

Reference: X.003-022-2018/1R-C6

Date: 29/11/2023 Direct Line: +27 (0) 41 398 3267

Email: procurementSR6@sanral.co.za Website: www.nra.co.za



Dear Tenderers

CONTRACT NUMBER: CONTRACT SANRAL X.003-022-2018/1R-C6 FOR AD-HOC STRUCTURAL AND DRAINAGE SERVICES IN THE SOUTHERN REGION – EMERGENCY BRIDGE REPAIR WORKS (REPAIR OF BRIDGES ALONG THE N2 SECTION 16).

ADDENDUM NO.1

This Addendum is issued in terms of Clause C.3.2 of the Tender Data and must be read in conjunction with and shall be deemed to form part of the Tender Document.

The following items form part of Addendum no.1.

- **See below detailed amendments.**

Kindly acknowledge receipt of this addendum by completing the ACKNOWLEDGEMENT OF ADDENDUM below. Failure to acknowledge this addendum may invalidate the Tender.

Yours sincerely,

**PROCUREMENT OFFICE
SANRAL SOUTHERN REGION**

CONTRACT SANRAL X.003-022-2018/1R-C6

FOR AD-HOC STRUCTURAL AND DRAINAGE SERVICES IN THE SOUTHERN REGION – EMERGENCY BRIDGE REPAIR WORKS (REPAIR OF BRIDGES ALONG THE N2 SECTION 16)

ADDENDUM 1

1. AMENDMENTS TO VOLUME 1 PROJECT DOCUMENT

The following amendments and additions to the Project Document shall apply:

Page	Clause / Item	Amendment / Addition
Part T1: Tendering procedures		

T-3	T1.1	<p>Delete the following:</p> <p>“Only tenderers who are registered on the National Treasury Central Supplier Database as stated in the Tender Data C.2.1.1, are eligible to tender.”</p> <p>It is a requirement of this project that the successful tenderer subcontract a minimum of 40 percent (40 %) of the work by the end of the contract to Targeted Enterprise(s) as defined in the Contract Data.</p> <p>No mandatory subcontracting requirements for EME.</p> <p>Replace with the following:</p> <p>“Only tenderers who are registered on the National Treasury Central Supplier Database as stated in the Tender Data C.2.1.1, are eligible to tender.”</p> <p>It is a requirement of this project that the successful tenderer subcontract a minimum of 30 percent (30 %) of the work by the end of the contract to Targeted Enterprise(s) as defined in the Contract Data.</p> <p>No mandatory subcontracting requirements for EME.</p> <p>TENDERER DOCUMENTS</p> <p>Tenderers must submit, via email, the duly completed Form A1.1 Certificate of Intention to Submit a Tender prior to Monday, 4 December 2023. Failure to submit this certificate would result in the tenderer not receiving addenda or additional issued information and may result in the tenderer being non-responsive, if “any material amendment/s” contained in the addenda or additional information is not included in the tender offer/submission.</p> <p>TENDERER’S MEETING</p> <p>Delete the following: A non-compulsory briefing meeting will be held via a virtual platform on Tuesday, 22 August 2023 at 11:00.</p> <p>Replace with the following: A non-compulsory clarification briefing meeting will be held via a virtual platform on Tuesday, 5 December 2023. A link to the clarification briefing meeting will be sent to tenderers who complete and submit a Certificate of Intention to Submit a Tender (Form A1.1).</p> <p>CLOSING TIME, COMPLETION AND DELIVERY OF TENDERS</p> <p>Delete the following: The closing time for receipt of tenders is 11h00 on Friday 15 September 2023.</p> <p>Replace with the following: The closing time for receipt of tenders is 11:00 on Wednesday 14 December 2023.</p>
T8	C1.6.2.1	Delete the clause in its entirety

T-9	C.2.7	<p>Delete the following: A non-compulsory briefing meeting will be held via a virtual platform on Tuesday, 22 August 2023 at 11:00.</p> <p>Replace with the following: A non-compulsory clarification briefing meeting will be held via a virtual platform on Tuesday, 5 December 2023. A link to the clarification briefing meeting will be sent to tenderers who complete and submit a Certificate of Intention to Submit a Tender (Form A1.1).</p>
T-10	C.2.8	<p>Delete the following: Request clarifications at least 12 (twelve) working days before the closing date.</p> <p>Replace with the following: Request clarifications at least 7 (seven) working days before the closing date.</p>
T-14	C.3.1.1	<p>Delete the following: The Employer shall respond to clarifications received up to 7 (seven) working days before tender closing date.</p> <p>Replace with the following: The Employer shall respond to any clarifications from the tenderers emanating from the addenda until 3 (three) days before the tender closing time.</p>
T-14	C.3.2	<p>Delete and replace with the following: The employer shall issue addenda until 10 (ten) working days before tender closing date.</p>
T-14	C.3.4.1	<p>Delete the following: Time: 11h00 on Friday 15 September 2023</p> <p>Replace with the following: Time: 11:00 on Thursday 14 December 2023</p>

T-15	C.3.9.4	<p>Add the following: Should the original price not be retained after balancing, the tenderer will be rendered non responsive</p> <p>The above to be added just below: Where there is an omission of a line item, no correction is possible, and the offer may be declared non-responsive.</p> <p>Add the following sentence: During testing of tender responsiveness, clause C.3.8 of CIDB tender conditions will be applicable.</p> <p>The above be added below: Declare as non-responsive and reject any offer from a tenderer who elects not to accept the proposed correction of the; errors, omissions or imbalanced rates.</p> <p>Delete the following: Declare as non-responsive and reject any offer from a tenderer who elects not to accept the proposed correction of the; errors, omissions or imbalanced rates, and subject the tenderer to the sanction under C.2.</p> <p>Replace with the following: Declare as non-responsive and reject any offer from a tenderer who elects not to accept the proposed correction of the; errors, omissions or imbalanced rates.</p>
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T-16	C.3.11	<p>Delete and replace with:</p> <p>Evaluating price and preference</p> <p>i. 80/20 preference point system for acquisition of goods and services for Rand value equal to or above R2 000 and up to R50 million</p> <p>The following formula will be used to calculate the points out of 80 for price:</p> $Ps = 80(1 - (Pt - Pm) / Pm)$ <p>Where:</p> <p>Ps is the points scored for price of tender under consideration. Pt is the price of the tender under consideration; and Pm is the price of the lowest acceptable tender.</p> <p>ii. 90/10 preference point system for acquisition of goods and services for Rand value above R50 million</p> <p>The following formula will be used to calculate the points out of 90 for price:</p> $Ps = 90(1 - (Pt - Pm) / Pm)$ <p>Where:</p> <p>Ps is the points scored for price of tender under consideration. Pt is the price of the tender under consideration; and Pm is the price of the lowest acceptable tender.</p> <p>In the event that the calculated value is negative, the allocated score shall be 0 (zero).</p> <p>Scoring preference (Specific Goals):</p> <p>Points for specific goals will be awarded according to the table below:</p> <table border="1"> <thead> <tr> <th rowspan="2">Specific goals</th> <th rowspan="2">Criteria</th> <th colspan="2">10 points</th> <th colspan="2">20 points</th> </tr> <tr> <th>Point allocation</th> <th>Maximum points</th> <th>Point allocation</th> <th>Maximum points</th> </tr> </thead> <tbody> <tr> <td rowspan="9">B-BBEE Level</td> <td>Level 1</td> <td>10.00</td> <td rowspan="9">10.00</td> <td>20.00</td> <td rowspan="9">20.00</td> </tr> <tr> <td>Level 2</td> <td>9.00</td> <td>18.00</td> </tr> <tr> <td>Level 3</td> <td>6.00</td> <td>14.00</td> </tr> <tr> <td>Level 4</td> <td>5.00</td> <td>12.00</td> </tr> <tr> <td>Level 5</td> <td>4.00</td> <td>8.00</td> </tr> <tr> <td>Level 6</td> <td>3.00</td> <td>6.00</td> </tr> <tr> <td>Level 7</td> <td>2.00</td> <td>4.00</td> </tr> <tr> <td>Level 8</td> <td>1.00</td> <td>2.00</td> </tr> <tr> <td>Non-compliant contributor</td> <td>0.00</td> <td>0.00</td> </tr> </tbody> </table> <p>A valid B-BBEE verification certificate or A valid Sworn Affidavit must be submitted.</p> <p>1. The tenderer's scorecard shall be a B-BBEE Certificate issued in accordance with:</p> <ul style="list-style-type: none"> - the amended Construction Sector Codes published in Notice 931 of 2017 of Government Gazette No. 41287 on 1 December 2017 by the Department of Trade and Industry; or - in the event that the Measured Entity operates in more than one sector or a sub-sector, the scorecard for the sector or sub-sector in which the majority of its core activities (measured in terms of annual revenue) are located will be acceptable. The tenderer must comply with the annual revenue thresholds for EME or QSE or Generic in accordance with the amended Construction Sector Codes; and <p>i. The scorecard shall be submitted as a certificate attached to Returnable Schedule Form C1; and</p> <p>ii. The certificate shall:</p> <ul style="list-style-type: none"> - be valid at the tender closing date; and 	Specific goals	Criteria	10 points		20 points		Point allocation	Maximum points	Point allocation	Maximum points	B-BBEE Level	Level 1	10.00	10.00	20.00	20.00	Level 2	9.00	18.00	Level 3	6.00	14.00	Level 4	5.00	12.00	Level 5	4.00	8.00	Level 6	3.00	6.00	Level 7	2.00	4.00	Level 8	1.00	2.00	Non-compliant contributor	0.00	0.00
Specific goals	Criteria	10 points			20 points																																					
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B-BBEE Level	Level 1	10.00	10.00	20.00	20.00																																					
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	Level 7	2.00		4.00																																						
	Level 8	1.00		2.00																																						
	Non-compliant contributor	0.00		0.00																																						

		<ul style="list-style-type: none"> - have been issued by a verification agency accredited by the South African National Accreditation System (SANAS); or - be in the form of a sworn affidavit or a certificate issued by the Companies and Intellectual Property Commission in the case of an Exempted Micro Enterprise (EME) with a total annual revenue of less than R3 million if issued in accordance with the amended Construction Sector Codes published in Notice 931 of 2017 of Government Gazette No. 41287 on 1 December 2017 by the Department of Trade and Industry; and -
T-17	C.3.11	<ul style="list-style-type: none"> - have a date of issue less than 12 (twelve) months prior to the original advertised tender closing date (see Tender Data C.2.15); and <p>iii. A valid BBEE Certificates shall contain:</p> <ul style="list-style-type: none"> - Name of enterprise as per enterprise registration documents issued by CIPC, and enterprise business address. - Value-Added Tax number, where applicable. - The B-BBEE Scorecard against which the certificate is issued, indicating all elements and scores achieved for each element. The actual score achieved must be linked to the total points as per the relevant Codes. - B-BBEE status with corresponding procurement recognition level. - The relevant Codes used to issue the B-BBEE verification certificate. - Date of issue and expiry (e.g. 9 June 2018 to 8 June 2019). Where a measured entity was subjected to a re-verification process, due to material change, the B-BBEE Verification Certificate must reflect the initial date of issue, date of re-issue and the initial date of expiry. Re-verification does not extend the lifespan of the B-BBEE Verification Certificate. - Financial period which was used to issue the B-BBEE Verification Certificate. <p>iv. A valid Sworn Affidavit shall contain:</p> <ul style="list-style-type: none"> - Name/s of deponent as they appear in the identity document and the identity number. - Designation of the deponent as either the director, owner or member must be indicated in order to know that person is duly authorised to depose of an affidavit. - Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address. - Percentage black ownership, black female ownership and whether they fall within a designated group. - Indicate total revenue for the year under review and whether it is based on audited financial statements or management accounts. - Financial year-end as per the enterprise's registration documents, which was used to determine the total revenue. The valid format of the Financial Year-End is Day/Month/Year - B-BBEE status level. An enterprise can only have one status level. - Date deponent signed and date of Commissioner of Oath must be the same. - Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest, and <p>v. Compliance with any other information requested to be attached to Returnable Schedule Form C1; and</p> <p>vi. In the event of a Joint Venture (JV), a project-specific consolidated (SANRAL project number indicated) valid B-BBEE verification certificate in the name of the JV, issued by a verification agency accredited by the South African National Accreditation System (SANAS) shall be submitted.</p> <p>Sub-contracting</p> <p>If the tender documents indicate that the tenderer intends sub-contracting more than 25% of the value of the contract to any other person not qualifying for at least the status level that the tenderer qualifies for, 0 (zero) points for B-BBEE level (under Specific Goals) shall be awarded, unless the intended sub-contractor is an EME that has the capacity to execute the sub-contract.</p> <p>Criteria for breaking deadlock</p> <p>If two or more tenders score the same number of points and these tenders are also the highest ranked tenders, the tender with the highest preference points will be recommended for award.</p> <p>If functionality is part of the evaluation process and two or more tenders score equal total points and equal preference points, the tender that scored the highest points for functionality will be recommended for award.</p> <p>If two or more tenders score the same number of financial points and preference points and these tenders are also the highest ranked tenders, the tenderer to be recommended for award will be decided by the drawing of lots.</p>

T-19	C3.13	<p>In the first paragraph replace “C.3.13(g) to (k)” with “C.3.13(g) to (l)”</p> <p>Add the following after k):</p> <p>l) Price negotiations.</p> <p>1. If the price offered by a tenderer scoring the highest points is not market related, the Organ of state may not award the tender to that tenderer.</p> <p>2. The Organs of state may –</p> <p style="padding-left: 40px;">i. Negotiate a market related price with the tenderer scoring the highest points or cancel the tender;</p> <p style="padding-left: 40px;">ii. If the tenderer does not agree to a market related price, negotiate a market related price with the tenderer scoring the second highest points or cancel the tender;</p> <p style="padding-left: 40px;">iii. If the tenderer scoring the second highest points does not agree to a market related price, negotiate a market related price with the tenderer scoring the third highest points or cancel the tender;</p> <p>3. If a market related price is not agreed as envisaged in paragraph 2(iii), the organ of state must cancel the tender.</p>
Part T2: Returnable Schedules		
T-26	Form A1.1	Replace form A1.1 with Appendix J
T-75	Form C1.3	Delete the following form : Form C1.3: Black ownership declaration
T-76	Form C1.4	Delete the following form: Form C1.4: Sub-contracting declaration
T-94	Form F1	Delete the following forms to the Table of Content: FORM C1.3: BLACK OWNERSHIP DECLARATION FORM C1.4: SUB-CONTRACTING DECLARATION
T-55	Form A8	Replace Form A8 with attached Appendix F
T-64	Form A13	Replace Form A13 with attached Appendix A
N/A	Form A14	Add Form A14 by utilizing the attached Appendix I
T-71	Form C1.2	Replace Form C1.2 with attached Appendix B
Part C1: Agreements and Contract Data		
C2-43	<p>Part C1.2.1 : Conditions of Contract</p> <p>Clause 15.2</p>	<p>Delete the word “or” at the end of sub-paragraph (g) and add the word “or” at the ed of sub-paragraph (h)</p> <p>Add the following after sub-paragraph (h)</p> <p>(i) In the event that its director/s are found guilty by a Court of Law on the counts of fraud charges against them, SANRAL reserves the right to terminate the contract and to assert all legal recourse available to it.</p>

C2-50	C1.2.2 Appendix to Tender: Contract Data – Information provided by the Employer	<p>Replace the data for Clause A4.4, with the following:</p> <p>The percentage of the contract value that may be sublet is dependent on the Minimum Targeted Enterprise subletting targets and shall not exceed the Maximum Subcontracting allowed % as per the following table:</p> <table border="1" data-bbox="411 293 1018 551"><thead><tr><th data-bbox="411 293 727 371">Minimum Targeted Enterprise (TE) subletting (%)</th><th data-bbox="727 293 1018 371">Maximum Subcontracting allowed (%)</th></tr></thead><tbody><tr><td data-bbox="411 371 727 412">≤30</td><td data-bbox="727 371 1018 412">50</td></tr><tr><td data-bbox="411 412 727 452">>30 to ≤40</td><td data-bbox="727 412 1018 452">60</td></tr><tr><td data-bbox="411 452 727 492">>40 to <45</td><td data-bbox="727 452 1018 492">65</td></tr><tr><td data-bbox="411 492 727 533">≥45 to <50</td><td data-bbox="727 492 1018 533">70</td></tr><tr><td data-bbox="411 533 727 551">≥50</td><td data-bbox="727 533 1018 551">80</td></tr></tbody></table>	Minimum Targeted Enterprise (TE) subletting (%)	Maximum Subcontracting allowed (%)	≤30	50	>30 to ≤40	60	>40 to <45	65	≥45 to <50	70	≥50	80
Minimum Targeted Enterprise (TE) subletting (%)	Maximum Subcontracting allowed (%)													
≤30	50													
>30 to ≤40	60													
>40 to <45	65													
≥45 to <50	70													
≥50	80													

Page	Clause / Item	Amendment / Addition		
Part C3: Scope of Works				
C3.77	Part C3 Scope of Works: Section B: Specification Data: SANRAL Standard Specification Sections: Section D D1003 Target Group Participation: D1003.04 Contract Participation Goal (CPG)	Delete the Specification Data for CPG for Targeted Enterprise and replace with: If the Contractor is an EME: Minimum of 0% of the Final Contract Value by the end of the contract to Targeted Enterprises. If the Contractor is not an EME: Minimum of 30% of the Final Contract Value by the end of the contract to Targeted Enterprises. The Final Contract Value for purposes of this clause, is defined in clause D1003.04.		
Part C4: Site Information				
Page	Item	Amendment / Addition	Unit	Quantity
		None in this addendum		

2. ADDITIONAL INFORMATION

- a. The contract number "X.003-022-2018/1-C6" also means "X.003-022-2018/1R-C6" in all documentation in all cases.

3. CLARIFICATIONS TO QUESTIONS FROM TENDERERS

- a. None in this addendum.

APPENDIX A

PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	X.003-022-2018/1R-C6	CLOSING DATE:	14 December 2023	CLOSING TIME:	11h00
DESCRIPTION	FOR AD-HOC STRUCTURAL AND DRAINAGE SERVICES IN THE SOUTHERN REGION – EMERGENCY BRIDGE REPAIR WORKS (REPAIR OF BRIDGES ALONG THE N2 SECTIONS 10 & 11)				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Procurement Office		CONTACT PERSON	Procurement Office	
TELEPHONE NUMBER	N/A		TELEPHONE NUMBER	N/A	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	NO CHANGE REQUIRED	
E-MAIL ADDRESS	Procurementsr6@sanral.co.za		E-MAIL ADDRESS	Procurementsr6@sanral.co.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?

YES NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?

YES NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

YES

NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

YES

NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."</p>

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

DATE:

APPENDIX B**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 (SBD 6.1)**

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

- a) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS	POINTS
PRICE	90	80
SPECIFIC GOALS	10	20
Total points for Price and Specific Goals	100	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20	or	90/10
$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{\min} = Price of lowest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. 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 points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

The specific goals allocated points in terms of this tender	Criteria	Number of points allocated (90/10 system)	Number of points allocated (80/20 system)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
B-BBEE level scorecard of the tendering entity.	B-BBEE Level 1	10.00	20.00		
	B-BBEE Level 2	9.00	18.00		
	B-BBEE Level 3	6.00	14.00		
	B-BBEE Level 4	5.00	12.00		
	B-BBEE Level 5	4.00	8.00		
	B-BBEE Level 6	3.00	6.00		
	B-BBEE Level 7	2.00	4.00		
	B-BBEE Level 8	1.00	2.00		
	Non-compliant contributor	0.00	0.00		

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

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/firm.....

5.2. Company registration number:

5.3. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

5.4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the

preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

 SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:
DATE:
ADDRESS:

APPENDIX C: SPECIFIC GOALS

The following specific goals shall be applied on SANRAL tenderers as required in the PPPFA, 2000.

Specific goals	Criteria	10 points		20 points	
		Point allocation	Maximum points	Point allocation	Maximum points
B-BBEE Level	Level 1	10	10.00	20	20.00
	Level 2	9		18	
	Level 3	6		14	
	Level 4	5		12	
	Level 5	4		8	
	Level 6	3		6	
	Level 7	2		4	
	Level 8	1		2	
	Non-compliant contributor	0		0	

A valid B-BBEE verification certificate must be submitted.

APPENDIX F

FORM A8: TENDERER'S REGISTERED FINANCIAL SERVICE PROVIDER LETTER AND BANK DETAILS

SUBCONTRACT NO.

FOR

UNDER CONTRACT SANRAL X.003-022-2018/1R-C6
FOR THE AD-HOC STRUCTURAL AND DRAINAGE SERVICES IN THE SOUTHERN REGION _
EMERGENCY BRIDGE REPAIR WORKS (REPAIR OF BRIDGES ALONG THE N2 SECTION 16)

Notes to tenderer:

1. The tenderer shall attach to this form:
 - 1.1 a letter (dated less than 3 months prior to the tender closing date) from a registered Financial Service Provider (registered with the FSB) which :
 - 1.1.1 Provides banking details and declares how the entity conducts its account; and
 - 1.1.2 confirms that the Tenderer has the financial means net of current commitments (independent of any contractual advance payment) available to meet the construction cash flow requirements estimated for the subject contract, or a written confirmation from any registered financial institution (Note to compiler Delete this note for CIDB 1 to 5); or
 - 1.2 a letter (dated less than 3 months prior to the tender closing date) from the tenderer's independent registered accountant confirming that the Tenderer has the financial means net of current commitments (independent of any contractual advance payment) to meet the construction workflow requirements estimated for the subject contract. The confirmation by an independent registered accountant must indicate that the review, to be conducted in terms of ISRS4400, was done in terms of the Section 30 and Regulation 29 of the Companies Act No. 71 of 2008 (Note to compiler Delete this note for CIDB 1 to 5); or
 - 1.3 a letter (dated less than 3 months prior to the tender closing date) from the tenderer's financial sponsorship confirming that the Tenderer has the financial means net of current commitments (independent of any contractual advance payment) to meet the construction workflow requirements estimated for the subject contract (Note to compiler Delete this note for CIDB 1 to 5)
2. If the Tenderer does not have financial means, the tender may be declared non-responsive in terms of clause C.3.13(b) of the Tender Data. (Note to compiler Delete this note for CIDB 1 to 5)
3. The Tenderer (and in the event of a joint venture, the joint venture member's combined) shall have available capital in excess of R_____, Note to compiler Delete this note for CIDB 1 to 5. Stipulate 2.5% of the estimated contract value for CIDB 6 and 7, 5% of the estimated contract value for CIDB 8 and 9)
4. In the event that the tenderer is a joint venture enterprise, details of all the members of the joint venture shall be similarly provided and attached to this form.

Option 1 - Letter to be on the tenderer's registered Financial Service Provider's letter head

RE: ACCOUNT CONDUCT AND/OR CASHFLOW CONFIRMATION (Note to compiler, not applicable to for CIDB grade 1-5, delete)

To Whom It May Concern:

We hereby confirm that **(Insert Tenderer's Name)** has been banking with xxxx Bank for a period of xxx years and the account has been conducted in a satisfactory manner.

The **(Insert Tenderer's Name)** has the financial means, net of current commitments, available to meet the construction cash flow requirements to the value of R..... for contract..... **(insert contract number)**, **(Note to tenderer; if cashflow confirmation is provider by another institution, delete this paragraph)**.

- i) Name of Account Holder:
- ii) Account number:
- iii) Bank name:
- iv) Branch number:
- v) Bank and branch contact details:

RE: ACCOUNT CONDUCT (Applicable to Grade 1-5, delete for Grade 6-9)

To Whom It May Concern:

We hereby confirm that **(Insert Tenderer's Name)** has been banking with xxxx Bank for a period of xxx years and the account has been conducted in a satisfactory manner.

- vi) Name of Account Holder:
- vii) Account number:
- viii) Bank name:
- ix) Branch number:
- x) Bank and branch contact details:



Option 2 - Letter to be on the tenderer's independent registered accountant letter head **(Note to compiler, not applicable for CIDB grade 1-5, delete)**

RE: CASHFLOW CONFIRMATION (independent registered accountant)

To Whom It May Concern:

The **(Insert Tenderer's Name)** has the financial means, net of current commitments, available to meet the construction cash flow requirements to the value of R..... for contract..... **(insert contract number)**.

Option 3 - Letter to be on tenderer's financial sponsorship letter head (**Note to compiler, not applicable for CIDB grade 1-5, delete**)

RE: CASHFLOW CONFIRMATION (Financial sponsorship)

To Whom It May Concern:

The (**Insert Tenderer's Name**) has the financial means, net of current commitments, available to meet the construction cash flow requirements to the value of R..... for contract..... (**insert contract number**) through a financial sponsorship from (**Insert Financial Sponsor's Name**).

APPENDIX I

FORM A 14: DECLARATION OF TENDERER’S FINANCIAL SUBMISSION

CONTRACT SANRAL X.003-022-2018/1R-C5 FOR AD-HOC STRUCTURAL AND DRAINAGE SERVICES IN THE SOUTHERN REGION – EMERGENCY BRIDGE REPAIR WORKS (REPAIR OF BRIDGES ALONG THE N2 SECTION 16)

Notes to tenderer:

1. The signatory for the tenderer shall complete and sign this form declaring his/her understanding of the declaration form taking note of the points extracted below as contained in the tender document.

2. I, the undersigned, declare that:

I have submitted a balanced tender and have not tendered any negative rates, besides of Combined Site Laboratory contribution . I accept the risk of doing any work at our own tendered rates. However, I will rebalance my unit rates on request from the Employer where any unduly low or high rates are pointed out. I realise that by balancing my unit rates my tender amount will remain unchanged as prescribed in clause C.3.9 of the tender document.

The above information is to the best of my knowledge true and accurate.

SIGNATURE:

Signed and sworn before me at on the day of 20...

The deponent having:

- (I) acknowledged that he/she knows and understands the contents hereof;
- (ii) confirmed that he/she has no objection to the taking of the prescribed oath;
- (iii) that he/she considered the prescribed oath as bidding upon his/her conscience; and

COMMISSIONER OF OATHS

APPENDIX J

FORM A1.1: CERTIFICATE OF INTENTION TO SUBMIT A TENDER

CONTRACT SANRAL X.003-022-2018/1R-C6 FOR AD-HOC STRUCTURAL AND DRAINAGE SERVICES IN THE SOUTHERN REGION – EMERGENCY BRIDGE REPAIR WORKS (REPAIR OF BRIDGES ALONG THE N2 SECTION 16)

Notes to Tenderer:

1. The duly completed certificate of intention to submit a tender **must** be submitted by whoever intends to tender for this particular tender prior to Monday, 4 December 2023. **Failure to submit the certificate of intention to tender within the required period may render the tenderer non-responsive and SANRAL does not accept responsibility for any communication not received by the tenderer timeously.**
2. Failure to submit this certificate would result in the tenderer not receiving addenda or additional issued information and may result in the tenderer being non-responsive if “any material amendment/s” contained in the addenda or additional information is not included in the tender offer/submission.
3. Late notification of intention to tender by a prospective tenderer **will not** necessarily result in the tender closing date being extended.
4. Should you intend to submit a tender for this particular tender please sign the certificate, scan and email the completed document to the email address indicated in T1.1 of this tender document.
5. The Employer shall send all correspondences, including Addenda, only to the Tenderer’s email address as provided herein; in addition, the Employer shall upload all correspondences on SANRAL website and National Treasury eTender Portal.

The South African National Roads Agency SOC Limited
P.O. Box 415
Pretoria
0001

ACKNOWLEDGEMENT OF ADDENDUM NO. 1

I _____

Representing _____

Hereby acknowledge that I have received the above Addendum and that I am conversant with the contents thereof.

SIGNATURE: _____

DATE: _____

This Addendum is to be read in conjunction with and shall be deemed to form part of the Contract Documents.

You must therefore acknowledge receipt of this addendum by emailing this form to the South African National Roads Agency SOC Limited at ProcurementSR6@sanral.co.za and the original must be attached to the Returnable Schedules.

Failure to acknowledge receipt of this addendum` may invalidate the Tender.
