/year}
Country of Citizenship	

**Education:** {List college/university or other specialized education, giving names of educational institutions, dates attended, degree(s)/diploma(s) obtained}

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Employment record relevant to the assignment: {Starting with present position, list in reverse order. Please provide dates, name of employing organization, titles of positions held, types of activities performed and location of the assignment, and contact information of previous Procuring Entity's and employing organization(s) who can be contacted for references. Past employment that is not relevant to the assignment does not need to be included.}

Period	Employing organization and your title/position. Contact Infor for references	Country	Summary of activities performed relevant to the Assignment
[e.g., May 2011-present]	[e.g., Ministry of ....., advisor/consultant to...  For references: Tel...../e-mail.....; Mr. Bbbbbb, deputy manager]		

Membership in Professional Associations and Publications: \_\_\_\_\_

Language Skills (indicate only languages in which you can work): \_\_\_\_\_

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Adequacy for the Assignment:

Detailed Tasks Assigned on Consultant's Team of Experts:	Reference to Prior Work/Assignments that Best Illustrates Capability to Handle the Assigned Tasks
{List all deliverables/tasks as in TECH- 5 in which the Expert will be involved}	

Expert's contact information : (e-mail.....  
phone.....) Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience, and I am available to undertake the assignment in case of an award. I understand that any misstatement or misrepresentation described herein may lead to my disqualification or dismissal by the Procuring Entity, and/or sanctions by the PPRA.

Name of Expert \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_  
{day / month/year}

Name of authorized \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Representative of the Consultant (the same who signs the Proposal

**SELF-DECLARATION FORMS**

**FORM SD1**

**SELF DECLARATION THAT THE PERSON/TENDERER IS NOT DEBARRED IN THE MATTER OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015.**

I, ....., of Post Office Box ..... being a resident of ..... in the Republic of ..... do hereby make a statement as follows: -

1. THAT I am the Company Secretary/Chief Executive/Managing Director/Principal Officer/Director of ..... (Insert name of the Company) who is a Bidder in respect of **Tender No.** ..... for..... (Insert tender title/description) for..... (Insert name of the Procuring entity) and duly authorized and competent to make this statement.
2. THAT the aforesaid Bidder, its Directors and subcontractors have not been debarred from participating in procurement proceeding under Part IV of the Act.
3. THAT what is deponed to here in above is true to the best of my knowledge, information and belief.

.....  
..... (Date) (Title) (Signature)

Bidder Official Stamp



**DECLARATION AND COMMITMENT TO THE CODE OF ETHICS**

I ..... (person) on behalf of (*Name of the Business/ Company/Firm*) ..... declare that I have read and fully understood the contents of the Public Procurement & Asset Disposal Act,2015, Regulations and the Code of Ethics for persons participating in Public Procurement and Asset Disposal Activities in Kenya and my responsibilities under the Code.

I do here by commit to abide by the provisions of the Code of Ethics for persons participating in Public Procurement and Asset Disposal.

Name of Authorized signatory.....

Sign.....

Position.....

Office address.....

Telephone..... E-

mail.....

.....

Name of the Firm/Company.....

Date.....

*(Company Seal/ Rubber Stamp where applicable)*

Witness

Name .....

Sign.....

Date.....

**i) TENDERER'S ELIGIBILITY - CONFIDENTIAL BUSINESS QUESTIONNAIRE**

**Instruction to Tenderer**

Tender is instructed to complete the particulars required in this Form, *one form for each entity if Tender is a JV*. Tenderer is further reminded that it is an offence to give false information on this Form

**a) Tenderer's details**

	ITEM	DESCRIPTION
1	Name of the Procuring Entity	
2	Reference Number of the Tender	
3	Date and Time of Tender Opening	
4	Name of the Tenderer	
5	Full Address and Contact Details of the Tenderer.	1. Country 2. City 3. Location 4. Building 5. Floor 6. Postal Address 7. Name and email of contact person.
6	Current Trade License Registration Number and Expiring date	
7	Name, country and full address ( <i>postal and physical addresses, email, and telephone number</i> ) of Registering Body/Agency	
8	Description of Nature of Business	
9	Maximum value of business which the Tenderer handles.	
10	State if Tenders Company is listed in stock exchange, give name and full address ( <i>postal and physical addresses, email, and telephone number</i> ) of state which stock exchange	

**General and Specific Details**

b) **Sole Proprietor**, provide the following details.

Name in full \_\_\_\_\_ Age \_\_\_\_\_ Nationality \_\_\_ Country of Origin \_\_\_\_\_ Citizenship \_\_\_\_\_

c) **Partnership**, provide the following details.

	Names of Partners	Nationality	Citizenship	% Shares owned
1				
2				
3				

d) **Registered Company**, provide the following details.

i) Private or public Company .

ii) State the nominal and issued capital of the Company-

Nominal Kenya Shillings (Equivalent) .....

Issued Kenya Shillings (Equivalent) .....

iii) Give details of Directors as follows.

	<b>Names of Director</b>	<b>Nationality</b>	<b>Citizenship</b>	<b>% Shares owned</b>
1				
2				
3				

e) **DISCLOSURE OF INTEREST-Interest of the Firm in the Procuring Entity.**

i) Are there any person/persons in..... (*Name of Procuring Entity*) who has/have an interest or relationship in this firm?

Yes/No.....

If yes, provide details as follows.

	<b>Names of Person</b>	<b>Designation in the Procuring Entity</b>	<b>Interest or Relationship with Tenderer</b>
1			
2			
3			

ii) **Conflict of interest disclosure**

	<b>Type of Conflict</b>	<b>Disclosure YES OR NO</b>	<b>If YES provide details of the relationship with Tenderer</b>
1	Tenderer is directly or indirectly controlled by or is under common control with another tenderer.		
2	Tenderer receives or has received any direct or indirect subsidy from another tenderer.		
3	Tenderer has the same legal representative as another tenderer		
4	Tenderer has a relationship with another tenderer, directly or through common third parties that puts it in a position to influence the tender of another tenderer, or influence the decisions of KPRL regarding this tendering process.		
5	Any of the Tenderer's affiliates participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of the tender.		
6	Tenderer would be providing goods, works, non-consulting services or consulting services during implementation of the contract specified in this Tender Document.		
7	Tenderer has a close business or family relationship with a professional staff of KPRL who are directly or		

	<b>Type of Conflict</b>	<b>Disclosure YES OR NO</b>	<b>If YES provide details of the relationship with Tenderer</b>
	indirectly involved in the preparation of the Tender document or specifications of the Contract, and/or the Tender evaluation process of such contract.		
8	Tenderer has a close business or family relationship with a professional staff of KPRL who would be involved in the implementation or supervision of the Contract.		
9	Has the conflict stemming from such relationship stated in item 7 and 8 above been resolved in a manner acceptable to KPRL throughout the tendering process and execution of the Contract?		

**f) Certification**

On behalf of the Tenderer, I certify that the information given above is complete, current and accurate as at the date of submission.

Full Name\_\_\_\_\_

Title or Designation\_\_

\_\_\_\_\_  
*(Signature)*    *(Date)*