

REQUEST FOR PROPOSAL: APPOINTMENT OF A SUITABLE SERVICE PROVIDER FOR THE PROVISION OF COMPREHENSIVE AND INTEGRATED PROFESSIONAL TECHNICAL ADVISOR (“TA”) SERVICES FOR THE KZN PRASA TRAIN CONTROL SYSTEM (“PTCS”)

TENDER NUMBER: HO/SAD/506/03/2024



BID NUMBER: HO/SAD/506/03/2024

REQUEST FOR PROPOSAL (RFP) FOR THE APPOINTMENT OF A SUITABLE SERVICE PROVIDER FOR THE PROVISION OF COMPREHENSIVE AND INTEGRATED PROFESSIONAL TECHNICAL ADVISOR (“TA”) SERVICES IN THE FORM OF ALL REQUISITE SUPERVISION AND SUPPORT TO THE PASSENGER RAIL AGENCY OF SOUTH AFRICA (“PRASA”) DEPARTMENT OF STRATEGIC ASSET DEVELOPMENT (“SAD”) SIGNALLING & TELECOMMUNICATION PROGRAMME (“STP”) ON THE KWAZULU-NATAL (“KZN”) PRASA TRAIN CONTROL SYSTEM (“PTCS”)

CLOSING DATE	08 MAY 2025
CLOSING TIME	12H00
BRIEFING SESSION	COMPULSORY
	DATE: 30 OCTOBER 2024
	TIME: 10:00
	SECOND COMPULSORY BRIEFING SESSION DATE: 27 FEBRUARY 2025 TIME : 10:00
BID DOCUMENTS DELIVERY ADDRESS	PASSENGER RAIL AGENCY OF SOUTH AFRICA 30 WOLMARANS STREET BRAAMFONTEIN GAUTENG
BIDDER NAME

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Disclaimer

This document is provided solely for the purpose set out in this RFP and is not intended to form any part or basis of any investment decision by Bidders. The recipient should not consider the document as an investment recommendation by PRASA or any of its advisers.

Each person to whom this document (and other later documents) is made available must make his own independent assessment of the Project after making such investigation and taking such professional advice as he/she or it deems necessary. Neither the receipt of this document or any related document by any person, nor any information contained in the documents or distributed with them or previously or subsequently communicated to any Bidder or its advisers, is to be taken as constituting the giving of an investment advice by PRASA or its advisers.

Whilst reasonable care has been taken in preparing this RFP and other documents, they do not purport to be comprehensive or true and correct. Neither PRASA nor any of its advisers accept any liability or responsibility for the adequacy, accuracy, or completeness of any of the information or opinions stated in any document.

They acquaint themselves with this RFP and take note that no representation or warranty, express or implied, is or will be given by PRASA, or any of its officers, employees, agents or advisers with respect to the information or opinions contained in any document or on which any document is based. Any liability in respect of such representations or warranties, howsoever arising is hereby expressly disclaimed.

If any recipient, or its employees, advisers or agents make or offer to make any gift to any of the employees of PRASA or consultant to PRASA on the RFP either directly or through an intermediary then such recipient, Bidder will be disqualified forthwith from participating in the RFP.

Each recipient of this RFP agrees to keep confidential any information of a confidential nature which may be contained in the information provided by PRASA, or any of its officers, employees, agents or advisers (the “Confidential Information Provided”). The Confidential Information provided may be made available to Bidder’s subcontractors, employees and professional advisers who are directly involved in the appraisal of such information (who must be made aware of the obligation of

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confidentiality) but shall not, either in the whole or in part, be copied, reproduced, distributed or otherwise made available to any other party in any circumstances without the prior written consent of PRASA, nor may it be used for any other purpose than that for which it is intended.

These requirements do not apply to any information, which is or becomes publicly available or is shown to have been made available (otherwise than through a breach of a confidentiality obligation). Bidders, Key Contractors and their constituent members, agents and advisers, may be required to sign confidentiality Contracts/undertakings (in such form as PRASA may require from time to time).

All Confidential Information Provided (including all copies thereof) remains the property of PRASA and must be delivered to PRASA on demand. Further, by receiving this RFP each Bidder and each of its members agree to maintain its submission in Bid to this RFP confidential from third parties other than PRASA and its officials, officers and advisers who are required to review the same for the purpose of procurement of the RFP.

Any recipient residing outside the Republic of South Africa is urged to familiarise themselves with and to observe any regulatory requirements relevant to the proposed transaction (whether these derive from a regulatory authority within or outside the Republic of South Africa).

Any requirement set out in this RFP regarding the content of a response to the RFP is stipulated for the sole benefit of PRASA, and serves as expressly stated to the contrary, may be waived at its discretion at any stage in the procurement process.

PRASA is not committed to any course of action as a result of its issuance of this RFP and/or its receipt of a Proposal in response to it. Please note that PRASA reserves the right to:

- Modify the RFP's goods / service(s) / works and request Bidders to re-bid on any changes;
- Withdraw, amend the RFP at any time without prior notice and liability to compensate or reimburse any bidder;
- Reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- Disqualify Proposals submitted after the stated submission deadline;

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- Call a bidder to provide additional documents which PRASA may require which have not been submitted to PRASA;
- Withdraw the RFP on good cause shown;
- Award a contract in connection with this Proposal at any time after the RFP’s closing date;
- Make no award at all;
- Validate any information submitted by Bidders in response to this bid. This would include, but is not limited to, requesting the Bidders to provide supporting evidence. By submitting a bid, Bidders hereby irrevocably grant the necessary consent to PRASA to do so;
- Request annual financial statements prepared and signed off by a professional accountant or other documentation for the purposes of a due diligence exercise; and/or
- Not accept any changes or purported changes by the Bidder to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provided for it.

To adopt any proposal made by any bidder at any time and to include such proposal in any procurement document which may or may not be made available to other bidders.

All costs and expenses incurred by Bidders in submitting responses to this RFP shall be borne by the Bidders and PRASA shall not be liable for any costs or expenses whatsoever or any claim for reimbursement of such costs or expenses.

Should a contract be awarded on the strength of information furnished by the Bidder, which after conclusion of the contract, is proved to have been incorrect, PRASA reserves the right to cancel the contract and/or place the Bidder on PRASA’s list of Restricted Suppliers.

PRASA reserves the right to negotiate market-related price with the bidder scoring the highest points or cancel the bid; if the bidder does not agree to a market related price, negotiate a market related price with the bidder scoring the second highest points or cancel the bid; if the bidder scoring the second highest points does not agree to a market related price, negotiate a market related price with the bidder scoring the third highest points or cancel the bid. If the market related price is not agreed as envisaged in this paragraph, PRASA will cancel the bid.

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PRASA reserves the right to negotiating the Best and Final Offer (BAFO) with selected Bidders where none of the Proposals meet RFP requirement, are affordable and demonstrate value for money and there is no clear preferred response to the RFP.

PRASA will not reimburse any Bidder for any preparatory costs or other work performed in connection with its Proposal, whether or not the Bidder is awarded a contract.

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LIST OF BID DOCUMENTS

INVITATION TO BID PART A	Form A
TERMS AND CONDITIONS FOR BIDDING PART B	Form B
TENDER FORM (PRICING SCHEDULE)	Form C
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STATEMENT OF WORK SUCCESSFULLY CARRIED OUT BY BIDDER	Form E
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RFP ANNEXURE 4.6: PTR ISIPINGO TO KELSO

RFP ANNEXURE 4.7: PTR CONGELA TO DURBAN

RFP ANNEXURE 3: CFR

RFP ANNEXURE 5: CONTRACT PERFORMANCE BOND FORMAT

RFP ANNEXURE 6: CONTRACT FIDIC MODEL SERVICES AGREEMENT

RFP ANNEXURE 7: CONTRACT BID BOND FORMAT

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2 ACRONYMS

BBBEE	Broad Based-Black Economic Empowerment
CIDB	Construction Industries Development Board
DTiC	The Department of Trade and Industry and Competition
PPPFA	Preferential Procurement Policy Framework Act 5 of 2000 (as amended from time to time)
PFMA	Public Finance Management Act No.1 of 1999 (as amended from time to time)
PRASA	Passenger Rail Agency of South Africa
RFP	Request for Proposal
SANAS	South African National Accreditation System

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3 INTERPRETATION

In this RFP, unless inconsistent with or otherwise indicated by the context –

- 3.1 headings have been inserted for convenience only and should not be taken into account in interpreting the RFP;
- 3.2 any reference to one gender shall include the other gender;
- 3.3 words in the singular shall include the plural and vice versa;
- 3.4 any reference to natural persons shall include legal persons and vice versa;
- 3.5 words defined in a specific clause have the same meaning in all other clauses of the RFP, unless the contrary is specifically indicated;
- 3.6 any reference to the RFP, schedule or appendix, shall be construed as including a reference to any RFP, schedule or appendix amending or substituting that RFP, schedule or appendix;
- 3.7 the schedules, appendices and Briefing Notes issued pursuant to this RFP, form an indivisible part of the RFP and together with further clarifying and amending information provided by PRASA, constitute the body of RFP documentation which must be complied with by Bidders;
- 3.8 in the event of any inconsistency between this RFP or other earlier information published with regard to the Project, the information in this RFP shall prevail; and
- 3.9 this RFP shall be governed by and applied in accordance with South African law.

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4 DEFINITIONS

In this RFP and in any other project documents (as defined below) which so provides, the following words and expressions shall have the meaning assigned to them below and cognate expressions shall have a corresponding meaning, unless inconsistent with the context:

- 4.1 **“Accounting Authority”** means the Board of PRASA or a controlling body and that Board or controlling body is the accounting authority of PRASA or a person designated as an accounting authority under the PFMA;
- 4.2 **“Contract”** means the Contract to be entered between PRASA and the successful Bidder for the provision of the services procured in this RFP;
- 4.3 **“Bid”** means the Bid(s) to the RFP submitted by Bidder(s);
- 4.4 **“Bidders Briefing Session”** means the compulsory briefing session(s) to be held at the offices of PRASA, in order to brief the Bidders about this tender, as provided in this RFP and/or as may be communicated with the bidders by PRASA from time to time;
- 4.5 **“Black Enterprise”** means an enterprise that is at least 51% beneficially owned by Black People and in which Black People have substantial Management Control. Such beneficial ownership may be held directly or through other Black Enterprises;
- 4.6 **“Board”** means the Board of PRASA
- 4.7 **“Black People”** has the same meaning as ascribed to the Broad-Based Black Economic Empowerment Act, 2003, as amended;
- 4.8 **“Black Woman”** means African, Coloured and Indian South Africa Female citizen;
- 4.9 **“Briefing Note”** means any correspondence to Bidders issued by the PRASA;
- 4.10 **“Business Day”** means any day except a Saturday, Sunday or public holiday in South Africa;

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- 4.11 **“Bidders”** means individuals, organizations or consortia that have been submitted responses to the RFP in respect of the tender;
- 4.12 **“Consortium”** means any group of persons or firms jointly submitting a Bid to this RFP and “Consortia” means more than one Consortium;
- 4.13 **“Contractor”** the successful Bidder(s) who has signed a Contract with PRASA in terms of this RFP.
- 4.14 **“Closing Date”** means the closing date for submission of bids/ Proposals by Bidders which is **08 May 2025**.
- 4.15 **“Project”** means this project for the **APPOINTMENT OF A SUITABLE SERVICE PROVIDER FOR THE PROVISION OF COMPREHENSIVE AND INTEGRATED PROFESSIONAL TECHNICAL ADVISOR (“TA”) SERVICES FOR THE KZN PRASA TRAIN CONTROL SYSTEM (“PTCS”)**.
- 4.16 **“RFP”** means the Request for Proposal issued by PRASA for this tender; and
- 4.17 **“Scope of Work”** means the scope of work for this project as detailed out in the RFP technical specifications.
- 4.18 **“Specific Goals”** means the scope of work for this project as detailed out in the RFP technical specifications.

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SECTION 1

NOTICE TO BIDDERS

1 INVITATION TO BID

You are hereby invited to submit a bid to meet the requirements of the Passenger Rail Agency of South Africa. Responses to this RFP [hereinafter referred to as a **Bid** or a **Proposal**] are requested from persons, companies, close corporations, or enterprises [hereinafter referred to as an **entity**, **Bidder**].

BID DESCRIPTION	APPOINTMENT OF A SUITABLE SERVICE PROVIDER FOR THE PROVISION OF COMPREHENSIVE AND INTEGRATED PROFESSIONAL TECHNICAL ADVISOR (“TA”) SERVICES FOR THE KZN PRASA TRAIN CONTROL SYSTEM (“PTCS”)
BID ADVERT	This RFP may be downloaded directly from National Treasury’s e-Tender Publication Portal at www.etenders.gov.za free of charge. With effect from 22 October 2024
ISSUE DATE	22 OCTOBER 2024
RE-ISSUE DATE	21 FEBRUARY 2025
COMPULSORY BRIEFING SESSION	DATE: 30 OCTOBER 2024
	TIME: 10:00
SECOND COMPULSORY BRIEFING SESSION	VENUE: UMJANTSHI HOUSE 30 WOLMARANS STREET BRAAMFONTEIN
	DATE: 27 FEBRUARY 2025
	TIME: 10H00
	VENUE: UMJANTSHI HOUSE 30 WOLMARANS STREET
CLOSING DATE	08 MAY 2025

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	<p>Bidders must ensure that bids are delivered timeously to the correct address.</p> <p>As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.</p>
VALIDITY PERIOD	<p>180 Working Days from Closing Date</p> <p>Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period.</p>
CLOSING DATE FOR QUESTIONS	07 MARCH 2025
CLOSING DATE FOR RESPONSES	14 MARCH 2025
CONTACT PERSON	<p>ZOLISWA YANGAIRO zoliswa.yangairo@prasa.com</p>

Any additional information or clarification will be emailed to all Bidders, if necessary.

2 FORMAL BRIEFING

A compulsory pre-proposal RFP briefing will be conducted at **30 Wolmarans Street, Braamfontein, Gauteng** on the **30 October 2025** at **10h00** [Bidders to provide own transportation and accommodation]. The briefing session will start punctually, and information will not be repeated for the benefit of Bidders arriving late.

A second compulsory briefing session will be held on the 27 February 2025 at 10h00 at 30 Wolmarans Street, Braamfontein, Gauteng

2.1 *A Certificate of Attendance in the form set out in Form D hereto must be completed and submitted with your Proposal as proof of attendance is required for a compulsory site meeting and/or RFP briefing.* Bidders must also appear on the Compulsory Briefing session Register.

Briefing Session Minutes and Notes

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- 2.2 PRASA will issue briefing session minutes or notes together with the response to the clarification questions on the **14 March 2025**.
- 2.3 Clarifications will be issued to all Bidders to this RFP utilizing the contact details provided at receipt of the responses to the RFP documentation, after submission to the authorised representative.
- 2.4 Bidders are required to promptly confirm receipt of any clarifications sent to them.
- 2.5 Bidders must ensure responses to the clarifications are received on or before the deadline date stated.

3 PROPOSAL SUBMISSION OF RFP RESPONSE

Proposal Responses should be submitted to PRASA in sealed envelopes addressed as follows:

Tender Office

RFP No: **HO/SAD/506/03/2024**

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Closing date and time: **08 May 2025 @ 12h00**

Closing address **Umjantshi House, 30 Wolmarans Street, Braamfontein, Gauteng**

4 DELIVERY INSTRUCTION FOR RFP

Delivery of Bid

The Bid envelopes should be deposited in the PRASA tender box which is located at the main entrance of the PRASA HOUSE and should be addressed as follows:

Description of Bid: **APPOINTMENT OF A SUITABLE SERVICE PROVIDER FOR THE PROVISION OF COMPREHENSIVE AND INTEGRATED**

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PROFESSIONAL TECHNICAL ADVISOR (“TA”) SERVICES FOR
THE KZN PRASA TRAIN CONTROL SYSTEM (“PTCS”)

Address: UMJANTSHI HOUSE
30 WOLMARANS STREET
BRAAMFONTEIN

5 B-BBEE JOINT VENTURES OR CONSORTIUMS

Bidders who would wish to respond to this RFP as a Joint Venture [**JV**] or consortium with B-BBEE entities, should state their intention to do so in their RFP submission. Such Bidders should also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If such a JV or consortium agreement is unavailable, the partners should submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by PRASA through this RFP process. This written confirmation should clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to PRASA.

6 COMMUNICATION

- 6.1 For specific queries relating to this RFP during the RFP process, bidders are required to adhere strictly to the communication structure requirements. An RFP Clarification Form should be submitted to zoliswa.yangairo@prasa.com by 07 March 2025 substantially in the form set out in Annexure 11 hereto.
- 6.2 In the interest of fairness and transparency PRASA’s response to such a query will be made available to the other Bidders who have attended a compulsory and a non-compulsory briefing session. For this purpose, PRASA will communicate with Bidders

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using the contact details provided at the compulsory and a non-compulsory briefing session.

- 6.3 After the closing date of the RFP, a Bidder may only communicate in writing with the Bid Secretariat, at telephone number 012 748 7338, zoliswa.yangairo@prasa.com on any matter relating to its RFP Proposal.
- 6.4 Bidders are to note that changes to its submission will not be considered after the closing date.
- 6.5 Bidders are warned that a response will be liable for disqualification should any attempt be made by a Bidder either directly or indirectly to canvass any officer(s) or employee of PRASA in respect of this RFP between the closing date and the date of the award of the business. Furthermore, Bidders found to be in collusion with one another will automatically be disqualified and restricted from doing business with PRASA in future.
- 6.6 Bidders are advised to utilize this email address (Complaints@prasa.com) for lodging of complaints to PRASA in relation to this bid process. The following minimum information about the bidder must be included in the complaint:
- 6.6.1 Bid/Tender Description;
 - 6.6.2 Bid/Tender Reference Number;
 - 6.6.3 Closing date of Bid/Tender;
 - 6.6.4 Supplier Name;
 - 6.6.5 Supplier Contact details; and
 - 6.6.6 The detailed compliant.
- 6.7 PRASA also encourages bidders to visit the PRASA website for whistleblowing contract details for alleged activities of suspected Fraud and or Corruption.

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7 CONFIDENTIALITY

- 7.1 PRASA shall ensure all information related to this RFP is to be treated with strict confidence. In this regard Bidders / Bidders are required to certify that they have acquainted themselves with the Non-Disclosure Agreement. All information related to a subsequent contract, both during and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information gleaned from provision of the Services, which is either directly or indirectly related to PRASA’s business, written approval to divulge such information should be obtained from PRASA.
- 7.2 Bidders must clearly indicate whether any information submitted or requested from PRASA is confidential or should be treated confidentially by PRASA. In the absence of any such clear indication in writing, PRASA shall deem the response to the RFP to have waived any right to confidentiality and treat such information as public in nature.
- 7.3 By participating in the bidding process and submitting documentation you consent that we may process the same for the purposes of the bid. We may disclose your information [including your personal information, that of your directors, employees, agents, service providers, joint venture partners, and service providers, collectively referred as “related parties”] to our service providers, including data storage and processing providers. We may obtain your information including that of your related parties from our service providers and Government agencies, Industry Regulators such as the Construction Industry Development Board, the Central Supplier Database. In case of our service providers, we will ensure that such third-party service providers will process your information and that of related parties for the purposes specified by us and such parties employ the appropriate security to protect that information.
- 7.4 We may disclose your information:
- 7.4.1 as a result of our reporting obligations under the law, including to Parliament of the Republic of South Africa, to our external auditors, the Public Protector;

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- 7.4.2 where we are obliged by law [to the Government departments and entities such as Department of Trade and Industry/BEE Commission/ the CIDB, South African Revenue Services, Unemployment Insurance Fund, the industry Regulators, Industry Ombudsmen, etc.] or industry codes authorized by the various Regulator to do so;
- 7.4.3 where we believe it is necessary to protect our rights
- 7.4.4 on our website in connection with the supply chain management process
- 7.4.5 to the payment processing service providers such as banks to assist with payment instructions;
- 7.4.6 to law enforcement and Government Agencies for the purposes of fraud prevention;
- 7.4.7 for security screening and checks to verify your personal information and that of related parties;
- 7.4.8 to obtain tax clearance certificates;
- 7.4.9 to our brokers/insurers; and/or
- 7.4.10 to service providers providing information and communication services.

7.5 Please refer to our Privacy Notice on our website.

8 INSTRUCTIONS FOR COMPLETING THE RFP

- 8.1 All responses to the RFP should be submitted in two sealed envelopes/boxes; the first envelop/box shall have the technical and compliance response, the second envelop/box shall only have the financial response and Specific Goals response.
- 8.2 Bidders are required to package their response/Bid as follows:

Volume 1 (Envelop 1/Package 1)

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- **Part A:** Mandatory Requirements Response
- **Part B:** Technical or Functional Response (response to scope of work)

Volume 2 (Envelop 2/ Package 2)

- **Part C:** Financial Proposal and Specific Goals

Volume 2 should be submitted in a separate sealed envelope. Bidders should make their pricing offer in envelop 2/package 2.

- 8.3 “Bidders must submit an original hard copy plus 1 hard copy of the original hard copy and an electronic version which must be contained in a Memory Card/External hard drive etc clearly marked in the Bidders name. PRASA reserves the right to consider information provided in all formats irrespective the format i.e. original/copy/electronic”.
- 8.4 Bidders should ensure that their response to the RFP is in accordance with the structure of this document.
- 8.5 Where Bidders are required to sign forms, they are required to do so using preferably black ink pen.
- 8.6 Any documents forming part of the original responses to RFP but which are not original in nature, should be certified as a true copy by a Commissioner of Oaths.
- 8.7 Each response to RFP must be in English and submitted in A4 format, except other graphic illustrations, which may not exceed A3 format, unless the contrary is specifically allowed for in this RFP. Responses to RFP should be neatly and functionally bound, preferably according to their different sections.
- 8.8 The original responses to RFP must be signed by a person duly authorized by each Bidder and Subcontractor to sign on their behalf, which authorization must form part of the responses to RFP as proof of authorization. By signing the responses to RFP the signatory warrants that all information supplied by it in its responses to RFP is true and

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correct and that the responses to RFP and each party whom the responses to RFP signatory represents, considers themselves subject to and bound by the terms and conditions of this RFP.

- 8.9 The responses to RFP formulation should be clear and concise and follow a clear methodology which responses to RFP should explain upfront in a concise Executive Summary and follow throughout the responses to RFP.
- 8.10 Responses to RFP must provide sufficient information and detail in order to enable PRASA to evaluate the responses to RFP but should not provide unnecessary detail which does not add value and detracts from the ability of PRASA to effectively evaluate and understand the responses to RFP. The use of numbered headings, bullet points, sections, appendices and schedules are encouraged.
- 8.11 Information submitted as part of a responses to RFP should as far as possible, be orderly according to the order of the required information requested by PRASA. All pages should be consecutively numbered.
- 8.12 Responses to RFP should ensure that each requirement contained in the RFP is succinctly addressed. Responses to RFP should as far as possible use the terms and definitions applied in this RFP and should clearly indicate its interpretation of any differing terminology applied.
- 8.13 Response to RFP documents are to be submitted to the address specified in [this RFP](#), and Bidders should ensure that the original and copies (where applicable) are identical in all respects as PRASA will not accept any liability for having disqualified a bidder for failing to provide a mandatory returnable document.
- 8.14 Unless otherwise expressly stated, all Proposals furnished pursuant to this RFP shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.
- 8.15 Any additional conditions must be embodied in an accompanying letter. Subject only to clause 16 [Alterations made by the Bidder to Bid Prices] of the General Bid Conditions,

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alterations, additions or deletions must not be made by the Bidder to the actual RFP documents

8.16. Bidders are required to review the Form of Contract attached to this RFP. In doing so, Bidders may propose amendments to any part of the Form of Contract for consideration by PRASA. Where Bidders have amended any part of the Form of Contract, it must be clearly visible by using track changes and must ensure that a copy of their bid submission for the Draft Contract is in word version and not password protected. It must be noted that the marked-up Contract will form part of contract negotiations processes with the preferred bidder.

9 RFP TIMETABLE

PRASA may at its sole discretion amend any of the milestone dates indicated in the table below. Bidders will be informed of any amendments to the timeline through the issue of the Addendum/ Briefing Notes.

RFP PROCESS	MILESTONE DATES
Bid issue date	22 October 2024
Bid Re- issue	21 February 2025
Briefing Session for Bidders	30 October 2024 @ 10H00
Second Briefing Session for Bidders	27 February 2025 @ 10H00
Closing date for Questions	07 March 2025
Closing date for Responses	14 March 2025
Closing Date for Submission of final Bid	08 May 2025 @ 12H00
Evaluation of Proposals (Bidders note that PRASA may call for Presentation of bidders offers at any stage of the evaluation process)	TBA
Appointment of the successful Bidder	TBA
Contract Negotiations	TBA
Signing of Contract	TBA
Contract Commencement	TBA

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10 LEGAL COMPLIANCE

- 10.1 Bidders should ensure that they comply with all the requirements of the RFP and if Bidders fail to submit any of the required documents, such Bids may, at the sole discretion of PRASA, be disqualified. PRASA reserves the right to call a Bidder to provide additional documents which may have not been submitted.
- 10.2 The successful Bidder [hereinafter referred to as the **Service Provider**] shall be in full and complete compliance with any and all applicable laws and regulations.

11 NATIONAL TREASURY’S CENTRAL SUPPLIER DATABASE

Bidders are required to self-register on National Treasury’s Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. Only foreign suppliers with no local registered entity need not register on the CSD. The CSD can be accessed at <https://secure.csd.gov.za>. Bidders are required to provide the following to PRASA in order to enable it to verify information on the CSD:

Supplier Number: _____ **Unique registration reference number:**
_____.

12 TAX COMPLIANCE

- 12.1 Bidders must be compliant when submitting a proposal to PRASA and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) as amended and Value Added Tax Act, 1991 (Act No. 89 of 1991) as amended.
- 12.2 It is a condition of this RFP that the tax matters of the successful bidder be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder’s tax obligations.

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- 12.3 The Tax Compliance status requirements are also applicable to foreign Bidders/ individuals who wish to submit bids.
- 12.4 Bidders are required to be registered on the Central Supplier Database (CSD) as indicated in paragraph 12 and the National Treasury shall verify the Bidder’s tax compliance status through the Central Supplier Database (CSD).
- 12.5 Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database (CSD) and their tax compliance status will be verified through the Central Supplier Database (CSD).

For this purpose, the attached SBD 1 marked PRASA RETURNABLE FORMS must be completed and submitted as an essential returnable document by the closing date and time of the bid.


New Tax Compliance Status (TCS) System

- 12.6 SARS has implemented a new Tax Compliance Status (TCS) system in terms of which a taxpayer is now able to authorise any 3rd party to verify its compliance status in one of two ways: either through the use of an electronic access PIN, or through the use of a Tax Clearance Certificate obtained from the new TCS system.
- 12.7 Bidders are required to provide the following to PRASA in order to enable it to verify their tax compliance status:

Tax Compliance Status (TCS) Pin:_____.

13 PROTECTION OF PERSONAL DATA

In responding to this bid, PRASA acknowledges that it may obtain and have access to personal data of the Bidders or any of its/his/her/their officers, employees, agents or advisers. PRASA agrees that it shall only process the information disclosed by Bidders in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law. Furthermore, PRASA will not otherwise modify,

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amend or alter any personal data submitted by Bidders or disclose or permit the disclosure of any personal data to any Third Party without the prior written consent from the Bidders. Similarly, PRASA requires Bidders to process any personal information disclosed by PRASA in the bidding process in the same manner.

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SECTION 2

BACKGROUND OVERVIEW AND SCOPE REQUIREMENTS

1 INTRODUCTION

Passenger Rail Agency of South Africa (“PRASA”) has identified the need to appoint a service provider for Provision of Comprehensive and Integrated Professional Technical Advisor (“TA”) Services in the Form of all Requisite Supervision and Support to the Passenger Rail Agency Of South Africa (“PRASA”) Department of Strategic Asset Development (“SAD”) Signalling & Telecommunication Programme (“STP”) on the KwaZulu-Natal (“KZN”) Prasa Train Control System (“PTCS”) Design and Construct Project (“The Project/KZN PTCS D&C Project”) for an Anticipated Maximum Period of 10 Years Including the 24 Month Full Maintenance, Warranty and Defects Liability Period and 12 Months for Contract Close-Out Administrative Processes (“The TA Services”)

2 BACKGROUND INFORMATION

2.1 Status quo:

- PRASA identified the need to continue upgrading its national signalling infrastructure as a priority to achieve the goals set out in the National Passenger Rail Plan (“NPRP”) and the PRASA Business Plan (“PBP”) to provide reliable, accessible, available, maintainable, safe, and affordable transportation to the people of South Africa and increase line capacity of PRASA’s commuter rail network that supports PRASA’s Metrorail Services and Main Line Passenger Services (“MLPS”) in South Africa
- PRASA have upgraded all Rail Signalling Systems (“RSS”) and associated technologies in its 3 main metropolitan service regions (Gauteng “GP,” KwaZulu-Natal “KZN” and Western Cape “WC”) through implementation of a complex programme of multi-disciplinary mega projects in compliance with the Railway Safety Regulator’s (“RSR”) requirements

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- The KwaZulu-Natal implementation was not completed due to contract challenges and the contract was terminated
- Integrated Railway Signalling Systems (“RSSs”), which are the heart of PRASA operability, include a world-class traffic management system, train control system and automatic train protection of which a suitable Optical Transmission Network (“OTN”) with redundancy and a Global System for Mobile Communications-Rail (“GSM-R”) and/or Future Railway Mobile Communication System (“FRMCS”) Networks with redundancy are an integral part
- The mega STP which is controlled by PRASA’s highly experienced, specialized, and dedicated SAD team, is therefore treated with a high priority with Earmarked/Specific & Exclusive committed funds in the MTEF, and is focused on enhancing reliability, availability, maintainability and safety of all signalling systems therefore the PRASA rail network
- The mega STP is currently considered one of the most modern and ambitious programmes of its type in the world and is a key component of the socio-economic development plan and has been undertaken by the South African government since 2009
- The mega STP that was initiated has shown incredible results to date and will now be expanded as part of PRASA’s plan to achieve passenger rail excellence in South Africa
- The mega STP aims to support PRASA’s Modernisation Programme by:
 - Installing an appropriate train protection system
 - Replacing outdated signalling technology and equipment
 - Creating a national OTN utilising best available optic fibre with ring topology to create capacity and redundancy with dedicated cores for signalling and other cores for wider business needs

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- Creating a national GSM-R and/or FRMCS Digital Network system as the digital train-to-ground communication system based on international wireless GSM standards and European Integrated Radio Enhanced Network (“EIREN”) specifications for railway communications and applications
- Adopting the European Train Control System (“ETCS”) as the signalling and control component of the European Rail Traffic Management System (“ERTMS”) which includes a PRASA In-Cab System (“PICS”) with achievement of on-board computer Safety Integrity Level 4 (“SIL 4”)

2.2 Problem statement:

- Given internal resource capacity constraints and the need to fast-track expedition of the mega STP, PRASA seeks to appoint a professional TA team with minimum expertise as stipulated under Annexure1 GTR to assist the SAD STP team (“the End User”) by providing of comprehensive and integrated professional TA services in the form of all requisite supervision and support (*mutatis mutandis*) for successful delivery of the following Project as instructed by the End User:
 - KZN PRASA Train Control System Design & Construct (“**KZN PTCS D&C**”) under PRASA project number 1.1.KZ.22.001 and contract number HO/SAD/120/10/2022 (“the D&C Contract”)

2.3 Pictorials:

- N/A

3 OBJECTIVE OF THE PROPOSED TA SERVICES

3.1 What is hoped to be achieved by carrying out the proposed TA Services?

- Positive progress toward successful holistic implementation of the Project in line with PRASA’s business objectives supported by the objectives of appointing a TA

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to deliver comprehensive and integrated professional TA services in the form of all requisite supervision and support (*mutatis mutandis*) under instruction of the End User and in the best interests of PRASA

- Achievement of no audit findings, in any manner whatsoever, from PRASA’s internal auditors nor the Auditor General of South Africa (“AGSA”) therefore including, but not limited to, ensuring proper governance during the entire execution of the Project under instruction of the End User and in the best interests of PRASA

3.2 How will the TA Services benefit PRASA?

- Provision of much needed additional suitable professional resource support that will bolster existing capacity, focus and positive results in achieving:
 - Affordable, reliable, accessible, maintainable and safe Metrorail and MLP Services to PRASA’s customers
 - Implementation of world-class leading technology adapted to local requirements, development and training of local resources on world-class systems and operations thereby increasing local skills capacity, job creation, financial stimulus to localized small to medium businesses and communities, exporting of knowledge and equipment to other countries especially in Africa through successful holistic implementation of the mega STP
 - Reduced risk of failure of the mega STP
 - Positive progress toward successful holistic implementation of the mega STP in line with PRASA’s business objectives through proper, compliant and timeous procurement and implementation of the Project with support from the TA’s contract

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- Reduced risk of audit findings from PRASA’s internal auditors and the AGSA therefore including, but not limited to, ensuring proper governance during the project execution, maintenance and close out periods in the best interests of PRASA
- Resolution of existing, and reduced risk of new, audit findings from PRASA’s internal auditors and the AGSA as they have arisen or may arise

3.3 PRASA’s efforts has the potential to benefit the economy as follows by:

- Economic prosperity improvement can be achieved through effective and efficient provision of safe, reliable, and high-capacity mobility that promotes a more interconnected society
- The mega STP is aimed at decreasing travel time and increased commuter mass which can lead to significant growth in productivity thereby assist in alleviating poverty in our struggling economy by providing integrated access to workforces and markets
- Meaningful capital injection of this magnitude will stimulate development of localised small to medium businesses and community involvement

3.4 Risks to PRASA and End Users If Not Continuing with the TA Services:

- The aforementioned benefits to PRASA will not be realised
- Potential retraction of Railway Safety Regulator (“RSR”) approvals resulting in regressing in terms of PRASA’s services provision to its customers
- Possibility of long-term delays, various variation orders, claims and disputes due to improper project management and noncompliance by the Project Contractor to technical specifications which can further lead to unachievable timelines and deliverables of the Project

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3.5 Current mechanisms in place to address the problem:

- PRASA procurement policies, procurement committees and PRASA internal resources being utilised for the development of the Project and TA’s contract however resource availability is limited

4 SCOPE OF TA SERVICES AND AREAS OF FOCUS

4.1 Describe what needs to be done:

- The Scope of the TA Services of the Bidder (comprised of technical, financial and legal experts, at a minimum) shall, at a minimum and on an ongoing basis, include uncompromised comprehensive and integrated professional TA services in the form of all requisite supervision and support to PRASA to ensure SAD’s successful completion of the Project within PRASA instructed timelines and budgets
- The Bidder shall, at a minimum and on an ongoing basis, uncompromisingly provide all necessary comprehensive and integrated professional TA services in the form of all requisite supervision and support, and deliver the following key activities in accordance with all applicable legislation and PRASA’s policies and procedures to ensure successful completion of the Project as instructed by PRASA and without compromise to PRASA:
 - Comprehensively reviewing all documents and proposing amendments for consideration by PRASA thereafter effecting all amendments that are approved and instructed by PRASA including updating and formatting of all Project documents as required thereafter transmission to applicable receivers. This includes achieving consistency in the Project but in a manner that completely protects PRASA’s interests
 - Comprehensively assisting PRASA, with the following, in accordance with instructions issued by User:

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- Detailed project management, contract management, technical management, legal management, financial management, procurement and localisation (including, but not limited to, specific goals) management and all due diligences and reviews required including, but no limited to, drafting and/or inputs to all project communications, recommendations, feasibility and/or other studies, and reports
- Drafting of all requisite and/or PRASA instructed correspondence, seeking approval of PRASA of all correspondence before transmittal to the Project Contractor, transmission of all correspondence as instructed by PRASA
- Ensuring that each of the Project pre-services/Works commencement contract obligations are met (including, but not limited to, provision of all securities, insurances, credible mobilisation plans etc.) and will be able to resolutely issue notices to commence to the Project Contractors regarding Project Works
- Drafting the Close Out Report (in a format to be approved by PRASA) which shall drill down to comprehensive details on the Project. The drill down into details shall include provision of the Project detailed records of all transactional/payment processes including compliance assurance, projects documents, communications, meeting minutes and all other documentation and records as required by the relevant procedures, regulations and legislation
- Assist PRASA with its asset verification processes including provision of verification methodologies for approval by PRASA and any other PRASA stakeholders and third parties

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- The Bidder shall, at a minimum and on an ongoing basis, deliver any other services, activities and resources required to ensure that PRASA achieves the Project goals, including, but no limited to:
 - Achievement of no audit findings, in any manner whatsoever, from PRASA’s internal auditors nor the Auditor General of South Africa (“AGSA”) therefore including, but not limited to, ensuring proper governance during the entire execution of the Project under instruction of PRASA and in the best interests of PRASA
- The Bidder shall, at a minimum and on an ongoing basis, meet any other PRASA Requirements and Specifications as stipulated throughout the RFP and any other requirements and instructions of PRASA for the duration of the Bidder’s Contract period with PRASA all within the Initial Contract Price of the TA Contract (unless otherwise agreed to by PRASA at the sole discretion of PRASA)
- The Bidder shall always act in good faith in the interest of PRASA throughout delivery of the TA Services
- PRASA Requirements, Conditions of Invitation and Instructions to Bidders as detailed throughout the RFP
- The Scope of the TA Services to be undertaken by the Bidder will be linked to Milestones with deliverables therefore payable as per the achievement of the Milestones to the satisfaction of PRASA
- The Bidder shall indicate all Milestones with linked activities and deliverables in a detailed TA Services Break-down Structure which shall further indicate the hours assumed per resource (being a professional team member of the Bidder)
- Any other TA Services, activities and resources required to achieve a fully integrated, functional, complete and future-proofed PTCS and meet any other requirements and specifications as requested throughout the RFP or as

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otherwise instructed in writing by PRASA to achieve successful delivery of the Project

4.2 Motivate why is this the preferred option:

- Integrated benefits to PRASA, the rail industry and the economy will be realised and provide value for money through affordable and credible risk transfer to the TA appointed to deliver the Project through contracts that meet PRASA’s specific risk transfer requirements and the specific intended outcomes of the Project initiatives
- PRASA requires suitable and adequate additional resource capacity to ensure successful progress and implementation of the mega STP in support of service delivery with resolution of any old audit findings and reduction and/or prevention of future audit findings
- The TA Services Specification includes review and recommend; all general specifications and requirements, technical specifications and requirements, particular specifications and requirements, and all other specifications and requirements included throughout the RFP (including Annexures/Appendices etc.) and all instructions provided in writing by PRASA – all of which shall form part of the TA Contract entered into between PRASA and the TA
- The Bidder shall submit all reports, and/or other TA Services documentation, for all TA Services (as stated throughout the RFP or as instructed in writing by PRASA), to PRASA for acceptance and approval by PRASA before any work is finalised

4.3 Targeted areas by the TA Services:

- The TA Services of the Bidder shall be implemented in PRASA’s KwaZulu-Natal region (KZN)

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- Some areas are under Transnet Freight Rail (“TFR”) ownership however PRASA and TFR have an agreement on working on either party’s property subject to entering into a wayleave agreement which will be addressed during execution
- There will be systems interface between PRASA & TFR, However, that will be properly managed by interface meetings to avoid project delays

4.4 The extent and coverage of the proposed TA Services:

- The TA Services Specification includes, inter alia; all general specifications and requirements, technical specifications and requirements, particular specifications and requirements, and all other specifications and requirements included throughout the RFP (including Annexures/Appendices etc.) and all instructions provided in writing by PRASA – all of which will form part of the TA Contract to be entered into between PRASA and the Bidder

4.5 What are other related projects?

All projects nationally, in accordance with PRASA’s needs

- National Optical Transmission Network Design & Construct (“OTN D&C”) projects
- National Digital Network Design & Construct (“National DN D&C”) project
- National Electronic Authorisation System Design & Construct (“National EAS D&C”)
- National Depot Modernisation Program (“DMP”)
- New Rolling Stock Fleet Renewal, nationally, level in accordance with PRASA’s needs

4.6 Who are the other role-players?

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- The RSR will be kept informed on progress throughout the project, as the project will have a direct impact on the PRASA Safety Management System (“SMS”). The requirements in terms of the SANS3000 guidelines will be adhered to during the whole life cycle of the project
- TFR will be a major role-player in the project. Continues involvement and support from TFR are required for the successful completion of the project
- The project includes interfacing with TFR assets, which will be managed through the official TFR Enterprise Change Proposal (“ECP”) process
- Occupations affecting TFR traffic will be managed through the occupation planning process
- Local authorities
- Local Community and Heritage organisations
- PRASA stakeholders and/or general shareholders
 - PRASA Group Legal and Supply Chain Management (“SCM”)

5 SPECIFICATIONS OF THE TA WORK OR PRODUCTS OR TA SERVICES REQUIRED

5.1 Specifications, capabilities, constraints, and other specific performance required of the Bidder to deliver the Scope of the TA Work/Works/Services include, but is not limited to:

- All minimum Requirements, Conditions of Invitation, Instructions to Bidders and Specifications which are comprised of the following that shall be read in conjunction with each other and responded to in the Bidder’s/TA Bid/Proposal:
 - The main RFP

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- The Technical Specifications meaning the Scope of the TA Services, the related Conditions of Invitation, related Instructions to Bidders, the GTR, the MTR, the PTR, CFR (as applicable) and all other PRASA Requirements included in the main RFP or annexed to this RFP (including sub-annexures) which define overarching requirements, needs, expectations and outputs which the Bidder will meet and achieve
 - The requirements stipulated in the Bid Evaluation Criteria
 - Any other requirements and specifications as stipulated throughout the RFP (particularly the Technical Specifications) and any other requirements as otherwise instructed in writing by PRASA throughout the TA Contract period with PRASA
- The minimum GTRs, MTRs and PTRs are as follows:
 - The TA Contract with PRASA shall be for an anticipated maximum period of 10 years from the TA Contract Commencement Date of the TA Services in terms of the TA Contract
 - The Scope of the TA Services to be undertaken by the Bidder will be linked to Milestones with deliverables therefore payable as per the achievement of the Milestones to the satisfaction of PRASA
 - The Bidder shall indicate all Milestones with linked activities and deliverables in a detailed TA Work Break-down Structure which shall further indicate the hours assumed per resource (being a professional team member of the Bidder)
 - The Bidder shall always act in good faith in the interest of PRASA throughout delivery of the TA Services
 - D&C Contract Management and Supervision including schedule and cost management. The latest available indicative D&C contract

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program will be provided to the successful bidder during the contracting negotiation stage so that, prior to TA contract signature, the successful bidder can familiarize themselves with program that they will be responsible to manage.

- PRASA’s business needs and objectives
 - PRASA’s strategy
 - PRASA’s operational needs
 - Industry best practices
 - Latest technology trends
 - Relevant regulations
 - Relevant standards and specifications
 - Can be integrated with current and future PRASA and third-party technology
 - The objectives, needs and intended outcomes the Project as instructed by PRASA, will be met
- The Bidder shall submit a detailed description and understanding of the TA Services as understood by the Bidder
- The Bidder shall submit a clause-by-clause statement of compliance to all requirements and specifications provided throughout the RFP
- The Bidder shall submit detailed case studies for similar assignments implemented in the last 15 years in suburban areas together with associated verifiable client references and contact details

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- The Bidder shall provide comprehensive method statements on how all aspects of the TA Services shall be delivered by the Bidder, in strict compliance and adherence with this RFP
- Project Management
- D&C Contract Management and Supervision including schedule and cost management
- Technical Advice and Supervision, including Quality Control Management
- Multi-disciplinary Railway Engineering design reviews
- Provision of legal advice
- Any other TA Services, activities and resources required to achieve a fully integrated, functional, complete and future-proofed PTCS and meet any other requirements and specifications as requested throughout the RFP or as otherwise instructed in writing by PRASA to achieve successful delivery of the Project

6 TIME FRAMES / PROGRAMS

The TA Contract Period is an anticipated maximum period of 10 years from the TA Contract Commencement Date of the TA Services

7 KEY OBJECTIVES OF THE RFP

This RFP has been prepared for the following purposes:

- 7.1 To set out the rules of participation in the Bid process referred to in this RFP.
- 7.2 To disseminate information on the Project contemplated in this RFP.
- 7.3 To give guidance to Bidders on the preparation of their RFP Bids.

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- 7.4 To gather information from Bidders that is verifiable and can be evaluated for the purposes of appointing a successful Bidder.
- 7.5 To enable PRASA to select a successful Bidder that is:
- a) technically qualified and meet the empowerment criteria described in this RFP;
 - b) Carry all the obligations of the Contract.

8 EVALUATION METHODOLOGY

The evaluation of Bids will be based on the information contained in Bids received in RFP and, which may be further supplemented by presentations and clarification information provided, if required. All Bids shall be equally evaluated by various committees involved in the evaluation process in accordance with stated Evaluation Criteria. Procurement integrity and fairness, transparency, competitiveness and full accountability will at all times be paramount.

A. EVALUATION AND SCORING METHODOLOGY

The evaluation of the Bids by the evaluation committees will be conducted at various levels. The following levels will be applied in the evaluation:

LEVEL	DESCRIPTION
Verify completeness	The Bid is checked for completeness and whether all required documentation, certificates; verify completeness warranties and other Bid requirements and formalities have been complied with. Incomplete Bids will be disqualified.
Verify compliance	The Bids are checked to verify that the essential RFP requirements have been met. Non-compliant Bids will be disqualified.
Detailed Technical Evaluation	Detailed analysis of Bids to determine whether the Bidder is capable of delivering the Project in terms of business and technical requirements. The minimum threshold

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	for technical evaluation is 80% any bidder who fails to meet the minimum requirement will be disqualified and not proceed with the evaluation of Price and Specific Goals.
Specific Goals	Evaluate Specific Goals
Price Evaluation	Bidders will be evaluated on price offered.
Scoring	Scoring of Bids using the Evaluation Criteria.
Recommendation	Report formulation and recommendation of Preferred and Reserved Bidders
Approval	Approval and notification of the final Bidder.

B. EVALUATION CRITERIA

Interested Bidders for this TA Services shall be evaluated in terms for their administrative responsiveness, substantive responsiveness, technical/functional (capacity testing) evaluation and preference points. The evaluation committee shall use the following Evaluation Criteria depicted in the table below for the selection of the preferred bidder that shall render / deliver the required works, goods and / or services

EVALUATION CRITERIA	WEIGHTING
STAGE 1 – COMPLIANCE	
Stage 1A	Mandatory Compliance
	Technical Mandatory Requirements
Stage 1B	Basic / Other Mandatory Compliance
STAGE 2	
Technical/Functional Requirements	Threshold of 80%
STAGE 3	

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Price	90
Specific Goals	10
TOTAL	100

Details of the stages outlined in table 1 above are presented in the following sections.

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STAGE 1: COMPLIANCE REQUIREMENTS

Stage 1A – Mandatory Requirements - (To be submitted in envelope 1)

If you do not submit/meet the following mandatory documents/requirements, your bid will be automatically disqualified.

Only bidders who comply with stage 1A will be evaluated further.

MANDATORY COMPLIANCE REQUIREMENTS		
No.	Description of requirement	Tick(Y/N)
a)	Completion of all RFP documentation (includes all Returnable Documents,) - refer to all PRASA tender returnable forms as stipulated throughout the RFP.	
b)	<p>Compulsory Briefing Session – Fully complete "Form D" as stipulated throughout the RFP which is provided by PRASA including Compulsory Briefing session attendance registers.</p> <p>Joint Ventures/Consortiums Partners</p> <p>On behalf of the JV/ Consortium Partners, a completed "Form D", Compulsory Briefing session and attendance registers from one of the JV/ Consortium Partners is acceptable.</p> <p>Bidders must also reflect on the Compulsory Briefing Session Attendance Registers.</p>	
c)	Joint Venture, Consortium Agreement or Partnering Agreement signed by all parties (If applicable). The agreement should indicate the leading bidder where applicable.	
d)	<p>Bid Bond/Security of R7,000,000.00 (Seven Million Rand) as stipulated throughout the RFP and the Format/Template Annexed to the RFP as provided by PRASA in "PRASA-KZN PTCS TA-Bidder-Bid Bond Format".</p> <p>Bidders shall only fill out the information on the form; any changes to the wording of the Bid Bond as issued by PRASA will result in an automatic disqualification.</p>	

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MANDATORY COMPLIANCE REQUIREMENTS

No.	Description of requirement	Tick(Y/N)
e)	<p>Bidder confirmation of unequivocal compliance with all PRASA Requirements, Conditions of Invitation, and Instructions to Bidders in a Statement of Compliance as provided by PRASA in "PRASA-KZN PTCS TA-Bidder Statement of Compliance Format".</p> <p>Note: "Bidders must sign the "Bidders Statement of Compliance Format" only if they comply with all the requirements thereof save for the provisions of Stage 1B evaluation requirements.</p>	
f)	<p>Copies of the Bidder's Lead Member's latest Signed Annual Financial Statements for last 3 years as follows:</p> <ul style="list-style-type: none"> • If the Bidder is a Company, then the Bidder's Lead Member's audited annual financial statements are required. • If the Bidder is a Close Corporation, then the Bidder's Lead Member's annual financial statements signed off by an Accounting Officer are required. • Copies of these annual financial statements shall be certified not older than 3 months from Bid/Tender submission date. 	

Note: Only bidders who comply with all the Mandatory Compliance Requirements will be evaluated further under the Technical Mandatory Compliance Requirements

TECHNICAL MANDATORY COMPLIANCE REQUIREMENTS - ANNEXURE 1.5 - GTR RETURNABLE DOCUMENTS

No	Description of requirements	Tick (Y/N)
1	Submission of all the following documents as required in, Annexure1.5 GTR RETURNABLE DOCUMENTS.	
a)	Project Description and Understanding	
b)	TA Work/Works/Services Delivery method statement	


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Stage 1B – Other Mandatory Requirements - (To be submitted in envelope 1)

If you do not submit the following mandatory documents/requirements, PRASA may request the bidder to submit the information **within five (5) working days**. Should this information not be provided, your bid proposal will be disqualified.

Only bidders who comply with stage 1B will be evaluated further.

NO.	DESCRIPTION OF REQUIREMENT	Tick(Y/N)
a)	Letter of Good Standing: COIDA	
b)	Supply of valid SARS Pin	
c)	Company registration documents	
d)	Copies of Directors' ID documents	
e)	CSD supplier registration number	

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STAGE 2: TECHNICAL / FUNCTIONALITY REQUIREMENTS - (To be submitted in envelope 1)

Interested bidders shall then be evaluated on functionality after meeting all compliance requirements outlined above. The minimum threshold for the technical/functionality requirements is 80% as per the standard Evaluation Criteria presented in Table above. Bidders who score below this minimum requirement shall not be considered for further evaluation in stage 3.

Details of the technical / functional requirements are presented in Table below

ITEM	CRITERIA	WEIGHT
CATEGORY 1: PERFORMANCE ON SIGNALLING PROJECTS		
1.1	Magnitude of All Projects	20
1.2	Signalling Projects experience	25
CATEGORY 2: PROJECT MANAGEMENT		
2.1	Detailed Assistance and Supervision Methodology	20
2.2	Project Resource Evaluation	30
2.3	Number of South African Employees Working in South Africa	3
2.5	Revenue	2
TOTAL		100

Technical Evaluation Criteria

FUNCTIONAL EVALUATION CRITERIA

Details of the scoring methodology presented above are outlined in the table below:

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CRITERIA	WEIGHT	SCORING CRITERIA
CATEGORY 1: PERFORMANCE ON SIGNALLING PROJECTS		
<p>Magnitude (Value) of Signalling Projects completed:</p> <ul style="list-style-type: none"> The Bidder will provide a list of signalling projects or railway projects with a signalling scope completed in the last 15 years, where the bidder rendered Professional services (in line with the requirements of the RFP), with client contact information for each project: <ul style="list-style-type: none"> The bidder shall provide the contactable client's email address and/or phone number, and the clients must be able to communicate in English. Only verifiable projects with contactable clients will be considered for scoring. The bidder will be copied on the email, and if the Bidder's client fails to verify the information in English may lead to bidder not scoring points for this criteria. However, PRASA may need not to verify the Magnitude of the bidders projects via email if the bidder has provided sufficient information in demonstrating its Mega Signalling Projects experience. Scoring will be used for the Highest Value Project 	20	<ul style="list-style-type: none"> 5 = A project with Signalling scope \geq R200 million 4 = A project with Signalling scope \geq R150 million < R200 million 3 = A project with Signalling scope \geq R100 million < R150 million 2 = A project with Signalling scope \geq R75 million < R100 million 1 = A project with Signalling scope \geq R50 million < R75 million 0 = A project with Signalling scope < R50 million or no information submitted

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<ul style="list-style-type: none"> ○ To score the points the Bidder must complete in full the annexure referred to in (Annexure 1.5.1 "20230804-PRASA-KZN PTCS TA-RFP Annexure1.5.1 GTR Returnable Documents - Project List Table-(Final)") • The tender value of the signalling scope of the project (in ZAR - calculated at an exchange rate of GBP1=ZAR22.5 / EUR1=ZAR19.9 / USD1=ZAR18) will be provided for verification. • The Bidder must provide completion/handover certificates for each project as proof of completion which should include the following information: <ul style="list-style-type: none"> ○ The Description of the project ○ The Completion date of the project ○ The value of the project • In the case of a joint venture or consortium, each member of the joint venture/consortium will provide an individual list and the highest value project from any member of the joint venture/consortium will be used for scoring. 		
<p>Mega Signalling Projects experience:</p> <ul style="list-style-type: none"> • The Bidder will provide a list of signalling projects or railway projects completed in the 	<p>25</p>	<ul style="list-style-type: none"> • 5: >4 projects completed meeting all the criteria • 4: 4 projects completed meeting all the criteria

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<p>last 15 years, with client contact information for each project (Only verifiable projects with contactable clients will be considered for scoring).</p> <ul style="list-style-type: none"> The project list must meet the following criteria: <ul style="list-style-type: none"> Signalling scope tender value higher than or equal to R50 million Less than 6 months total delay compared to tender project baseline. Completed the Project within approved cost. Bidder provided services according to tender requirements. To Score points the Bidder must ensure that each of their respective Clients fully complete Annexure1.5.2, “20230804-PRASA-KZN PTCS TA-RFP Annexure1.5.2 GTR Returnable Documents - Bidders Experience Questionnaire-(Final)” as required above. The tender value of the signalling scope of the project (in ZAR - calculated at an exchange rate of GBP1=ZAR22.5 / EUR1=ZAR19.9 / USD1=ZAR18) will be provided for verification. In the case of a joint venture or consortium, each member of the joint venture/consortium 	<ul style="list-style-type: none"> 3: 3 projects completed meeting all the criteria 2: 2 projects completed meeting all the criteria 1: 1 project completed meeting all the criteria 0: 0 projects completed meeting all the criteria or no information submitted
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will provide an individual list and the total number of projects, from all members of the joint venture/consortium, will be used for scoring.		
CATEGORY 2: PROJECT MANAGEMENT		
<p>Detailed TA Assistance and Supervision</p> <p>Methodology:</p> <ul style="list-style-type: none"> The Bidder will provide a detailed method statement, taking into consideration all stipulated and foreseen constraints further clearly addressing how the following TA assistance and supervision aspects (“TA Aspects”) will be delivered by the Bidder: <ul style="list-style-type: none"> Project Management Project Human Resources Management Project Procurement Management Project Communications and Stakeholder Management Project Programme Schedule Management Project Financial Management Project Quality Management: <ul style="list-style-type: none"> Occupational Health, Safety and Security Management Environmental and Heritage Management 	20	<ul style="list-style-type: none"> 5 = Method statement submitted and addresses all 11 TA Aspects in detail 4 = Method statement submitted but addresses only 9 to 10 TA Aspects in detail 3 = Method statement submitted but addresses only 7 to 8 TA Aspects in detail 2 = Method statement submitted but addresses only 5 to 7 TA Aspects in detail 1 = Method statement submitted but addresses only 4 TA Aspects in detail else considered as no detailed method statement submitted 0 = No detailed method statement submitted

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<ul style="list-style-type: none"> ○ Risks, Issues and Lessons Learnt Management ○ Design and Construction Technology and Methodology Management 		
<p>Project Resource Evaluation:</p> <ul style="list-style-type: none"> • The Bidder will provide CVs, qualifications and Professional Registration Certificates for all key staff as stipulated in the RFP. • See the following Annexures in the RFP for minimum requirements: Annexure 1: GTR • For requirements and scoring guidance refer to Project Resource Evaluation Guidelines provided as part of the RFP. 	30	<ul style="list-style-type: none"> • 5 = ≥ Compliance and > 15 years additional accumulative weighted years' experience • 4 = Compliance and > 10 years ≤ 15 additional accumulative weighted years' experience • 3 = Compliance and > 5 years ≤ 10 additional accumulative weighted years' experience • 2 = Compliance and > 0 years ≤ 5 additional accumulative weighted years' experience • 1 = Complying to minimum requirements of RFP • 0 = Not complying to minimum requirements of RFP
<p>Number of South African Employees Working in South Africa:</p> <p>The Bidder shall indicate the capability of the Bidder (as a whole) to undertake large assignments as well as establishing the capacity of the Bidder (as a whole) in terms of the Bidder's number of South African employees working in South Africa. The submission shall be verified and signed off</p>	3	<ul style="list-style-type: none"> • 5 = > 500 Employees • 4 = R375 Employees ≤ 500 Employees • 3 = 250 Employees ≤ 375 Employees • 2 = 125 Employees ≤ 250 Employees • 1 = R0 Employees ≤ 125 Employees • 0 = No submission or incomplete response

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through the Bidder's provision of a signed affidavit that will be provided under the laws of South Africa		
<p>Revenue:</p> <p>The Bidder shall indicate the combined revenue that the Bidder (as a whole) has billed over the last 3. This will be used as an indicator of the size and financial ability of the Bidder (as a whole). The submission shall be verified and signed off by a Chartered Accountant that is registered under the laws of South Africa.</p>	2	<ul style="list-style-type: none"> • 5 = > R500 million. • 4 = R375 million <= R500 million. • 3 = R250 million <= R375 million. • 2 = R125 million <= R250 million. • 1 = R0 to <= R125million. • 0 = No submission or incomplete response.
TOTAL	100	

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Below are the Project Resource Evaluation Tables:

PROJECT RESOURCE EVALUATION										
Function/Role	Qualifications	Y/N	Professional Registration	Y/N	Required Years experience in this capacity	Actual Years experience in this capacity	Additional Years experience in this capacity	Weight	Score (0-5)	Weighted Score
Project Leader	B.Sc./B.Tech Electrical Engineering/Equivalent	No	ECSA Pr. Eng. / Pr. Technologist.	No	9	0	-9	8	0	0
QS/ Financial Expert	B.Sc QS/B.Sc Prop Dev (Hons QS)/Equivalent	No	Pr.QS	No	5	0	-5	6	0	0
Senior Legal Advisor	LLB/Equivalent	No	Legal Practise Council	No	5	0	-5	5	0	0
Senior Programmer/Scheduler	Any Built Environment Degree/Diploma/Equivalent	No	Pr.CPM	No	5	0	-5	5	0	0
Senior Management Expert	Certificate in BEE/National Diploma Supply Chain/B-Degree/Equivalent	No	N/A	No	5	0	-5	4	0	0
Construction Health and Safety Officer (CHSO)	National Higher Diploma in Safety Management/Equivalent NEBOSCH Certificate	No	SACPCMP CHSO	No	5	0	-5	4	0	0
Construction Health and Safety Agent (Pr. CHSO)	National Higher Diploma in Safety Management/Equivalent NEBOSCH Certificate	No	SACPCMP Pr. CHSA	No	5	0	-5	4	0	0
Environmental Control Officer	National Diploma Environmental Management/Environmental Certificate	No	EAPASA or SACNASP	No	5	0	-5	4	0	0
Senior Railway Signalling Engineer	B.Eng./B.Tech./Equivalent	No	ECSA Pr. Eng. / Pr. Technologist.	No	11	0	-11	6	0	0
Senior Railway Signalling Engineer	B.Eng./B.Tech./Equivalent	No	ECSA Pr. Eng. / Pr. Technologist.	No	11	0	-11	6	0	0
Senior Signal Supervisor	N.Dip (Electronics)/Equivalent	No	N/A	No	7	0	-7	4	0	0
Signal Supervisor	N.Dip (Electronics)/Equivalent	No	N/A	No	5	0	-5	4	0	0
Senior Telecom Engineer	B.Eng./B.Tech./Equivalent	No	ECSA Pr. Eng. / Pr. Technologist.	No	7	0	-7	6	0	0
Senior Telecom Supervisor	N.Dip (Electronics)/Equivalent	No	N/A	No	7	0	-7	4	0	0
Senior Electrical Engineer	B.Eng./B.Tech./Equivalent	No	ECSA Pr. Eng. / Pr. Technologist.	No	7	0	-7	6	0	0
Senior Electrical Supervisor	N.Dip (Electrical)/Equivalent	No	N/A	No	7	0	-7	4	0	0
Senior Civil / Track Engineer	B.Eng./B.Tech./Equivalent	No	ECSA Pr. Eng. / Pr. Technologist.	No	7	0	-7	6	0	0
Senior Civil / Track Supervisor	N.Dip (Civil)/Equivalent	No	N/A	No	7	0	-7	4	0	0
Senior Architect	B.Arch./Equivalent	No	SACAP	No	7	0	-7	5	0	0
Senior Train Control Manager	Degree/Diploma/National/Advanced Diploma (NQF Level 6/7/8):Logistics/Operations Management/Transport Management /Business Management/Railway Operations Management Programmes/Railway Incident Investigation /Diploma or Certificate in Trains Working (Train Working Rules)	No		No	10	0	-10	5	0	0
** Populate only grayed areas above								100	0	
SCORING:					Indicator for Compliance					
5 = ≥ Compliance and > 15 years additional accumulative weighted years' experience					Bidders will score points if they comply with the Qualification, Professional Registration and exceed the minimum years of experience					
4 = Compliance and > 10 years ≤ 15 additional accumulative weighted years' experience										
3 = Compliance and > 5 years ≤ 10 additional accumulative weighted years' experience					Bidders will score points if they comply with the Qualification, Professional Registration and minimum years of experience					
2 = Compliance and > 0 years ≤ 5 additional accumulative weighted years' experience										
1 = Complying to minimum requirements of RFP					No Info or Below Min Req					
0 = Not complying to minimum requirements of RFP										

STAGE 3: PRICING AND SPECIFIC GOALS - (To be submitted in envelope 2)

Bidders should provide their price proposal in envelope 2, which should include Form C (Financial Offer) and also provide proof of Specific Goals.

The following formula, shall be used by the Bid Evaluation Committee to allocate scores to the interested bidders :

The maximum points for this tender are allocated as follows:

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	POINTS
PRICE	90
SPECIFIC GOALS	10
TOTAL POINTS FOR PRICE AND SPECIFIC GOALS	100

FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

POINTS AWARDED FOR PRICE

THE 90/10 PREFERENCE POINT SYSTEMS

A maximum of 90 points is allocated for price on the following basis:

$$PS = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

POINTS AWARDED FOR SPECIFIC GOALS

3.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated 10 points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference

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point system.)

THE SPECIFIC GOALS ALLOCATED POINTS IN TERMS OF THIS TENDER	NUMBER OF POINTS ALLOCATED (90/10 SYSTEM) (TO BE COMPLETED BY THE ORGAN OF STATE)	NUMBER OF POINTS CLAIMED. (90/10 SYSTEM) (TO BE COMPLETED BY THE TENDERER)	SUPPORTING EVIDENCE TO BE PROVIDED BY THE TENDERER
Entities with a B-BBEE contributor status level of at least level 2	2		B-BBEE Certificate not limited to SANAS approved/ Affidavit (in case of JV, a consolidated scorecard will be accepted)
Black Women Owned Companies (at least 51%)	2		Certified copy of ID Documents of the Owners and CIPC documents
Black Youth Owned Companies (at least 51%)	2		Certified copy of ID Documents of the Owners and CIPC documents
Black People with Disabilities Owned companies (at least 51%)	2		<p>Certified copy of ID Documents of the Owners and Doctor's note confirming the disability.</p> <p>The Doctors note must at minimum include the following details:</p> <ul style="list-style-type: none"> • Doctors Practice Number. • Doctors contact details.

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THE SPECIFIC GOALS ALLOCATED POINTS IN TERMS OF THIS TENDER	NUMBER OF POINTS ALLOCATED (90/10 SYSTEM) (TO BE COMPLETED BY THE ORGAN OF STATE)	NUMBER OF POINTS CLAIMED. (90/10 SYSTEM) (TO BE COMPLETED BY THE TENDERER)	SUPPORTING EVIDENCE TO BE PROVIDED BY THE TENDERER
			<ul style="list-style-type: none"> Location of the Practice. Must be on the Doctors letterhead or have a doctor stamp; Confirmation of the patients ID and that the patient has a disability.
Black People Military Veterans Owned Companies (at least 51%)	2		Certified copy of ID Documents of the Owners and Military ID number/document
TOTAL	10		

9 APPOINTMENTS OTHER THAN THE SUCCESSFUL BIDDER

9.1 PRASA may appoint a bidder other than the successful bidder under the following instances:

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- (i) When a successful bidder, after having been informed of the acceptance of its Bid, fails to sign a contract within a prescribe period of time e.g. 14 (fourteen) days after being called upon to do so;
- (ii) When a successful bidder has failed to provide the necessary security, bonds or guarantees within the time required to do so by PRASA;
- (iii) When a successful bidder fails to meet a condition precedent for the award of business (e.g. to obtain the necessary funding); and
- (iv) When final contract negotiations with a preferred bidder fails and a contract is not agreed upon.

9.2 PRASA will only award a bid to a bidder other than the highest scoring bidder provided that the bid is still within the bid validity period.

9.3 Only if the second ranked bidder is also unable/unwilling, PRASA may proceed to the third ranked bidder.

10 VALIDITY PERIOD

The Bids shall remain valid for **180** working days calculated from Bid closing date.

11 THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

11.1 National Industrial Participation Programme (NIPP) requirements:

The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases / lease contracts (for goods, works and services) entered into after this date, are subject to the NIP requirements. NIP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of

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the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.

11.2 **Bidders are therefore required to complete SBD 5 to give effect to the above.**

12 POST TENDER NEGOTIATION

PRASA reserves the right to conduct post tender negotiations with a shortlist of Bidder(s). The shortlist could comprise of one or more Bidders. Should PRASA conduct post tender negotiations, Bidders will be requested to provide their best and final offers to PRASA based on such negotiations. A final evaluation will be conducted in terms of 90/10.

13 FINAL CONTRACT AWARD

PRASA will negotiate the final terms and condition the contract with the successful Bidder(s). This may include aspects such as Enterprise Development and Supplier Development, the B-BBEE Improvement Plan, price and delivery. Thereafter the final contract will be awarded to the successful Bidder(s).

14 FAIRNESS AND TRANSPARENCY

PRASA views fairness and transparency during the RFP Process as an absolute on which PRASA will not compromise. PRASA will ensure that all members of evaluation committees declare any conflicting or undue interest in the process and provide confidentiality undertakings to PRASA.

The evaluation process will be tightly monitored and controlled by PRASA to assure integrity and transparency throughout, with all processes and decisions taken being approved and auditable.

SECTION 3

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The Bidder’s summary Pricing Sheet shall therefore be structured as per the following typical example below. Form C (Volume 2 /Envelop 2) must also be completed.

BID PRICE DESCRIPTION	VALUE
TA SERVICES KZN PTCS:	
Bidder’s Price Meeting All Requirements of the RFP, and TA Contract	R
Add: VAT @ 15%	R
PRASA TA Services Contingency Allowance @ 10% for Additional TA Services	R
Add: VAT @ 15%	R
TOTAL BID PRICE EXCLUDING VAT	R
Add: Total VAT @ 15%	R
TOTAL BID PRICE INCLUDING VAT	R

1 PRICING

- 1.1. Prices must be quoted in South African Rand, inclusive of all applicable taxes.
- 1.2. Price offer is firm and clearly indicate the basis thereof.
- 1.3. Cost breakdown must be indicated.
- 1.4. Price escalation basis and formula must be indicated.
- 1.5. To facilitate like-for like comparison bidders must submit pricing strictly in accordance with this price schedule and not utilise a different format. Deviation from this pricing schedule could result in a bid being declared non-responsive.
- 1.6. Please note that should you have offered a discounted price(s), PRASA will only consider such price discount(s) in the final evaluation stage on an unconditional basis.

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1.7. Bidders are to note that if price offered by the highest scoring bidder is not market related, PRASA may not award the contract to the Bidder. PRASA may:

- 1.7.1 negotiate a market-related price with the Bidder scoring the highest points or cancel the RFP;
- 1.7.2 if that Bidder does not agree to a market-related price, negotiate a market-related price with the Bidder scoring the second highest points or cancel the RFP; and
- 1.7.3 if the Bidder scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the Bidder scoring the third highest points or cancel the RFP.
- 1.7.4 If a market-related price is not agreed with the Bidder scoring the third highest points, PRASA must cancel the RFP.

2 DISCLOSURE OF PRICES QUOTED

Bidders are to note that, on award of business, PRASA is required to publish the tendered prices and preferences claimed of the successful and unsuccessful Bidders inter alia on the National Treasury e-Tender Publication Portal, (www.etenders.gov.za), [the other medium used to advertise the bid i.e CIDB](#) as required per National Treasury Instruction Note 09 of 2022/2023.

3 PERFORMANCE AND BID BONDS

- 3.1. The preferred Bidder shall provide PRASA with a performance bond which shall be 10% of the value of the entire Project price offered and it shall be issued with 30 days of receipt

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of notice of appointment. The Performance Bond shall be valid for the Contract period. The format of the Performance Bond is attached as **Annexure 5**.

- 3.2. Bidders are required to submit their Bid with a Bid Bond. The Bid Bond shall be due and payable if a bidder decides not to continue with the RFP process after submission of its Bid. The format of the Bid Bond is attached as **Annexure 7**.

4 OWNERSHIP OF DESIGN

- 4.1. The plans and design developed and to be provided by PRASA shall at all times remain the property of PRASA.

5 SERVICE LEVELS

- 5.1. An experienced national account representative(s) is required to work with PRASA’s procurement department. [No sales representatives are needed for individual department or locations]. Additionally, there shall be a minimal number of people, fully informed and accountable for this agreement.
- 5.2. PRASA will have quarterly reviews with the Service provider’s account representative on an on-going basis.
- 5.3. PRASA reserves the right to request that any member of the Service Provider’s team involved on the PRASA account be replaced if deemed not to be adding value for PRASA.
- 5.4. The Service provider guarantees that it will achieve a 100% [hundred per cent] service level on the following measures:
- a) random checks on compliance with quality/quantity/specifications; and
 - b) on time delivery.

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- 5.5. The Service provider must provide a telephone number for customer service calls.
- 5.6. Failure of the Service provider to comply with stated service level requirements will give PRASA the right to cancel the contract in whole, without penalty to PRASA, giving 30 [thirty] calendar days' notice to the Service provider of its intention to do so.

Acceptance of Service Levels:

YES	
-----	--

6 TOTAL COST OF OWNERSHIP (TCO)

- 6.1. PRASA will strive to procure goods, services and works which contribute to its mission. In order to achieve this, PRASA must be committed to working with suppliers who share its goals of continuous improvement in service, quality and reduction of Total Cost of Ownership (TCO).
- 6.2. Bidders shall indicate whether they would be committed, for the duration of any contract which may be awarded through this RFP process, to participate with PRASA in its continuous improvement initiatives to reduce the total cost of ownership [TCO], which will reduce the overall cost of transportation services and related logistics provided by PRASA's operating divisions within South Africa to the ultimate benefit of all end-users.

7 FINANCIAL STABILITY

Bidders are required to submit their latest financial statements prepared and signed off by a professional accountant for the past years with their Proposal in order to enable PRASA to establish financial stability.

SIGNED at _____ on this _____ day of _____ 20.....

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SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF BIDDER'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

8 VALIDITY OF RETURNABLE DOCUMENTS

The successful Bidder will be required to ensure the validity of all returnable documents, including but not limited to its Tax Clearance Certificate and valid B-BBEE Verification Certificate, for the duration of any contract emanating from this RFP. Should the Bidder be awarded the contract [the Agreement] and fail to present PRASA with such renewals as and when they become due, PRASA shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement forthwith without any liability and without prejudice to any claims which PRASA may have for damages against the Bidder.

SIGNED at _____ on this _____ day of _____ 20.....

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SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF BIDDER'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

9 CERTIFICATE OF ACQUAINTANCE WITH RFP TERMS & CONDITIONS & APPLICABLE DOCUMENTS

By signing this certificate the Bidder is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with, and agrees with all the conditions governing this RFP, including those contained in any printed form stated to form part hereof, including but not limited to the documents stated below and PRASA will recognise no claim for relief based on an allegation that the Bidder overlooked any such condition or failed properly to take it into account for the purpose of calculating tendered prices or any other purpose:

1. PRASA's General Bid Conditions*

2. Standard RFP Terms and Conditions for the supply of Goods or Services or Works to PRASA

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Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in the RFP unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted Bid. Any such submission shall be subject to review by PRASA's Legal Counsel who shall determine whether the proposed alternative(s) are acceptable or otherwise, as the case may be. A material deviation from the Standard terms or conditions could result in disqualification.

Bidders accept that an obligation rests on them to clarify any uncertainties regarding any bid to which they intend to respond, before submitting the bid. The Bidder agrees that he/she will have no claim based on an allegation that any aspect of this RFP was unclear but in respect of which he/she failed to obtain clarity.

The bidder understands that his/her Bid will be disqualified if this Certificate of Acquaintance with RFP documents included in the RFP as a returnable document, is found not to be true and complete in every respect.

SIGNED at _____ on this _____ day of _____ 20....

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

SIGNATURE OF BIDDER'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

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10 GENERAL CONDITIONS

10.1 ALTERNATIVE BIDS

Bidders may submit alternative Bid only if a main Bid, strictly in accordance with all the requirements of the RFP is also submitted. The alternative Bid is submitted with the main Bid together with a schedule that compares the requirements of the RFP with the alternative requirements the Bidders proposes. Bidders must note that in submitting an alternative Bid they accept that PRASA may accept or reject the alternative Bid and shall be evaluated in accordance with the criteria stipulated in this RFP.

10.2 PRASA’S TENDER FORMS

Bidders must sign and complete the PRASA’s Bid Forms and attach all the required documents. Failure by Bidders to adhere to this requirement may lead to their disqualification.

10.3 PRECEDENT

In case of any conflict with this RFP and Bidders response, this RFP and its briefing notes shall take precedence.

10.4 RESPONSE TO RFP-CONFIDENTIALITY

Response to RFPs must clearly indicate whether any information conveyed to or requested from PRASA is confidential or should be treated confidentially by PRASA. In the absence of any such clear indication in writing from a response to RFP, PRASA shall deem the response to RFP to have waived any right to confidentiality and treat such information as public in nature.

Where a Bidder at any stage during the RFP Process indicates to PRASA that information or any response to RFP requested from PRASA is or should be treated confidentially, PRASA shall treat such information or response to RFP confidentially, unless PRASA believes that to ensure the transparency and competitiveness of the RFP Process the content of the information or response to RFP should be conveyed to all Bidders, in which event it shall apply the following process:

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- PRASA shall confirm with the Bidder whether the raising of confidentiality applies to the entire response to the RFP or only specific elements or sections of the response;
- Where confidentiality is maintained by the Bidder and PRASA is of the opinion that the information or response to RFP if made publicly available would affect the commercial interests of the Bidder or is commercially sensitive information, PRASA shall not release such information to other Bidders if providing such information or response to the RFP would prejudice the competitiveness and transparency of the RFP Process;
- Where PRASA is of the opinion that information provided is not commercially sensitive or would have no impact on the commercial interests of the relevant Bidder if released and fairness and transparency require that such information be released to all Bidders, PRASA may:
 - i. inform the relevant Bidder of the necessity to release such information and/or response to RFP and request the Bidder to consent to the release thereof by PRASA; or
 - ii. obtain legal advice regarding the confidentiality of the relevant information and/or response to RFP and the legal ability of PRASA to release such information; or
 - iii. refrain from releasing the information and/or response to RFP, in which event PRASA shall not take account of the contents of such information in the evaluation of the relevant response to RFP.

The above procedures regarding confidentiality shall not apply to any information which is already public knowledge or available in the public domain or in the hands of PRASA or is required to be disclosed by any legal or regulatory requirements or order of any competent court, tribunal or forum.

10.5 RESPONSE TO THE RFP – RFP DISQUALIFICATION

Responses to RFP which do not comply with the RFP requirements, formalities, terms and conditions may be disqualified by PRASA from further participation in the RFP Process.

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In particular (but without prejudice to the generality of the foregoing) PRASA may disqualify, at its sole discretion and without prejudice to any other remedy it may have, a Bidder where the Bidder, or any of its consortium members, subcontractors or advisors have committed any act of misrepresentation, bad faith or dishonest conduct in any of its dealings with or information provided to PRASA.

10.6 CORRUPTION, GIFTS AND PAYMENTS

Neither the Bidders to RFPs, its equity members, the sub-contractors, consortium members nor any of their agents, lenders or advisors shall directly or indirectly offer or give to any person in the employment of PRASA or any other Government official or any of the Advisory Team any gift or consideration of any kind as an inducement or reward for appointing a particular Bidder, or for showing or omitting to show favour or disfavour to any of the Bidders, its equity members or the sub-contractors in relation to the Project.

In the event that any of the prohibited practices contemplated under the above paragraph is committed, PRASA shall be entitled to terminate any Response to RFP's status and to prohibit such Response to RFP, its equity members, its SPV members, its Sub Contractors and their agents, lenders and advisors from participating in any further part of the procurement of the Project.

10.7 INSURANCE

Unless specifically provided for in this RFP or draft contracts, Bidders will be required to submit with their Bid for services professional indemnity insurance and works insurance to an extent (if any) if insurance provided by PRASA may not be for the full cover required in terms of the relevant category listed in this RFP. The Bidder is advised to seek qualified advice regarding insurance.

10.8 NO CONTACT POLICY

Bidders may only contact the bid administrator of PRASA as per the terms of the Communication Structure established by this RFP, except in the case of pre-existing

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commercial relationships, in which case contact may be maintained only with respect thereto and, in making such contact, no party may make reference to the Project or this RFP.

10.9 CONFLICT OF INTEREST

No Bidder member, subcontractor or advisor of the response to RFP may be a member of or in any other way participate or be involved, either directly or indirectly in more than one response to RFP or response to RFP during any stage of the Project procurement process, but excluding specialist suppliers of systems and equipment, non-core service providers or financial or commercial institutions whose role is limited purely to lending money or advancing credit to the response to RFP. Bidders are to sign the declaration of interest form. In order to prevent the conflict or potential conflict of interest between Lenders and Bidders to RFP, no advisors or the Contractor/s or Consortium/s to any response to RFP, consortium member or subcontractor may fulfil the role of arranger, underwriter and/or lead bank to the response to RFP. PRASA may disqualify the response to RFP from further participation in the event of a failure to comply with this provision. PRASA views the potential conflict of interest so great as to warrant the reduction of competition for advisory services.

10.10 BIDDER'S DECLARATION REGARDING PEP/PIP

PRASA requires bidders to disclose if they have Politically Exposed Persons (“PEP”)¹ or Prominent Influential Persons (“PIP”)² and related individuals in their organisation and/or beneficial owners / shareholders who are PEP/PIP.

PRASA reserves the right not to enter into a business relationship with such person, official or entity, provided there are objective factors that justify the conclusion of such business relationship, and the decision is based on achieving the best interest of PRASA.³

¹ Both foreign and domestic politically exposed person as specified in Schedule 3A and 3B of the Financial Intelligence Centre Act No. 38 of 2001 as amended. (refer to Annexure 2 of the PRASA Code of Conduct for dealing with Politically Exposed Persons, Prominent Influential Persons and Related Parties).

² As reflected in Schedule 3C of the Financial Intelligence Centre Act No.38 of 2001 (refer to Annexure 2.1.2 of the PRASA Code of Conduct for dealing with Politically Exposed Persons, Prominent Influential Persons and Related Parties).

³ Clause 4.5 of the PRASA Code of Conduct for dealing with Politically Exposed Persons, Prominent Influential Persons and Related Parties.

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10.10.1 Is the bidder a PEP/PIP? **YES/NO**

10.10.2 Does the bidder have an existing relationship with a PEP/PIP? YES/NO

10.10.3 Where a relationship with a PEP/PIP exists, the bidder is required to furnish particulars of the nature of the exposure, term of the office and description of activities relating to exposure, in table below.

Name of PEP/PIP & Nature of Exposure/Influence	Term of the office	Description of activities relating to Exposure/Influence

10.10.4 **Declaration:**

I/We the undersigned _____
(Name) hereby certify that the PEP/PIP information furnished in this bid document is true and correct. We further certify that we understand that where it is found that we have made a false declaration or statement in this bid, PRASA may disqualify our bid or terminate a contract we may have with PRASA where we are successful in this tender.

Signature

Date

Position

Name of bidder

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10.11 COLLUSION AND CORRUPTION

Any Bidder shall, without prejudice to any other remedy available to PRASA, be disqualified, where the response to RFP –

- communicates to a person other than persons nominated by PRASA a material part of its response to RFP; or
- Enters into any Contract or arrangement with any other person or entity that it shall refrain from submitting a response to RFP to this RFP or as to any material part of its Response to RFP to this RFP (refer the prohibition contained in Section 4(1)(b)(iii) of the Competition Act 89 of 1998). The Bidders represents that the Bidder has not, directly or indirectly, entered into any agreement, arrangement or understanding or any such like for the purpose of, with the intention to, enter into collusive Bidding or with reasonable appreciation that, collusive any agreement, arrangement or understanding or any such like may result in or have the effect of collusive Bidding. The Bidder undertakes that in the process of the Bid but prior to PRASA awarding the Bid to a preferred bidder become involved in or be aware of or do or caused to be done any agreement, arrangement or understanding or any such like for the purpose of or which may result in or have the effect of a collusive Bid, the Bidder will notify PRASA of such any agreement, arrangement or understanding or any such like.; or
- offers or agrees to pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done, or causing, or having caused to be done any act or omission in relation to the RFP Process or any proposed response to RFP (provided nothing contained in this paragraph shall prevent a response to RFP from paying any market-related commission or bonus to its employees or contractors within the agreed terms of their employment or contract).

10.12 CONSORTIUM CHANGES

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If exceptional circumstances should arise in which a after the submission to the bid and after closing date of submission of bids, there is change in the composition of the Bidder, either through substitution or omission of any member of the Bidder:

- The Response to RFP must notify PRASA in writing of the proposed changes supported by complete details of the material reasons for the changes, the parties impacted by the changes and the impact on the response to RFP.
- PRASA shall evaluate the reasons advanced by the Bidder for the requested changes to the Bidder structure and where PRASA is not satisfied that the reasons advanced are reasonable or material, refuse to accept the change and disqualify the response to RFP, or notify the Bidder in writing of its non-acceptance of the changes and require the Bidder to propose a suitable alternative to PRASA within 10 (TEN) days of its receipt of the decision of PRASA, upon receipt of which PRASA shall -
 - i. Evaluate the alternative proposed for suitability to PRASA, and where the alternative is accepted by PRASA, inform the Bidder in writing of such acceptance and PRASA shall reassess the response to RFP against the RFP requirements and criteria; or
 - ii. Where the alternative is not accepted by PRASA, inform the Bidder in writing of such non-acceptance as well as its disqualification from the RFP Process.
 - iii. Where PRASA is satisfied that the changes requested under (i) above are reasonable and material, the response to RFP, shall be allowed to effect the required changes and PRASA shall reassess the response to RFP against the RFP requirements and criteria.

10.2 COSTS OF RESPONSE TO THE RFP SUBMISSION

All costs and expenses associated with or incurred by the Bidder in relation to any stage of the Project, shall be borne by the Bidder. PRASA shall not be liable for any such costs or expenses or any claim for reimbursement of such costs or expenses.

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To avoid doubt, PRASA shall not be liable for any samples submitted by the Bidder in support of their Responses to RFP and reserves the right not to return to them such samples and to dispose of them at its discretion.

10.3 RESPONSE TO THE RFP WARRANTY

Bidders must provide a warranty as part of their Responses to RFP that their Responses to RFP are true and correct in all respects, that it does not contain a misrepresentation of any kind and that the taxes of all members of the Bidder company, consortium members and or subcontractors are in order and none of the members are undergoing corruption or any criminal-related investigations or have any past convictions for fraud or corruption.

11 CONDITIONS OF TENDER

General

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| Actions | 1 | PRASA's <i>Representative</i> and each <i>tenderer</i> submitting a tender shall act as stated in these Conditions of Tender and in a manner which is fair, equitable, transparent, competitive and cost-effective. |
| Interpretation | 2 | Terms shown in <i>italics</i> vary for each tender. The details of each term for this tender are identified in the Request for Tender / Scope of work/ specification. Terms shown in capital initials are defined terms in the appropriate conditions of contract. |
| | 3 | Any additional or amended requirements in the Scope of work/ specification, and additional requirements given in the Schedules in the <i>tender returnables</i> are deemed to be part of these Conditions of Tender. |
| | 4 | The Conditions of Tender and the Scope of work/ specification shall form part of any contract arising from this invitation to tender. |

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| Communication | 5 | Each communication between PRASA and a <i>tenderer</i> shall be to or from PRASA’s <i>Representative</i> only, and in a form that can be read, copied and recorded. Communication shall be in the English language. PRASA takes no responsibility for non-receipt of communications from or by a <i>tenderer</i> . |
| PRASA's rights to accept or reject any tender | 6 | PRASA may accept or reject any variation, deviation, tender, or alternative tender, and may cancel the tender process and reject all tenders at any time prior to the formation of a contract. PRASA or PRASA’s <i>Representative</i> will not accept or incur any liability to a <i>tenderer</i> for such cancellation and rejection, but will give reasons for the action. PRASA reserves the right to accept the whole or any part of any tender. |
| | 7 | After the cancellation of the tender process or the rejection of all tenders PRASA may abandon the proposed work and services, have it performed in any other manner, or re-issue a similar invitation to tender at any time. |

Tenderer's obligations

The *tenderer* shall comply with the following obligations when submitting a tender and shall:

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| Eligibility | 1 | Submit a tender only if the <i>tenderer</i> complies with the criteria stated in the Scope of work/ specification. |
| Cost of tendering | 2 | Accept that PRASA will not compensate the <i>tenderer</i> for any costs incurred in the preparation and submission of a tender. |
| Check documents | 3 | Check the <i>tender documents</i> on receipt, including pages within them, and notify PRASA’s <i>Representative</i> of any discrepancy or omissions in writing. |
| Copyright of documents | 4 | Use and copy the documents provided by PRASA only for the purpose of preparing and submitting a tender in response to this invitation. |

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| Standardised specifications and other publications | 5 | Obtain, as necessary for submitting a tender, copies of the latest revision of standardised specifications and other publications, which are not attached but which are incorporated into the <i>tender documents</i> by reference. |
| Acknowledge receipt | 6 | Preferably complete the Receipt of invitation to submit a tender form attached to the Letter of Invitation and return it within five days of receipt of the invitation. |
| | 7 | Acknowledge receipt of Addenda / Tender Briefing Notes to the <i>tender documents</i> , which PRASA's <i>Representative</i> may issue, and if necessary apply for an extension to the <i>deadline for tender submission</i> , in order to take the Addenda into account. |
| Site visit and / or clarification meeting | 8 | Attend a site visit and/or clarification meeting at which <i>tenderers</i> may familiarise themselves with the proposed work, services or supply, location, etc. and raise questions, if provided for in the Scope of work/ specification. Details of the meeting are stated in the RFP document, <i>i-tender</i> website and CIDB website. |
| Seek clarification | 9 | Request clarification of the <i>tender documents</i> , if necessary, by notifying PRASA's <i>Representative</i> earlier than the <i>closing time for clarification of queries</i> . |
| Insurance | 10 | Be informed of the risk that needs to be covered by insurance policy. The <i>tenderer</i> is advised to seek qualified advice regarding insurance. |
| Pricing the tender | 11 | Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except VAT), and other levies payable by the successful <i>tenderer</i> . Such duties, taxes and levies are those applicable 14 days prior to the <i>deadline for tender submission</i> . |
| | 12 | Show Value Added Tax (VAT) payable by PRASA separately as an addition to the tendered total of the prices. |
| | 13 | Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the <i>conditions of contract</i> . |

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| | 14 | State the rates and Prices in South African Rand unless instructed otherwise as an additional condition in the Scope of work/ specification. The selected <i>conditions of contract</i> may provide for part payment in other currencies. |
| Alterations to documents | 15 | Not make any alterations or an addition to the tender documents, except to comply with instructions issued by PRASA's <i>Representative</i> or if necessary to correct errors made by the <i>tenderer</i> . All such alterations shall be initialled by all signatories to the tender. Corrections may not be made using correction fluid, correction tape or the like. |
| Alternative tenders | 16 | Submit alternative tenders only if a main tender, strictly in accordance with all the requirements of the <i>tender documents</i> is also submitted. The alternative tender is submitted with the main tender together with a schedule that compares the requirements of the <i>tender documents</i> with the alternative requirements the <i>tenderer</i> proposes. |
| | 17 | Accept that an alternative tender may be based only on the criteria stated in the Scope of work/ specification and as acceptable to PRASA. |
| Submitting a tender | 18 | Submit a tender for providing the whole of the works, services or supply identified in the Contract Data unless stated otherwise as an additional condition in the Scope of work/ specification. |
| NOTE: | 19 | Return the completed and signed <i>PRASA Tender Forms and SBD forms provided with the tender. <u>Failure to submit all the required documentation will lead to disqualification</u></i> |
| | 20 | Submit the <u>tender as an original</u> plus 1 copy and an electronic version which should be contained in Memory Cards clearly marked in the Bidders name as stated in the RFP and provide an English translation for documentation submitted in a language other than English. Tenders may not be written in pencil but must be completed in ink. |

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- 21 Sign and initial the original and all copies of the tender where indicated. PRASA will hold the signatory duly authorised and liable on behalf of the *tenderer*.
- 22 Seal the original and each copy of the tender as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside PRASA's address and invitation to tender number stated in the Scope of work/ specification, **as well as the tenderer's name and contact address**. Where the tender is based on a two envelop system tenderers should further indicate in the package whether the document is **envelope / box 1 or 2**.
- 23 Seal original and copies together in an outer package that states on the outside only PRASA's address and invitation to tender number as stated in the Scope of work/ specification. The outer package should be marked "CONFIDENTIAL"
- 24 Accept that PRASA will not assume any responsibility for the misplacement or premature opening of the tender if the outer package is not sealed and marked as stated.

Note:

PRASA prefers not to receive tenders by post and takes no responsibility for delays in the postal system or in transit within or between PRASA offices.

PRASA prefers not to receive tenders by fax, PRASA takes no responsibility for difficulties in transmission caused by line or equipment faults.

Where tenders are sent via courier, PRASA takes no responsibility for tenders delivered to any other site than the tender office.

PRASA employees are not permitted to deposit a tender into the PRASA tender box on behalf of a tenderer, except those lodged by post or courier.

Closing time

- 25 Ensure that PRASA has received the tender at the stated address with the Scope of work / specification no later than the *deadline for*

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tender submission. Proof of posting will not be taken by PRASA as proof of delivery. PRASA will not accept a tender submitted telephonically, by Fax, E-mail or by telegraph unless stated otherwise in the Scope of work/ specification.

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| | 26 | Accept that, if PRASA extends the <i>deadline for tender submission</i> for any reason, the requirements of these Conditions of Tender apply equally to the extended deadline. |
| Tender validity | 27 | Hold the tender(s) valid for acceptance by PRASA at any time within the <i>validity period</i> after the <i>deadline for tender submission</i> . |
| | 28 | Extend the <i>validity period</i> for a specified additional period if PRASA requests the <i>tenderer</i> to extend it. A <i>tenderer</i> agreeing to the request will not be required or permitted to modify a tender, except to the extent PRASA may allow for the effects of inflation over the additional period. |
| Clarification of tender after submission | 29 | Provide clarification of a tender in response to a request to do so from PRASA's <i>Representative</i> during the evaluation of tenders. This may include providing a breakdown of rates or Prices. No change in the total of the Prices or substance of the tender is sought, offered, or permitted except as required by PRASA's <i>Representative</i> to confirm the correction of arithmetical errors discovered in the evaluation of tenders. The total of the Prices stated by the <i>tenderer</i> as corrected by PRASA's <i>Representative</i> with the concurrence of the <i>tenderer</i> , shall be binding upon the <i>tenderer</i> |
| Submit bonds, policies etc. | 30 | If instructed by PRASA's <i>Representative</i> (before the formation of a contract), submit for PRASA's acceptance, the bonds, guarantees, policies and certificates of insurance required to be provided by the successful <i>tenderer</i> in terms of the <i>conditions of contract</i> . |
| | 31 | Undertake to check the final draft of the contract provided by PRASA's <i>Representative</i> , and sign the Form of Agreement all within the time required. |

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| | 32 | Where an agent on behalf of a principal submits a tender, an authenticated copy of the authority to act as an agent should be submitted with the tender. |
| Fulfil BEE requirements | 33 | Comply with PRASA's requirements regarding BBBEE Suppliers. |

PRASA'S UNDERTAKINGS

PRASA, and PRASA's *Representative*, shall:

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| Respond to clarification | 1 | Respond to a request for clarification received earlier than the <i>closing time for clarification of queries</i> . The response is notified to all <i>tenderers</i> . |
| Issue Addenda | 2 | If necessary, issue to each <i>tenderer</i> from time to time during the period from the date of the Letter of Invitation until the <i>closing time for clarification of queries</i> , Addenda that may amend, amplify, or add to the <i>tender documents</i> . If a <i>tenderer</i> applies for an extension to the <i>deadline for tender submission</i> , in order to take Addenda into account in preparing a tender, PRASA may grant such an extension and PRASA's <i>Representative</i> shall notify the extension to all <i>tenderers</i> . |
| Return late tenders | 3 | Return tenders received after the <i>deadline for tender submission</i> unopened to the <i>tenderer</i> submitting a late tender. Tenders will be deemed late if they are not in the designated tender box at the date and time stipulated as the deadline for tender submission. |
| Non-disclosure | 4 | Not disclose to <i>tenderers</i> , or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tenders and recommendations for the award of a contract. |
| Grounds for rejection | 5 | Consider rejecting a tender if there is any effort by a <i>tenderer</i> to influence the processing of tenders or contract award. |
| Disqualification | 6 | Instantly disqualify a <i>tenderer</i> (and his tender) if it is established that the <i>tenderer</i> offered an inducement to any person with a view to |

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influencing the placing of a contract arising from this invitation to tender.

Test for responsiveness

- 7 Determine before detailed evaluation, whether each tender properly received
 - meets the requirements of these Conditions of Tender,
 - has been properly signed, and
 - is responsive to the requirements of the *tender documents*.
- 8 Judge a responsive tender as one which conforms to all the terms, conditions, and specifications of the *tender documents* without material deviation or qualification. A material deviation or qualification is one which, in PRASA 's opinion would
 - detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Contract Data,
 - change PRASA's or the *tenderer's* risks and responsibilities under the contract, or
 - affect the competitive position of other *tenderers* presenting responsive tenders, if it were to be rectified.

Non-responsive tenders

- 10 Reject a non-responsive tender, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

Arithmetical errors

- 11 Check responsive tenders for arithmetical errors, correcting them as follows:
 - Where there is a discrepancy between the amounts in figures and in words, the amount in words shall govern.
 - If a bill of quantities applies and there is a discrepancy between the rate and the line item total, resulting from multiplying the rate by the quantity, the rate as quoted shall govern. Where there is an obviously gross misplacement of the decimal point in the rate, the line item total as quoted shall govern, and the rate will be corrected.
 - Where there is an error in the total of the Prices, either as a result of other corrections required by this checking process or in the

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tenderer's addition of prices, the total of the Prices, if any, will be corrected.

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| | 12 | Reject a tender if the <i>tenderer</i> does not accept the corrected total of the Prices (if any). |
| Evaluating the tender | 13 | Evaluate responsive tenders in accordance with the procedure stated in the RFP / Scope of work/ specification. The evaluated tender price will be disclosed only to the relevant PRASA tender committee and will not be disclosed to <i>tenderers</i> or any other person. |
| Clarification of a tender | 14 | Obtain from a <i>tenderer</i> clarification of any matter in the tender which may not be clear or could give rise to ambiguity in a contract arising from this tender if the matter were not to be clarified. |
| Acceptance of tender | 15 | Notify PRASA's acceptance to the successful <i>tenderer</i> before the expiry of the <i>validity period</i> , or agreed additional period. Providing the notice of acceptance does not contain any qualifying statements, it will constitute the formation of a contract between PRASA and the successful <i>tenderer</i> . |
| Notice to unsuccessful tenderers | 16 | After the successful <i>tenderer</i> has acknowledged PRASA's notice of acceptance, notify other <i>tenderers</i> that their tenders have not been accepted, following PRASA's current procedures. |
| Prepare contract documents | 17 | <p>Revise the contract documents issued by PRASA as part of the <i>tender documents</i> to take account of:</p> <ul style="list-style-type: none"> • Addenda issued during the tender period; • inclusion of some of the <i>tender returnables</i>; and • other revisions agreed between PRASA and the successful <i>tenderer</i>, before the issue of PRASA's notice of acceptance (of the tender). |

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| Issue final contract | 18 | Issue the final contract documents to the successful <i>tenderer</i> for acceptance within one week of the date of PRASA's notice of acceptance. |
| Sign Form of Agreement | 19 | Arrange for authorised signatories of both parties to complete and sign the original and one copy of the Form of Agreement within two weeks of the date of PRASA's notice of acceptance of the tender. If either party requires the signatories to initial every page of the contract documents, the signatories for the other party shall comply with the request. |
| Provide copies of the contracts | 20 | Provide to the successful <i>tenderer</i> the number of copies stated in the Scope of work/ specification of the signed copy of the contracts within three weeks of the date of PRASA's acceptance of the tender. |