

# TENDER NO. 70Q/2023/24



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

SCM – 509

Approved by Branch Manager: 03/04/2020

Version: 6.1

Page 1 of 159

## CONTRACT DOCUMENT

FOR THE

## REHABILITATION AND UPGRADE OF CLASS 4 AND 5 ROADS AND RELATED WORKS IN BONTEHEUWEL AND UITSIG

### VOLUME 1: TENDERING PROCEDURES

#### NOTE:

- The Form of Offer and Acceptance (C1.1) is on **page 40** of this document
- Table 1: Preference Schedule is on **page 109** of this document

<b>ISSUED BY:</b>	<b>COMPILED BY:</b>	<b>For official use.</b>
<b>DIRECTOR: ROAD INFRASTRUCTURE AND MANAGEMENT URBAN MOBILITY DIRECTORATE CITY OF CAPE TOWN</b> Tower Block, Civic Centre 12 Hertzog Boulevard CAPE TOWN 8001	<b>HHO Consulting Engineers (Pty) Ltd</b> 14th Floor The Towers South 2 Hertzog Boulevard Cape Town 8001	<b>TENDER SERIAL No.:</b>
		<b>SIGNATURES OF CITY OFFICIALS AT TENDER OPENING</b>
		1.
		2.
		3.

SEPTEMBER 2023

<b>NAME OF TENDERING ENTITY</b>	
<b>EMAIL ADDRESS OF TENDERING ENTITY</b>	
<b>FAX NUMBER OF TENDERING ENTITY</b>	
<b>NATURE OF TENDER OFFER (please indicate below)</b>	
<b>Main Offer (see clause C.2.12)</b>	
<b>Alternative Offer (see clause C.2.12)</b>	

FILE REFERENCE NO:

CITY OF CAPE TOWN

URBAN MOBILITY DIRECTORATE

CONTRACT NO. 70Q/2023/24

REHABILITATION AND UPGRADE OF CLASS 4 AND 5 ROADS AND RELATED WORKS IN BONTEHEUWEL AND UITSIG

## General Tender Information

TENDER ADVERTISED	:	29 September 2023
ESTIMATED CIDB CONTRACTOR GRADING DESIGNATION	:	7CE or higher
NON-COMPULSORY VIRTUAL CLARIFICATION MEETING	:	11h00 on 13 October 2023 (Not compulsory, but strongly recommended)
LINK TO CLARIFICATION MEETING	:	<a href="https://meet.capetown.gov.za/jurgen.gentz/KBGK05WB">https://meet.capetown.gov.za/jurgen.gentz/KBGK05WB</a>
CLOSING DATE	:	31 October 2023
CLOSING TIME	:	10h00
TENDER BOX & ADDRESS	:	<b>Tender Box 116</b> at the <b>Tender &amp; Quotation Box Office</b> , 2 <sup>nd</sup> Floor (Concourse Level), Civic Centre, 12 Hertzog Boulevard, Cape Town.
	:	The Tender Document (which includes the Form of Offer and Acceptance) completed in all respects, plus any additional supporting documents required, must be submitted in a sealed envelope with the name and address of the tenderer, the tender No. and title, the tender box No. and the closing date indicated on the envelope. The sealed envelope must be inserted into the appropriate official tender box before closing time.
		If the tender offer is too large to fit into the abovementioned box or the box is full, please enquire at the public counter (Tender Distribution Office) for alternative instructions. The onus remains with the tenderer to ensure that the tender is placed in either the original box or as alternatively instructed.

**TENDERERS MUST NOTE THAT WHEREVER THIS DOCUMENT REFERS TO ANY PARTICULAR TRADE MARK, NAME, PATENT, DESIGN, TYPE, SPECIFIC ORIGIN OR PRODUCER, SUCH REFERENCE SHALL BE DEEMED TO BE ACCOMPANIED BY THE WORDS 'OR EQUIVALENT'**

CITY OF CAPE TOWN

URBAN MOBILITY DIRECTORATE

CONTRACT NO. 70Q/2023/24

REHABILITATION AND UPGRADE OF CLASS 4 AND 5 ROADS AND RELATED WORKS IN BONTEHEUWEL  
AND UITSIG

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**Part T1: Tendering procedures**

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CITY OF CAPE TOWN

URBAN MOBILITY DIRECTORATE

CONTRACT NO. 70Q/2023/24

REHABILITATION AND UPGRADE OF CLASS 4 AND 5 ROADS AND RELATED WORKS IN BONTEHEUWEL AND UITSIG

## T1.1 Tender Notice and Invitation to Tender

The **CITY OF CAPE TOWN**, URBAN MOBILITY DIRECTORATE, invites tenders for Tender No. **70Q/2023/24: REHABILITATION AND UPGRADE OF CLASS 4 AND 5 ROADS AND RELATED WORKS IN BONTEHEUWEL AND UITSIG**.

Tenderers must be registered on Supplier Databases as described in the tender conditions.

Tenderers who are not registered on these Supplier Databases are not precluded from submitting tenders, but must however be registered upon being requested to do so in writing and within the period contained in such a request.

It is estimated that tenderers must have a CIDB contractor grading designation of 7CE or higher.

Preferences are offered to tenderers who tender in accordance with the Preferential Procurement Regulations and the City of Cape Town's Supply Chain Management Policy (SCM Policy). Furthermore, in terms of these Regulations and the SCM Policy, tenderers are required to meet the HDI and/or RDP specific goals.

The physical address for collection of tender documents is:

**Tender Distribution Office**, 2<sup>nd</sup> Floor (Concourse Level), Civic Centre, 12 Hertzog Boulevard, Cape Town.

Documents may be collected during working hours between 08:30 – 15:00 from **29 September 2023**.

A non-refundable tender fee of R300.00 payable by EFT or Cash, is required on collection of the tender documents.

Queries relating to any issues in these documents may be addressed to Mr D Hugo, Tel No. 021 425 2870, e-mail: [don@hho.co.za](mailto:don@hho.co.za).

A non-compulsory, but strongly recommended virtual tender clarification meeting with representatives of the Employer will take place online at <https://meet.capetown.gov.za/jurgen.gentz/KBGK05WB> on **13 October 2023** starting at 11:00.

The closing time for receipt of tenders is **10:00 on 31 October 2023**.

Telegraphic, telephonic, telex, facsimile, e-mail and late tenders will not be accepted.

Tenders may only be submitted on the tender documents that have been issued. Printed Bills of Quantities, in the same format (that is, layout, billed items and quantities) as those issued electronically by the Employer upon request, may be submitted as stated in the Tender Data.

Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data.

The Employer's Information Officer who is responsible for overseeing questions in relation to data protection may be contacted at [Popia@capetown.gov.za](mailto:Popia@capetown.gov.za).

By submitting a tender to the City of Cape Town, (and by concluding any ensuing related agreement with the City of Cape Town, if applicable), the Tenderer thereby acknowledges and unconditionally agrees:

- 1.1. that the tenderer has been informed of the purpose of the collection and processing of its personal information as defined in the Protection of Personal Information Act of 2013 ("**POPIA**"), which, for the avoidance of doubt is for, and in relation to, the tender process and the negotiation, conclusion, performance and enforcement of the ensuing agreement, if applicable, as well as for the City of Cape Town's reporting purposes;

- 1.2 to the collection and processing of the tenderer's personal information by the City of Cape Town and agrees to make available to the City of Cape Town, all information reasonably required by the City of Cape Town for the above purposes;
- 1.3 that the personal information the City of Cape Town collects from the tenderer or about the tenderer may be further processed for other activities and/or purposes which are lawful, reasonable, relevant and not excessive in relation to the purposes set out above, for which it was originally collected;
- 1.4 that, the tenderer indemnifies the City of Cape Town and its officials, employees, and directors and undertakes to keep the City of Cape Town and its officials, employees, and directors indemnified in respect of any claim, loss, demands, liability, costs and expenses of whatsoever nature which may be made against the City of Cape Town (including the costs incurred in defending or contesting any such claim) in relation to the tenderer or the tenderer's employees', representatives' and/or sub-contractors' non-compliance with POPIA and/or the City of Cape Town's failure to obtain the tenderer's consent or to notify the tenderer of the reason for the processing of the tenderer's personal information;
- 1.5 to the disclosure of the tenderer's personal information by the City of Cape Town to any third party, where the City of Cape Town has a legal or contractual obligation to disclose such personal information to the third party (or a legitimate interest exists therein);
- 1.6 that, under POPIA, the tenderer may request to access, confirm, request the correction, destruction, or deletion of, or request a description of, personal information held by the City of Cape Town in relation to you, subject to applicable law; and
- 1.7 that under POPIA, subject to applicable law, the tenderer also has the right to be notified of a personal information breach and the right to object to, or restrict, the City of Cape Town's processing of its personal information.

CITY OF CAPE TOWN

URBAN MOBILITY DIRECTORATE

CONTRACT NO. 70Q/2023/24

REHABILITATION AND UPGRADE OF CLASS 4 AND 5 ROADS AND RELATED WORKS IN BONTEHEUWEL AND UITSIG

## T1.2 Tender Data

The conditions of tender are the Standard Conditions of Tender as contained in Annex C of Government Gazette No. 42622 of 8 August 2019, Construction Industry Development Board (CIDB) Standard for Uniformity in Construction Procurement. (see [www.cidb.org.za](http://www.cidb.org.za)) which are reproduced without amendment or alteration for the convenience of tenderers as an Annex to this Tender Data.

The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions of tender. Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

**The following variations, amendments and additions to the Standard Conditions of Tender as set out in the Tender Data below shall apply to this tender:**

Clause number	Tender Data
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<b>C.1</b>	<b>General</b>
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C.1.1	<b>Actions</b>
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C.1.1.1	<i>Add the following:</i>
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The parties agree that this tender, its evaluation and acceptance and any resulting contract shall also be subject to the Employer's Supply Chain Management Policy ('SCM Policy') that was applicable on the date the tender was advertised, save that if the Employer adopts a new SCM Policy which contemplates that any clause therein would apply to the contract emanating from this tender, such clause shall also be applicable to that contract. Please refer to this document contained on the Employer's website.

**Abuse of the supply chain management system is not permitted and may result in the tender being rejected, cancellation of the contract, restriction of the supplier, and/or the exercise by the Employer of any other rights and remedies available to it as described in the SCM Policy.**

The Employer is the City of Cape Town, represented by the Director: Roads Infrastructure Management: Urban Mobility Directorate.

In addition to the above, the following further documents are part of the tender:

**VOLUME 4:** Drawings (listed in C3.2 Engineering)

**VOLUME 5 :** The General Conditions of Contract for Construction Works, Third Edition, 2015, prepared by the South African Institution of Civil Engineering (SAICE). This publication is available and tenderers must obtain copies at their own cost from the South African Institution of Civil Engineering (SAICE), Private Bag X200, Halfway House 1685, Tel: (011) 805 5947, Fax: (011) 805 5971, e-mail: [civilinfo@saice.org.za](mailto:civilinfo@saice.org.za).

**VOLUME 6 :** The COLTO Standard Specifications for Road and Bridge Works for State Road Authorities prepared by the Committee of Land Transport Officials. This publication is available and tenderers must obtain copies at their own cost from the South African Institution of Civil Engineering (SAICE), Private Bag X200, Halfway House 1685, Tel: (011) 805 5947, Fax: (011) 805 5971, e-mail: [civilinfo@saice.org.za](mailto:civilinfo@saice.org.za).

Volumes 5 and 6 may also be inspected, by appointment, at the offices of the Employer's agent during normal office hours.

C.1.4	<b>Communication and employer's agent</b>
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*Delete the first sentence of the clause and replace with the following:*

Verbal or any other form of communication, from the Employer, its employees, agents or advisors during site visits/clarification meetings or at any other time prior to the award of the Contract, will not be regarded as binding on the Employer, unless communicated by the Employer in writing to suppliers by its Director: Supply Chain Management or his nominee.

The Employer's agent is:

Name: Mr D. Hugo

Address: **HHO Consulting Engineers (Pty) Ltd**  
14th Floor  
The Towers South  
2 Hertzog Boulevard  
Cape Town  
8001

Tel: 021 425 2870

E-mail: don@hho.co.za

**C.1.5 Cancellation and Re-Invitation of Tenders**

*Delete the full stop at the end of C.1.5.1 d) and replace with, or  
Add the following after C.1.5.1 d):*

- e) the parties are unable to negotiate market related pricing.

**C.1.6.2 Competitive negotiation procedure**

*Add the following to C.1.6.2.1:*

A competitive negotiation procedure will not be followed.

**C.1.6.3 Proposal procedure using the two-stage system**

*Add the following between C.1.6.3 and C.1.6.3.1:*

A two-stage system will not be followed.

*Add the following after C.1.6.3.2.2*

**C.1.6.4 Nomination of Standby Supplier**

Standby Supplier means a bidder, identified at the time of awarding a bid, that will be considered for award should the contract be terminated for any reason whatsoever. In the event that a contract is terminated during the execution thereof, the CCT may consider the award of the contract, or non-award, to the standby supplier in terms of the procedures included its SCM Policy.

**C.1.6.5 Objections, complaints, queries and disputes/ Appeals in terms of Section 62 of the Systems Act/ Access to court**

**C.1.6.5.1 Disputes, objections, complaints and queries**

In terms of Regulations 49 and 50 of the Local Government: Municipal Finance Management Act, 56 of 2003 – Municipal Supply Chain Management Regulations (Board Notice 868 of 2005):

- a) Persons aggrieved by decisions or actions taken by the City of Cape Town in the implementation of its supply chain management system, may lodge within 14 days of the decision or action, a written objection or complaint or query or dispute against the decision or action.

**C.1.6.5.2 Appeals**

- a) In terms of Section 62 of the Local Government: Municipal Systems Act, 32 of 2000 a person whose rights are affected by a decision taken by the City, may appeal against that decision by giving written notice of the appeal and reasons to the City Manager within 21 days of the date of the notification of the decision.
- b) An appeal must contain the following:
  - i) Must be in writing
  - ii) It must set out the reasons for the appeal
  - iii) It must state in which way the Appellant's rights were affected by the decision;
  - iv) It must state the remedy sought; and
  - v) It must be accompanied with a copy of the notification advising the person of the decision
- c) The relevant City appeal authority must consider the appeal and **may confirm, vary or revoke** the decision that has been appealed, but no such revocation of a decision may detract from any rights that may have accrued as a result of the decision.



- C.1.6.5.3 Right to approach the courts and rights in terms of Promotion of Administrative Justice Act, 3 of 2000 and Promotion of Access to Information Act, 2 of 2000**  
The sub- clauses above do not influence any affected person's rights to approach the High Court at any time or its rights in terms of the Promotion of Administrative Justice Act and Promotion of Access to Information Act.
- C.1.6.5.4** All requests referring to sub clauses C.1.6.5.1 and C.1.6.5.2 must be submitted in writing to:  
**The City Manager** - C/o the Manager: Legal Compliance Unit, Legal Services Department, Corporate Services Directorate  
**Via hand delivery at:** 20<sup>th</sup> Floor, Tower Block, 12 Hertzog Boulevard, Cape Town 8001  
**Via post at:** Private Bag X918, Cape Town, 8000  
**Via email at:** [MSA.Appeals@capetown.gov.za](mailto:MSA.Appeals@capetown.gov.za)
- C.1.6.5.5** All requests referring to clause C.1.6.5.3 must be submitted in writing to:  
**The City Manager** - C/o the Manager: Access to Information Unit, Corporate Services Directorate  
**Via hand delivery at:** 20<sup>th</sup> Floor, Tower Block, 12 Hertzog Boulevard, Cape Town 8001  
**Via post at:** Private Bag X918, Cape Town, 8000  
**Via email at:** [Access2info.Act@capetown.gov.za](mailto:Access2info.Act@capetown.gov.za)
- C.1.6.5.6 The minimum standards regarding accessing and 'processing' of any personal information belonging to another in terms of Protection of Personal Information Act, 2013 (POPIA).**  
The Employer, its employees, representatives and sub-contractors may, from time to time, Process the Contractor's and/or its employees', representatives' and/or sub-contractors' Personal Information, for purposes of, and/or relating to, the tender, this agreement, for research purposes, and/or as otherwise may be envisaged in the Employer's Privacy Notice and/or in relation to the Employer's Supply Chain Management Policy or as may be otherwise permitted by law. This includes the employers due diligence assurance provider and the Appeal Authority
- C.1.6.5.7 Compliance to the City's Appeals Policy.**  
*"In terms of the City's Appeals Policy, a fixed upfront administration fee will be charged. In addition, a surcharge may be imposed for vexatious tender related appeals.*  
  
*The current approved administration fee is R300.00 and may be paid at any of the Municipal Offices or at the Civic Centre in Cape Town using the GL Data Capture Receipt. Alternatively, via EFT into the City's **NEDBANK** Account: **CITY OF CAPE TOWN** and using Reference number: **198158966**. You are required to send proof of payment when lodging your appeal.*  
  
*Should the payment of the administration fee of R300.00 not be received, such fee will be added as a Sundry Tariff to your municipal account.*  
  
*In the event where you do not have a Municipal account with the City, the fee may be recovered in terms of the City's Credit Control and Debt Collection By-law, 2006 (as amended) and its Credit Control and Debt Collection Policy."*
- C.1.7 City of Cape Town Supplier Database Registration**  
Tenderers are required to be registered on the CCT Supplier Database as a service provider. Tenderers must register as such upon being requested to do so in writing and within the period contained in such a request, failing which no orders can be raised or payments processed from the resulting contract. In the case of Joint Venture partnerships this requirement will apply individually to each party of the Joint Venture.  
  
Tenderers who wish to register on the City of Cape Town's Supplier Database may collect registration forms from the Supplier Management Unit located within the Supplier Management / Registration Office, 2<sup>nd</sup> Floor (Concourse Level), Civic Centre, 12 Hertzog Boulevard, Cape Town (Tel 021 400 9242/3/4/5). Registration forms and related information are also available on the City of Cape Town's website [www.capetown.gov.za](http://www.capetown.gov.za) (follow the Supply Chain Management link to Supplier registration).

C.1.8

**National Treasury Web Based Central Supplier Database (CSD) Registration**

Tenderers are required to be registered on the National Treasury Web Based Central Supplier Database (CSD) as a service provider. Tenderers must register as such upon being requested to do so in writing and within the period contained in such a request, failing which no orders can be raised or payments processed from the resulting contract. In the case of Joint Venture partnerships this requirement will apply individually to each party of the Joint Venture.

Tenderers who wish to register on the National Treasury Web Based Central Supplier Database (CSD) may do so via the web address <https://secure.csd.gov.za>.

It is each tenderer's responsibility to keep all the information on the National Treasury Web Based Central Supplier Database (CSD) updated.