

REQUEST FOR TENDER: APPOINTMENT OF A QUALIFIED TURNKEY CONTRACTOR FOR THE CONSTRUCTION SERVICES AND THE REHABILITATION OF UMLAZI TUNNEL FOR PRASA KZN



TENDER NUMBER: DBN/CAP (BAC)033

**ANNEXURE 6
FORM-C**

FORM C: TENDER FORM

CURRENT TENDER DETAILS

Request number: DBN/CAP(BAC) 033

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I / We

(Insert Name of Tendering Entity)

of

—

(Full address)

Conducting business under the style or title of:

Represented by:

in my capacity as:

being duly authorised thereto by a Resolution of the Board of Directors / Certificate of Partners, Members or Participants, as the case may be, dated _____, a certified copy of which is annexed hereto, hereby offer to undertake and complete the above-mentioned work (hereinafter called “the WORKS”) at the prices quoted in the bills of quantities / schedule of quantities or, where these do not form part of the contract, at a lump sum, in accordance with the terms set forth in the accompanying letter(s) reference _____ and dated _____ (if any) and the documents listed in the accompanying schedule of tender documents for the sum of R _____

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_____ (amount in words), (All applicable taxes included)

- N.B.** (i) In the event of any discrepancy, the amount in words will take precedence over the amount in figures.
- (ii) Where items in the priced bills of quantities submitted with the tender for the WORKS other than architectural building work are incorrectly extended arithmetically, the unit rate will be treated as decisive.
- (iii) In tenders for architectural building work the total amount will be treated as decisive. If amounts for individual items cannot be reconciled with the total amount, the amounts for individual items shall be adjusted to the satisfaction of the PRASA to conform to the total amount.

I / We accept that unless the PRASA should otherwise decide and so inform me / us in the notice of acceptance, this tender (and, if any, its covering letter and any subsequent exchange of correspondence together with the PRASA acceptance thereof) shall constitute a binding contract between the PRASA and me / us. Should the PRASA decide that a formal contract should be signed and so inform me / us in the notice of acceptance, this tender (and, if any, its covering letter and any subsequent exchange of correspondence) together with the PRASA notice of acceptance, shall constitute a binding contract between the PRASA and me / us until the formal contract is signed.

I / We undertake to produce acceptable documentary proof of the necessary coverage for Workmen's Compensation, Securities and Insurance within **30 (thirty)** working days of notification of awarding of the contract, and to sign a formal contract if called upon by the PRASA to do so within **7 (seven)** working days of notification by the PRASA that the contract documents are ready for signature, failing which I / we accept that the PRASA may, in its sole discretion, withhold any payments due for work done until such time as these formalities have been completed.

I / We undertake to complete the whole of the WORKS within _____
(in words) from the date of notification to me / us of acceptance of the tender, subject to completion in stages if and as laid down in the project specification and to such extensions of time as may be granted. Failing completion of the WORKS or any stage of the WORKS within the period(s) stipulated or by such extended date(s) as may be allowed by the PRASA I / we shall pay to the PRASA in terms of the Conventional Penalties Act 15 of 1962, the penalty for which provision is made in the project specification. The ordering of any alterations, extras, additions or omissions shall not in any way prejudice the PRASA claim for such penalty.

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Application for relief from the obligation to pay a penalty will be considered by the PRASA, but shall be granted only if I / we can prove to the reasonable satisfaction of the PRASA that the penalty is out of proportion to the prejudice suffered by the PRASA by reason of the act or omission in respect of which the penalty was stipulated.

I / We declare that this tender holds good until _____

(a minimum period of 90 days from closing date is required).

I / We further agree that if, after I / we have been notified of the acceptance of my / our tender, I / we fail to enter into a formal contract if called upon to do so, or fail to furnish satisfactory security for the due and proper completion of the WORKS, the PRASA may, without prejudice to any other legal remedy which it may have, recover from me / us any expense to which it may have been put in calling for tenders afresh and / or having to accept any less favourable tender.

I/ We declare that, being a company / partnership / close corporation / joint venture, I / we have duly completed the annexe hereto and certified it as correct.

The several documents involved are to be taken as complementary to each other. In the event of any conflict between the content of any of the documents listed in the schedule of tender documents (other than the project specification) and the project specification, the latter shall prevail. In the event of any conflict between the letter that accompanies the tender or other relevant correspondence and the contents of the documents listed in the schedule of tender documents (including the project specification) such letter or correspondence shall prevail.

THUS DONE and SIGNED at _____
on this _____ day of _____

DULY AUTHORISED SIGNATORY(IES)

WITNESSES

- | | |
|----------|----------|
| 1. _____ | 1. _____ |
| 2. _____ | 2. _____ |
| 3. _____ | 3. _____ |

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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) The applicable preference point system for this tender is the 80/20 preference point system.

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
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	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

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) \quad \text{or} \quad Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1.POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)} \end{array}$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max}= Price of highest 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.

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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 point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Evidence Required for Specific Goals
Entities with a B-BBEE contributor status of at least level 2;	8		BEE Certificate / Affidavit (in case of JV, a consolidate scorecard will be accepted).
51% Black Owned	6		CIP Documents / B-BBEE Certificate / Affidavit
Black Women Owned	2		Certified copy of identity document of the owner/s (Copies of Directors' ID)
Black Youth Owned	2		Certified copy of identity document of the owner/s (Copies of Directors' ID)
Black People living in Rural Areas	2		Municipal / ESKOM bill or Letter from Induna / Chief confirming residential address not older than 3 months
Total:	20		

The ownership will also be checked through the CSD report.

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. 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

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☐ State Owned Company
[TICK APPLICABLE BOX]

4.6. 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:

.....

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BILL OF QUANTITIES

UMLAZI TUNNEL - PRICING SCHEDULE				
Item	Description	Unit	Quantity	Amount
	SECTION A : PRELIMINARIES AND GENERAL			
A.1.	Fixed-charge items			
A.1.1	Facilities for Contractor including offices, storage sheds, laboratories, living accommodation, ablution and latrine facilities, tools and equipment, water supplies, electric power, communication, setting out of works, dealing with water, security and access	Sum	1	R
A.1.2.	Removal of Site establishment	Sum	1	R
A.1.3.	Allow for all fixed related items to comply with the contract conditions	Sum	1	R
A.1.4.	Contractual Requirements & General Responsibilities	Sum	1	R
A.1.5.	Comply with all environmental requirements	Sum	1	R
A.1.6.	Comply with all health and safety requirements	Sum	1	R
A.1.7.	Comply with all industrial relations requirements	Sum	1	R
A.1.8.	Survey layout and pegging	Sum	1	R
A.1.9.	Work within a 3m radius of OHTE that requires occupation of the line. (Provisional Sum)	Sum	1	R
A.2	Time-related items			
A.2.1.	Allow for compliance with all time-related conditions of contract	Sum	1	R
A.2.2.	Operate and maintain facilities on site	Sum	1	R
A.2.3.	Provision of security services (for a period of 24 months)	Sum	1	R
A.2.4.	Supervision (for a period of 24 months)	Sum	1	R
A3	Protection	Daily Rate Only		
A.3.1	Train Protection in Accordance with Train Working Rules (Provisional Amount)	R.....		R3,000,000
A.3.2	One Track Master (Provisional Amount)	R.....		R3,000,000
A.4	Installation and Commissioning			
A4.1	OHTE Removal and Replacement/Reinstatement with the new equipment	Sum	1	R
	Signaling Removal and Replacement/Reinstatement with the new equipment	Sum	1	R
	Telecommunication Removal and Replacement/Reinstatement with the new equipment	Sum	1	R
A.5.	Reinstatement and commissioning of track for railway operations	Sum	1	R
A.6	Community Liaison Officer (Provisional)	Lump Sum	1	R720,000
	Total carried over to Summary			R

Item	Description	Unit	Quantity	Amount
	SECTION B : EARTHWORKS			
B.1.	Site clearance			
B.1.1.	Clear and grub by hand (vegetation, rubble, etc.):	Sum	1	R
B.2.	Excavation			
B.2.1.	Inside Tunnel			
B.2.1.1	Excavate in soil to final level	Sum	1	R
B.2.1.2.	Excavate in rock to final level	Sum	1	R
B.2.1.3.	Backfill using an appropriate designed material	Sum	1	R

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B.2.2.	Outside Tunnel			
B.2.2.1	Excavate in soil to final level	Sum	1	R
B.2.2.2.	Excavate in rock to final level	Sum	1	R
B.2.2.3.	Backfill using appropriate designed material	Sum	1	R
B.3	Excavation Ancillaries			
B.3.1.	Tests ordered by the Engineer	Sum	1	R
Total carried over to Summary				R

Item	Description	Unit	Quantity	Amount
	SECTION C: CONCRETE			
C.1.	Scheduled Reinforcement Items	Sum	1	R
C.2.	Scheduled Concrete Items	Sum	1	R
C.3.	Joints			
C.3.1.	Construction joints, with an approved silicon	Sum	1	R
C.4.	Grouting	Sum	1	R
C.5.	Repair cracks on the tunnel portal	Sum	1	R
Total carried over to Summary				R

Item	Description	Unit	Quantity	Amount
	SECTION D: PERWAY			
D.1	Dismantle existing railway track			
D.1.1	Outside Tunnel			
D.1.1.1	Remove, load and stockpile rail	Sum	1	R
D.1.1.2	Remove, load and release existing sleepers	Sum	1	R
D.1.1.3	Remove, load and release existing ballast	Sum	1	R
D.1.1.4	Remove, load and release rail fastenings sleepers	Sum	1	R
D.1.2	Inside Tunnel			
D.1.2.1	Remove, load and stockpile rail	Sum	1	R
D.1.2.2.	Remove, load and release existing slab track	Sum	1	R
D.2.	Laying of new tracks			
D.2.1.	Inside Tunnel			
D.2.1.1.	Formation	Sum	1	R
D.2.1.2.	Geosynthetics	Sum	1	R
D.2.1.3.	Reinstate rail	Sum	1	R
D.2.1.4.	Curve new rails to true radius	Sum	1	R
D.2.1.5.	Weld the rails (Exothermic weld)	Sum	1	R
D.2.1.6.	Destress track	Sum	1	R
D.2.2.	Outside Tunnel			
D.2.2.1.	Formation	Sum	1	R
D.2.2.2.	Geosynthetics	Sum	1	R
D.2.2.3.	Reinstate rail	Sum	1	R
D.2.2.4.	Supply and install ballast	Sum	1	R
D.2.2.5.	Supply and install Sleepers	Sum	1	R
D.2.2.6.	Supply, install, align and tamp transition beam sleeper (Transition Tracks at portal exits)	Sum	1	R
D.2.2.7.	Reinstate rail	Sum	1	R

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D.2.2.8.	Curve new rails to true radius	Sum	1	R
D.2.2.9.	Weld rails (Exothermic weld)	Sum	1	R
D.2.2.10	Destress track	Sum	1	R
	Total carried over to Summary			R

SUMMARY OF BOQ

Section No	Description	Price
A	PRELIMINARIES AND GENERAL	R
B	EARTHWORKS	R
C	CONCRETE	R
D	PERWAY	R
E	SUB TOTAL 1 (A+B+C+D)	R
F	CONTIGENCIES (at 10% of E)	R
G	SUB TOTAL 2 (E+F)	R
H	CONTRACT PRICE ADJUSTMENT (at 8% of G)	R
I	SUB TOTAL 3: CONSTRUCTION WORK (G+H)	R
J	ADD PROFESSIONAL FEES	R
K	SUB TOTAL 4: CONSTRUCTION WORK+ PROFESSIONAL FEES (I+J)	R
L	VAT (at 15%) (at 15% of K)	R
M	TOTAL (incl. VAT) (K+L)	R