

APPOINTMENT OF A CONTRACTOR FOR THE REFURBISHMENT, ALTERATIONS, AND ADDITIONS AT CORRIDOR 3 – (CLUSTER) PHEFENI AND MZIMHLOPHE STATIONS IN THE SOUTH GAUTENG REGION TO BE DONE OVER 9 MONTHS CONSTRUCTION PERIOD	 prasa <small>PASSENGER RAIL AGENCY OF SOUTH AFRICA</small>
SGR/CRES/PHE/MZI-CON/09/2022	

BID NUMBER: SGR/CRES/PHE/MZI-CON/09/2022	
APPOINTMENT OF A CONTRACTOR FOR THE REFURBISHMENT, ALTERATIONS, AND ADDITIONS AT CORRIDOR 3 – (CLUSTER) PHEFENI AND MZIMHLOPHE STATIONS IN THE SOUTH GAUTENG REGION TO BE DONE OVER 9 MONTHS CONSTRUCTION PERIOD	
CLOSING DATE	Wednesday, 02 November 2022
CLOSING TIME	12:00 PM
BID DOCUMENTS DELIVERY ADDRESS	PASSENGER RAIL AGENCY OF SOUTH AFRICA PRASA CRES – SGR. GROUND FLOOR UMJANTSHI HOUSE, 30 WOLMARANS STREET, BRAAMFONTEIN. JOHANNESBURG. 2000
BIDDER NAME	
BID RETURN ADDRESS	PASSENGER RAIL AGENCY OF SOUTH AFRICA PRASA CRES – SGR. GROUND FLOOR UMJANTSHI HOUSE, 30 WOLMARANS STREET, BRAAMFONTEIN. JOHANNESBURG. 2000

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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, servants, 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 offers 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 (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 confidentiality) but shall not, either in the whole or in part, be copied, reproduced,

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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 agrees 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 Respondents to re-bid on any changes;
- Withdraw, amend the RFP at any time without prior notice and liability to compensate or reimburse any respondent;
- Reject any Proposal which does not conform to instructions and specifications which are detailed herein
- Disqualify Proposals submitted after the stated submission deadline;
- Call a respondent to provide additional documents which PRASA may require which have not been submitted to PRASA.

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- Not necessarily accept the lowest priced Proposal or alternative bid;
- Not accept any response to the RFP or appoint a final bidder;
- Reject all proposals if it so decides;
- Withdraw the RFP on good cause shown;
- Award a contract in connection with this Proposal at any time after the RFP's closing date;
- Award a contract for only a portion of the proposed goods/ service/s/ works which are reflected in the scope of this RFP;
- Split the award of the contract between more than one Service Provider, should it at PRASA's discretion be more advantageous in terms of, amongst others, cost or development considerations;
- Make no award at all;
- Validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents 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 Respondent 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 Respondent, which after conclusion of the contract, is proved to have been incorrect, PRASA reserves the right to cancel the contract and/or place the Respondent on PRASA's list of Restricted Suppliers.

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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.

PRASA reserves the right to negotiations Best and Final Offer (BAFO) with selected Respondents 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 Respondent for any preparatory costs or other work performed in connection with its Proposal, whether the Respondent is awarded a contract.

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DTI SWORN AFFIDAVIT FOR PURPOSES OF B-BBEE PICTORIALS	Annexure 6 Annexure A:

NB: Contract to be used for this project will be JBCC contract

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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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INTERPRETATION

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

- 4.1 headings have been inserted for convenience only and should not be considered in interpreting the RFP;
- 4.2 any reference to one gender shall include the other gender;
- 4.3 words in the singular shall include the plural and vice versa;
- 4.4 any reference to natural persons shall include legal persons and vice versa;
- 4.5 words defined in a specific clause have the same meaning in all other clauses of the RFP, unless the contrary is specifically indicated;
- 4.6 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;
- 4.7 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;
- 4.8 in the event of any inconsistency between this RFP or other earlier information published regarding the Project, the information in this RFP shall prevail; and
- 4.9 this RFP shall be governed by and applied in accordance with South African law.

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3 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:

- 5.1 “Accounting Authority” means the Board of PRASA;
- 5.2 “Contract” means the Contract to be entered between PRASA and the successful Bidder for the provision of the *services* procured in this RFP.
- 5.3 “Bid” means the Bid to the RFP submitted by Bidders;
- 5.4 “Bidders Briefing Session” means the briefing session to be held at the offices of PRASA, in order to brief the Bidders about this tender;
- 5.5 “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;
- 5.6 “Black Equity” means the voting equity held by Black People from time to time;
- 5.7 “Black People” means African, Coloured and Indian South African citizens, and “Black Person” means any such citizen;
- 5.8 “Black Woman” means African, Coloured and Indian South Africa Female citizen;
- 5.9 “Briefing Note” means any correspondence to Bidders issued by the PRASA;
- 5.10 “Business Day” means any day except a Saturday, Sunday or public holiday in South Africa;
- 5.11 “Bidders” means individuals, organisations or consortia that have been submitted responses to the RFP in respect of the tender;
- 5.12 “Consortium” means any group of persons or firms jointly submitting a Bid as Bid to this RFP and “Consortia” means more than one Consortium;
- 5.13 “Contractor” the successful Bidders who has signed a Contract with PRASA in terms of this RFP.

“Closing Date” means the closing date for submission of bids/ Proposals by Bidders which is **Wednesday, 02 November 2022;**

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“Project” means this project for **APPOINTMENT OF A CONTRACTOR FOR THE REFURBISHMENT, ALTERATIONS, AND ADDITIONS AT CORRIDOR 3 – (CLUSTER) PHEFENI AND MZIMHLOPHE STATIONS IN THE SOUTH GAUTENG REGION TO BE DONE OVER 9 MONTHS CONSTRUCTION PERIOD**

- 5.14 “RFP” means the Request for Proposals issued by PRASA for this tender; and
- 5.15 “Scope of Work” 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 CONTRACTOR FOR THE REFURBISHMENT, ALTERATIONS, AND ADDITIONS AT CORRIDOR 3 – (CLUSTER) PHEFENI AND MZIMHLOPHE STATIONS IN THE SOUTH GAUTENG REGION TO BE DONE OVER 9 MONTHS CONSTRUCTION PERIOD
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 30th September 2022
ISSUE DATE	Friday, 30th September 2022
COMPULSORY TENDER BRIEFING WILL BE HELD	Yes, the compulsory briefing will be held on the 13 October 2022 at 10h00 AM, at PHEFENI TRAIN STATION
CLOSING DATE	Tuesday, 02 November 2022 at 12h00 pm Bidders must ensure that bids are delivered timeously to the correct address. As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.
VALIDITY PERIOD	90 Business Days from Closing Date

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	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.
CLOSING DATE FOR QUESTIONS	19 October 2022 @14h00 Afternoon
CLOSING DATE FOR RESPONSES	25 October 2022 @ 16h00 Afternoon
CONTACT PERSON	Mrs. Zoliswa Yangairo zoliswa.yangairo@prasa.com

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

2 FORMAL BRIEFING

A compulsory tender briefing will be held at:

Venue: PHEFENI TRAIN STATION

Date: 13 October 2022

Time: 10h00 am

PRASA Representative will be available.

Interested Bidders are encouraged to visit and examine the Site of Works and its surroundings at their cost to obtain all information that may be necessary for preparing the tender and entering a contract.

3 BRIEFING SESSION MINUTES AND NOTES

3.1 Clarifications will be issued to all Respondents to this RFP utilizing the contact details provided at receipt of the responses to the RFP documentation, after submission to the authorised representative.

3.2 Bidders / Respondents are requested to promptly confirm receipt of any clarifications sent to them.

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3.3 Bidders / Respondents must ensure responses to the clarifications are received on or before the deadline date stated.

4 PROPOSAL SUBMISSION OF RFP RESPONSE

Proposal Responses must be submitted to PRASA in a sealed envelope addressed as follows:

ATTENTION: MRS. ZOLISWA YANGAIRO, PRASA CRES – 30 WOLMARANS STREET, UMJANTSHI HOUSE, BRAAMFONTEIN, JOHANNESBURG

RFP No: **SGR/CRES/PHE/MZI-CON/09/2022**

Description of Bid:

APPOINTMENT OF A CONTRACTOR FOR THE REFURBISHMENT, ALTERATIONS, AND ADDITIONS AT CORRIDOR 3 – (CLUSTER) PHEFENI AND MZIMHLOPHE STATIONS IN THE SOUTH GAUTENG REGION TO BE DONE OVER 9 MONTHS CONSTRUCTION PERIOD

Closing date and time: **TUESDAY, 02 NOVEMBER 2022 @ 12H00PM AFTERNOON**

Closing address: **PRASA CRES – 30 WOLMARANS STREET, UMJANTSHI HOUSE, BRAAMFONTEIN, JOHANNESBURG**

5 DELIVERY INSTRUCTION FOR RFP

Delivery of Bid

The Bid envelopes must be deposited in the PRASA tender box which is located at the main entrance of the **PRASA OFFICES, Umjantshi House, 30 Wolmarans Street, Braamfontein** and must be addressed as follows:

ATTENTION: ZOLISWA YANGAIRO, PRASA CRES – SUPPLY CHAIN MANAGEMENT TENDER OFFICE, 30 WOLMARANS STREET, UMJANTSHI HOUSE, BRAAMFONTEIN JOHANNESBURG.

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NB: BIDDERS ARE URGED TO COME INSIDE THE RECEPTION AREA OF PRASA CRES OFFICES TO SIGN THE TENDER SUBMISSION REGISTER WHEN DEPOSITING THEIR BID PROPOSALS INTO THE TENDER BOX.

6 BROAD-BASED BLACK ECONOMIC EMPOWERMENT AND SOCIO-ECONOMIC OBLIGATIONS

As explained in more detail in the attached SBD 6.1 (BBBEE Preference Points Claim Form) in and as prescribed in terms of the Preferential Procurement Policy Framework Act (PPPFA), Act 5 of 2000 and its Regulations, Respondents are to note that PRASA will award “preference points” to companies who provide valid proof of their B-BBEE status using either the latest version of the generic Codes of Good Practice or Sector Specific codes (if applicable).

Note: Failure to submit valid and original (or a certified copy of) proof of the Respondent’s compliance with the B-BBEE requirements stipulated in this RFP (the B-BBEE Preference Points Claim Form) at the Closing Date of this RFP, will result in a score of zero being allocated for B-BBEE. Except for when B-BBEE level is a pre-qualification, which would lead to disqualification.

6.1 B-BBEE Joint Ventures or Consortiums

Respondents who would wish to respond to this RFP as a Joint Venture [JV] or consortium with B-BBEE entities, must state their intention to do so in their RFP submission. Such Respondents must 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 must 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 must 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.

Respondents are to note the requirements for B-BBEE compliance of JVs or Consortiums as required by **SBD 6.1** [the B-BBEE Preference Point Claim Form] and submit it together with proof

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of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status.

Note: Failure to submit a valid and original B-BBEE certificate for the JV or a certified copy thereof at the Closing Date of this RFP will result in a score of zero being allocated for B-BBEE. Except for when B-BBEE level is a pre-qualification, which would lead to disqualification.

Consolidated BBBEE certificate for JV must be submitted.

7 COMMUNICATION

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 [\[zoliswa.yangairo@prasa.com Mrs. Zoliswa Yangairo\]](mailto:zoliswa.yangairo@prasa.com) by **Tuesday, 19 October 2022 14h00 Afternoon**, substantially in the form set out in Annexure 5 hereto.

- 7.1 In the interest of fairness and transparency PRASA's response to such a query will be made available to the other Respondents who have attended a compulsory and a non-compulsory briefing session. For this purpose, PRASA will communicate with Respondents using the contact details provided at the compulsory and a non-compulsory briefing session.
- 7.2 After the closing date of the RFP, a Respondent may only communicate in writing with the Bid Secretariat, at telephone number [011 013 0088, E-mail zoliswa.yangairo@prasa.com on any matter relating to its RFP Proposal.
- 7.3 Respondents are to note that changes to its submission will not be considered after the closing date.
- 7.4 Respondents are warned that a response will be liable for disqualification should any attempt be made by a Respondent 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, Respondents found to be in collusion with one another will automatically be disqualified and restricted from doing business with PRASA in future.

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8 CONFIDENTIALITY

8.1 PRASA shall ensure all information related to this RFP is to be treated with strict confidence. In this regard Respondents / 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 must be obtained from PRASA.

8.2 Respondents 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.

9 INSTRUCTIONS FOR COMPLETING THE RFP

9.1 All responses to the RFP must be submitted in two sealed envelopes/boxes; the first envelop/box shall have the technical, compliance and BBEE response and the second envelop/box shall only have the financial response. Bidders must ensure that they do not indicate any financial information in the first envelop/box. PRASA will disqualify Bidders who fail to adhere to this requirement.

9.2 Bidders are required to package their response/Bid as follows to avoid disqualification:

Original & Copy of Volume 1 (Envelope 1/Package 1)

- **Part A:** Compliance Response and B-BBEE Response
- **Part B:** Technical or Functional Response (response to scope of work)
- **Part C:** SBD 6.2 and Annexure C

Original & Copy of Volume 2 (Envelope 2/ Package 2)

Part C: Financial Proposal (BOQ/Price Schedule and Pricing form C)

Volume 2 Has to be submitted in a separate sealed envelope. Bidders must make their pricing offer in envelope 2/package 2, no pricing and pricing related information should be included in

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the Volume 1 envelope 1. **Bidders who fail to meet this requirement will be automatically disqualified.**

- 9.3 Seal the original and electronic (USB) of the tender as separate packages marking the packages as "ORIGINAL". 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 must further indicate in the package whether the document is envelope / box 1 or 2. Bidders must submit 1 original response, 1 electronic version which must be contained in USB clearly marked in the Bidders name.
- 9.4 Bidders must ensure that their response to the RFP is in accordance with the structure of this document.
- 9.5 Where Bidders are required to sign forms, they are required to do so using a black ink pen.
- 9.6 Any documents forming part of the original responses to RFP, but which are not original in nature, must be certified as a true copy by a Commissioner of Oaths.
- 9.7 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 must be neatly and functionally bound, preferably according to their different sections.
- 9.8 The original responses to RFP must be signed by a person duly authorized by each consortium member 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 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.
- 9.9 The responses to RFP formulation must be clear and concise and follow a clear methodology which responses to RFP must explain upfront in a concise Executive Summary and follow throughout the responses to RFP.

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- 9.10 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.
- 9.11 Information submitted as part of a responses to RFP must as far as possible, be ordered according to the order of the required information requested by PRASA. All pages must be consecutively numbered.
- 9.12 Responses to RFP must 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.
- 9.13 Response to RFP documents are to be submitted to the address specified in paragraph 5 above, and Bidders must 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.
- 9.14 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.
- 9.15 Any additional conditions must be embodied in an accompanying letter. Subject only to clause 16 [Alterations made by the Respondent to Bid Prices] of the General Bid Conditions, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.
- 9.16 Bidders are required to review the Contract. Bidders may further amend and or delete any part of the Draft Contract where they deem fit to do so. Where Bidders have amended and or deleted any part of the Contract, it must be clearly visible by using track changes and must ensure that the disc 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 the evaluation.**

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10 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.

RFP PROCESS	MILESTONE DATES
Bid issue date	30 September 2022
Compulsory briefing for Bidders	13 October 2022 @ 10h00
Closing date for Questions	19 October 2022 @ 14h00 Afternoon
Closing date for Responses	25 October 2022 @ 16h00 Afternoon
Closing Date for Submission of final Bids	02 November 2022 @ 13h00 Afternoon
Evaluation of Proposals (Bidders note that PRASA may call for Presentation of bidders offers at any stage of the evaluation process)	21 November 2022- 25 November 2022
Appointment of the successful Bidder	30 November 2022
Signing of Contract	05 December 2022

11 LEGAL COMPLIANCE

Bidders must ensure that they comply with all the requirements of the RFP and if Bidders fail to submit any of the required documents, such Bids shall, at the sole discretion of PRASA, be disqualified the Bidder. PRASA reserves the right to call a Bidder to provide additional documents which PRASA may require from a Bidder which have not been submitted to PRASA.

Respondents must ensure that they comply with all the requirements of the RFP and if Bidders fail to submit any of the required documents, such Bids shall, at the sole discretion of PRASA, be disqualified.

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.

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12 NATIONAL TREASURY’S CENTRAL SUPPLIER DATABASE

Respondents 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>. Respondents 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:** _____.

13 TAX COMPLIANCE

Respondents 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) and Value Added Tax Act, 1991 (Act No. 89 of 1991).

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.

The Tax Compliance status requirements are also applicable to foreign Respondents/ individuals who wish to submit bids.

Respondents are required to be registered on the Central Supplier Database (CSD) as indicated in paragraph 12 and the National Treasury shall verify the Respondent’s tax compliance status through the Central Supplier Database (CSD).

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 must be completed and submitted as an essential returnable document by the closing date and time of the bid.

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New Tax Compliance Status (TCS) System

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.

Respondents are required to provide the following to PRASA in order to enable it to verify their tax compliance status:

Tax Compliance Status (TCS) Pin: _____.

14 PROTECTION OF PERSONAL DATA

In responding to this bid, PRASA acknowledges that it may obtain and have access to personal data of the Respondents. PRASA agrees that it shall only process the information disclosed by Respondents 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, amend or alter any personal data submitted by Respondents or disclose or permit the disclosure of any personal data to any Third Party without the prior written consent from the Respondents. Similarly, PRASA requires Respondents to process any personal information disclosed by PRASA in the bidding process in the same manner.

SECTION 2

- INTRODUCTION**

PRASA intends activating passenger railway services within the subject corridor. This is part of the national Priority Corridor Recovery initiative of PRASA RAIL. Part of this initiative is to ensure that immovable railway infrastructure is in good working condition during the service reactivation process.

This submission is to request approval to invite construction companies with a **CIDB grading/level 6GB or higher** and proven experience in the construction of similar work for the above project.

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The identified projects are the refurbishment, alterations and additions at **Corridor 3 – (Cluster) Phefeni and Mzimhlophe stations** in the South Gauteng Region.

- **BACKGROUND INFORMATION**

- **STATUS QUO**

The passenger railway services offered by PRASA at the subject corridors are not at par with the normal operations of passenger rail service. The railway infrastructure at these facilities has been rendered functionally obsolete due to the acts of vandalism that occurred over the past three years. PRASA infrastructure such as railway tracks and related overhead track equipment, ticket office buildings, platform surfaces, lighting equipment, ablution facilities, retail/commercial facilities, parking, etc. has been damaged beyond use.

PRASA CRES strategy has pointed to a need for rapid development of the Rail Top Priority Corridors, in line with the Service Resumption and the Infrastructure Investment and Development in these Corridors.

Vandalized and ageing infrastructure must be refurbished and upgraded, while PRASA CRES has to provide capacity ahead of demand. This creates a need for increased capacity and resources to deliver property investments within the current MTEF budgeting, 3 years-period.

- **PROBLEM STATEMENT**

PRASA has identified the 15 priority railway corridors where stations and facilities have been vandalised as a result quick and timeous rectification is needed.

The 15 corridors include South Gauteng Region as shown below in figure 1 and figure 2:

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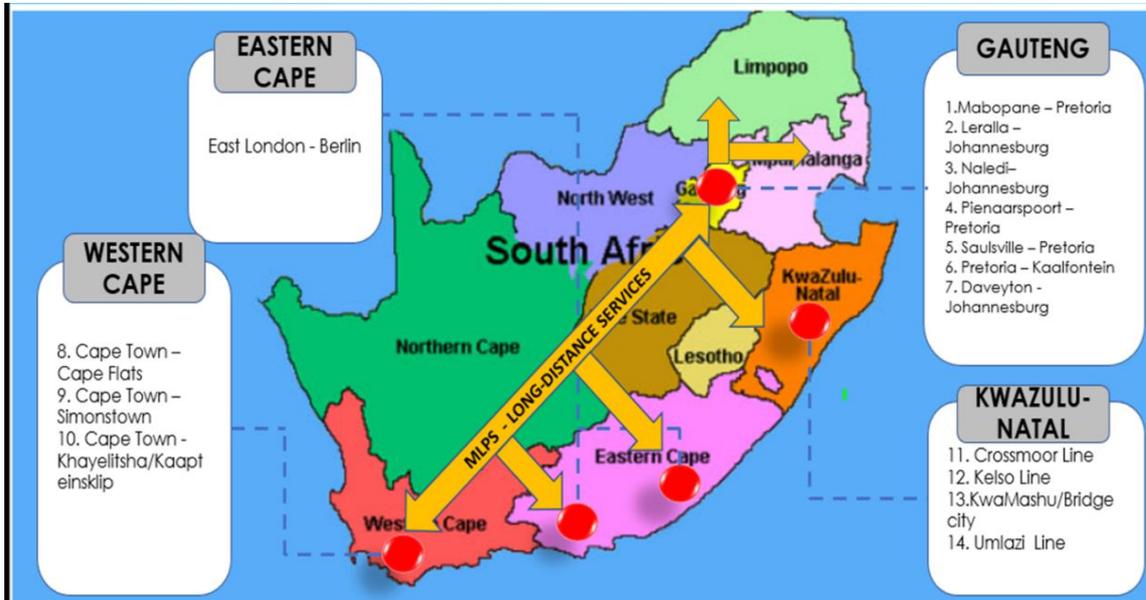


Figure 1: National Corridor Diagram

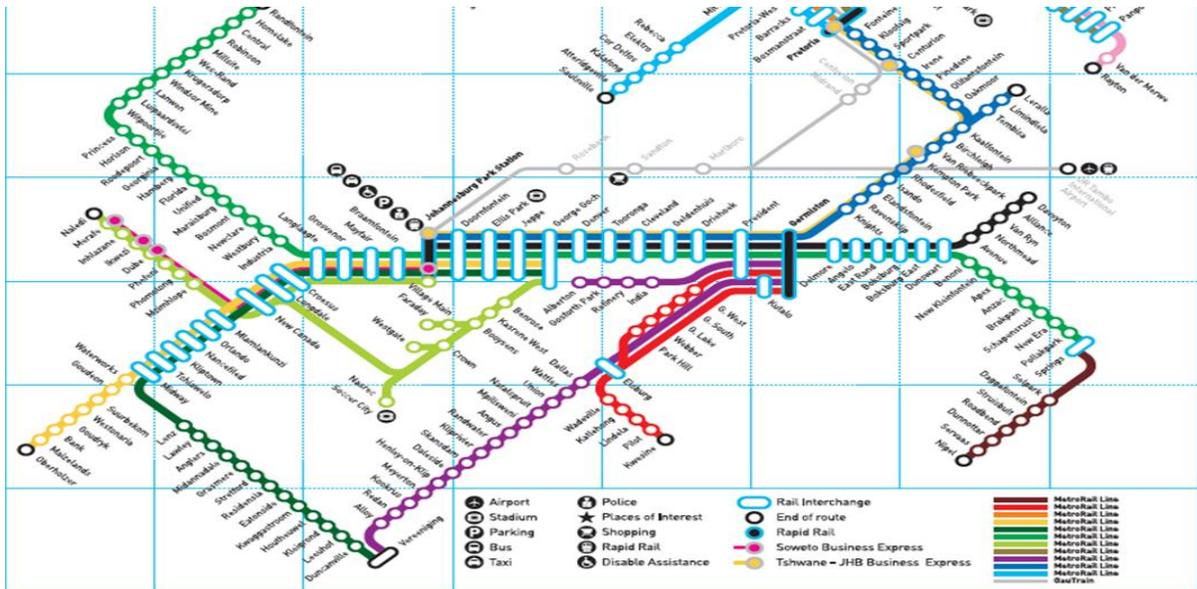


Figure 2: South Gauteng Region Corridor Diagram

PICTORIAL

See annexure A - Pictorials

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- **OBJECTIVE OF THE PROPOSED PROJECT**
- **PROJECT CLUSTERING PROCESS AND DESIRED OUTCOMES THEREOF**
 - **PROJECT CLUSTERING**

The projects herein are within the Naledi to Johannesburg Corridor and they are clustered in-terms of proximity of the stations. The projects included in this submission are **Phefeni and Mzimhlophe Station**

SUB-CONTRACTING

For any work above R30million, the successful bidder will be required to sub-contract a minimum of 30% of the value of the contract, at contracting stage, to one or more designated suppliers.

DESIRED OUTCOMES

The desired outcome is to get the contractors on board in order to fast-track the service resumption.

- **PROJECT BENEFITS TO PRASA**
PRASA CRES will be able to accelerate the implementation of projects and thus delivering on its mandate to support PRASA Rail in the Service Resumption Plans.
- **CURRENT MECHANISMS IN PLACE TO ADDRESS THE PROBLEM**

The mechanism that is in place is mainly for emergencies in a form of short-term maintenance contracts.

- **SCOPE OF WORK AND AREAS OF FOCUS**
- **SCOPE OF THE DESIRED SOLUTION**

The high-level scope of work to be executed under this project will include, but not be limited to the following:

- Removal and disposal of dilapidated building materials, structures, equipment and rubble

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- Improvement to buildings and structures
- Improvement of the systems for provision of water, sewerage and drainage
- Renovation of station lighting and provision for electrical supply including standby power supply (generator)
- Provision for station signage and platform lines
- Supply and installation of access control and security monitoring systems
- Refurbishment of parking spaces
- Refurbishment of platforms and shelters
- Supply and installation of fire-fighting equipment and systems (The winning Bidder will be required to adhere to applicable SANS regulations)
- HVAC

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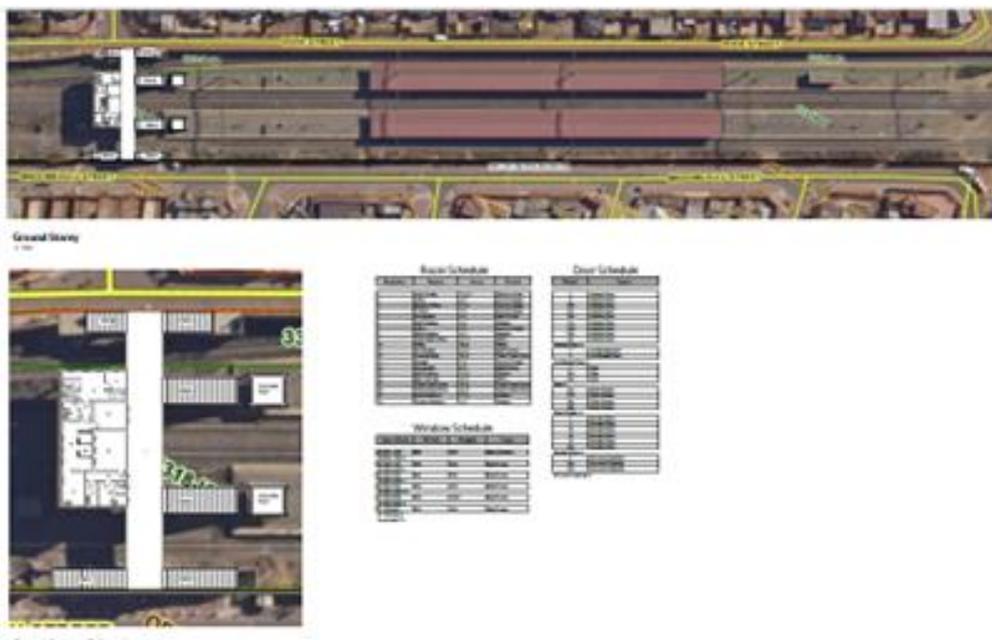
- **DETAILS ON THE PREFERRED SOLUTION**

The targeted station Phefeni and Mzimhlophe:

Phefeni Station Building Layout:



Mzimhlophe Station Building Layout:



- **TARGETED AREA BY THIS PROJECT**

The targeted areas relate amongst others to two critical aspects of the projects, that is, functionality and improvement aspects.

- **FUNCTIONALITY**

This type of work relates to focussing on ensuring that trains are running and entails:

- Station and platform lighting
- Access control facilities
- Functional ticket offices
- Safe platform surfaces
- Waiting shelters
- Functional public ablutions
- Availability of water
- Yellow lines and social distance marking
- Sanitation services

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▪ **IMPROVEMENT**

This is an intense, time-consuming project which entails station improvement and also covers secondary mandate works such as.

- Additions to ablutions
- Reconfiguration of access from parking to station concourse then to platform
- Ensuring that customer experience is improved
- Addition to employee facilities such as mess-rooms, security facilities, ticket sales, etc.
- Back-of-the-house facilities – cash collection, storage, etc.
- Improvement to the overall appearance of the station that includes lighting, security features, passenger information, staff facilities such as ticketing offices, passenger shelters, ablution facilities, paintwork to subways, electricity supply, bridges, fencing, retail/commercial, etc.

• **EXTENT AND COVERAGE OF THE PROPOSED PROJECT**

The extent and coverage of this project is one (01) station in the **South Gauteng Region** which is as follows:

- Corridor 3 – Phefeni and Mzimhlophe Stations

▪ **OTHER RELATED PROJECTS**

The following projects have been identified as related to this proposed project:

- The Platform Configuration Project (Horizontal and Vertical Alignment)
- Corridor Fencing

▪ **SPECIFICATION OF THE WORK OR PRODUCTS OR SERVICES REQUIRED**

The following general, SANS and PRASA standards, but not limited to, will be applicable to the project:

- SANS 10400: The application of National Building Regulations
- SANS 3000 -1:2009 Railway Safety Management

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- Relevant Bills of Quantities and Construction Drawings as issued by the Principal Agent
- PRASA - Norms, Guidelines and Standards (NGS) for Station Facilities (2014),
- PRASA – Blue Print Specifications 2016,
- Safety Arrangements and Procedural Compliance with the Occupational Health and Safety Act (Act 85 of 1993) and
- Applicable Regulations (Specification E4E); including any subsequent amendments, and related construction regulations, and guidelines

The below are the specific working areas as per the scope of works:

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Analysis						
The analysis done using the station guidelines for initial design purposes only.						
Phefeni		Intermediate Station				
		Blue Print Requirments 2019	Status Quo	Compliance with Blue Print Requirments 2019 ?	Architects Comments	Client Comments
1	Customer services					
2.1.1	Ticket Sales Cubicle	4 NTSP 3.9 sqm each	4 NTSP Vandalised	Yes	Sufficient	
2.1.2	Disabled Access Sales Cubicle (Min. 1)	3,9 sqm	Nonexistent	No		
2.1.4	Disabled Staff Sales Cubicle (Min. 1)	4,5 sqm	Nonexistent	No		
2.1.5	Default Ticket Sales Cubicle (Min. 1)	4,9 sqm	Existing	Yes		
2.1.5	Secure-lock Ante-Room	3 sqm	Nonexistent	No		
2.1.7	Supervisor Office	7,4 sqm	Nonexistent	No		
2.1.7	Cash-up Office	N/A	N/A	Yes		
2.1.8	Strong Room	3 sqm	Nonexistent	No		
2.1.9	Kitchenette	6 sqm	Existing	Yes		
2.1.9	Break Room	N/A	N/A	Yes	Sufficient	
2.1.10	Male Wc	N/A	2 WC Pan & 2 WHB Vandalised	Yes	Sufficient for 14 persons /staff as per table 6 of SANS10400 Part P. If there are more than 14 staff / personal in the customer service block an additional WC and WHB will be required. Not Compliant with SANS10400 Part 5	
2.1.10	Female Wc	N/A				
2.1.10	Disabled toilet (Unisex)	4,2 sqm	Nonexistent	No		
2.1.11	Secure-lock CIT Ante-Room	3 sqm	Existing	Yes		
2	Station Control & Information					
2.2.1	Station Control Room	18 sqm	Nonexistent	No	Please advise if the following spaces are existing and if the station requires them	
2.2.2	Information Point	3,9 sqm	Nonexistent	No		
3	Administrative Offices & Staff Accommodation					
2.3.1	Reception & Lobby	9 sqm	Nonexistent	No		
2.3.2	First Aid / Infirmary	5 sqm	Nonexistent	No		
2.3.3	Area Manager (Station Specific)	N/A	N/A	Yes		
2.3.3	Station Manager	9 sqm	Existing	Yes		
2.3.4	Senior Clerk / Supervisor	8 sqm	Nonexistent	No		
2.3.5	Meeting / Briefing Room	12 sqm	Nonexistent	No		
2.3.6	Admin Store	12 sqm	Existing	Yes		
2.3.7	Equipment Room	21,6 sqm	Nonexistent	No		
2.3.8	Kitchenette	3 sqm	Existing	Yes		
2.3.8	Break Room	5 sqm	Existing	Yes		
2.3.9	Male Locker Room (For C.S. & Admin)	6 sqm	Existing (unisex)	Yes		
2.3.9	Female Locker Room (For C.S. & Admin)	6 sqm				
2.3.10	Male Toilet	1,9 sqm	Existing (unisex)	Yes		
2.3.10	Female Toilet	2,2 sqm				
2.3.10	Disabled Toilet (Unisex)	3,7 sqm	Nonexistent	No		
4	Cleaners & Access Control Staff Accommodation					
2.4.1	Cleaners Store	6,5 sqm	Nonexistent	No		
2.4.2	Male Locker Room	6 sqm	Nonexistent	No		
2.4.2	Female Locker Room	6 sqm	Nonexistent	No	Solution was discussed in the meeting with the Station manager please see summary	
2.4.3	Male Toilet	2,3 sqm	Nonexistent	No		
2.4.3	Female Toilet	1,8 sqm	Nonexistent	No		
2.4.4	Kitchenette	2 sqm	Nonexistent	No		
2.4.4	Break Room	4 sqm	Nonexistent	No		
5	Security Accommodation & Systems					
2.5.1	Charge Office	6 sqm	Existing	Yes		
2.5.2	Security Supervisor	8 sqm	Nonexistent	No		
2.5.3	Security Office / Cell Surveillance	N/A	N/A	Yes		
2.5.4	Holding Cells (Note: min 2 Required in Super-Core Stations)	N/A	N/A	Yes		
2.5.5	Strong Room	2 sqm	Nonexistent	No		
2.5.6	Kitchenette	2 sqm	Existing	Yes		
2.5.6	Break Room	4 sqm	Existing	Yes		
2.5.7	Male Locker Room	5 sqm	Existing	Yes		
2.5.7	Female Locker Room	5 sqm	Existing	Yes		
2.5.8	Male Toilet	2,3 sqm	Existing (Unisex)	Yes		
2.5.8	Female Toilet	2,2 sqm				
6	Public Ablution Facilities					
2.6.1	Male Ablutions					
	WC Pans	1	2	Yes		
	urinals	3	3	Yes		
	WHB	1	1	Yes		
	MIP	1 note if placed (subtract 1 wc & whb)	Nonexistent	Yes		
2.6.1	Female Ablutions					
	WC Pans	4	4	Yes		
	WHB	3	4	Yes		
	MIP	1 note if placed (subtract 1 wc & whb)	Nonexistent	Yes		
6,2	Unisex Disabled Toilet	1 note if placed (subtract 1 wc & whb from Male Ablutions)	1	Yes		
6,3	Unisex Baby Changing Station		N/A	Yes		

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Mzimhlope	Core Station		Status Quo	Compliance with Blue Print Requirements 2019 ?	Architects Comments	Client Comments
1 Customer services		Blue Print Requirements 2019				
2.1.1	Ticket Sales Cubicle	6 NTSP 3.9 sqm each	3 NTSP	Yes	3 Short	
2.1.2	Disabled Access Sales Cubicle (Min. 1)	3,9 sqm	No	No		
2.1.4	Disabled Staff Sales Cubicle (Min. 1)	4,5 sqm	No	No		
2.1.5	Default Ticket Sales Cubicle (Min. 1)	4,9 sqm	Existing	Yes		
2.1.5	Secure-lock Ante-Room	3 sqm	T.B.C	Pending		
2.1.7	Supervisor Office	7,4 sqm	T.B.C	Pending	Please see attached Plan and identify the functions of the following spaces	
2.1.7	Cash-up Office	7,4 sqm	T.B.C	Pending		
2.1.8	Strong Room	4 sqm	T.B.C	Pending		
2.1.9	Kitchenette	8 sqm	Existing	Yes		
2.1.9	Break Room	16 sqm	T.B.C	Pending		
2.1.10	Male Wc	2,4 sqm	2 WC Pan & 2 WHB Existing Unisex	Yes	Please advise if the following space is existing and if the station requires it Sufficient for 14 persons /staff as per table 6 of SANS10400 Part P. If there are more than 14 staff / personal in the customer service block an additional WC and WHB will be required. Please	
2.1.10	Female Wc	2,4 sqm			Not Compliant with SANS10400 Part 5	
2.1.10	Disabled toilet (Unisex)	4,2 sqm	Non Existing	No		
2.1.11	Secure-lock CIT Ante-Room	3 sqm	T.B.C		Please advise if the following space is existing and if the station requires it	
2 Station Control & Information						
2.2.1	Station Control Room	25 sqm	T.B.C	Pending	Please advise if the following spaces are existing and if the station requires them	
2.2.2	Information Point	5,5 sqm	T.B.C	Pending		
3 Administrative Offices & Staff Accommodation						
2.3.1	Reception & Lobby	11 sqm	Nonexistent	No		
2.3.2	First Aid / Infirmary	6,5 sqm	Nonexistent	No		
2.3.3	Area Manager (Station Specific)	12,5 sqm	Nonexistent	No		
2.3.3	Station Manager	11,9 sqm	Nonexistent	No		
2.3.4	Senior Clerk / Supervisor	9,9 sqm	Nonexistent	No		
2.3.5	Meeting / Briefing Room	18 sqm	Nonexistent	No		
2.3.6	Admin Store	16 sqm	Nonexistent	No		
2.3.7	Equipment Room	21,6 sqm	Nonexistent	No	Solution was discussed in the meeting with the Station manager please see summary	
2.3.8	Kitchenette	4 sqm	Nonexistent	No		
2.3.8	Break Room	6 sqm	Nonexistent	No		
2.3.9	Male Locker Room (For C.S. & Admin)	8 sqm	Nonexistent	No		
2.3.9	Female Locker Room (For C.S. & Admin)	8 sqm	Nonexistent	No		
2.3.10	Male Toilet	1,9 sqm	Nonexistent	No		
2.3.10	Female Toilet	2,2 sqm	Nonexistent	No		
2.3.10	Disabled Toilet (Unisex)	3,7 sqm	Nonexistent	No		
4 Cleaners & Access Control Staff Accommodation						
2.4.1	Cleaners Store	9 sqm	N/A	Yes		
2.4.2	Male Locker Room	6 sqm	N/A	Yes		
2.4.2	Female Locker Room	6 sqm	N/A	Yes		
2.4.3	Male Toilet	2,3 sqm	N/A	Yes	I propose having a basic cleaning block with 1 ablution and a Kitchenette that can be shared with the security if there is no problem in departments sharing facilities	
2.4.3	Female Toilet	1,8 sqm	N/A	Yes		
2.4.4	Kitchenette	3 sqm	N/A	Yes		
2.4.4	Break Room	6 sqm	N/A	Yes		
5 Security Accommodation & Systems						
2.5.1	Charge Office	8 sqm	Existing	Yes	More than sufficient	
2.5.2	Security Supervisor	8 sqm	T.B.C	Pending		
2.5.3	Security Office / Cell Surveillance	8 sqm	T.B.C	Pending	Please advise if the following spaces are existing and if the station requires them	
2.5.4	Holding Cells (Note: min 2 Required in Super-Core Stations)	5 sqm	Existing	Yes		
2.5.5	Strong Room	2,5 sqm	T.B.C	Pending	Please advise if the following spaces are existing and if the station requires them	
2.5.6	Kitchenette	3 sqm	T.B.C	Pending		
2.5.6	Break Room	6 sqm	Existing	Yes		
2.5.7	Male Locker Room	5 sqm	Existing	Yes		
2.5.7	Female Locker Room	5 sqm	Existing	Yes		
2.5.8	Male Toilet	2,3 sqm	Existing	Yes	Sufficient for 14 persons /staff as per table 6 of SANS10400 Part P. If there are more than 14 staff / personal in the customer service block an additional WC and WHB will be required. Please advise	
2.5.8	Female Toilet	2,2 sqm				
6 Public Ablution Facilities						
2.6.1	Male Ablutions					
	WC Pans	2	3	Yes	Sufficient and meets the requirements	
	Urinals	6	3	No	An additional 2 urinals are required	
	WHB	2	1	No	An additional 1 whb is required	
	MIP	1 note if placed (subtract 1 wc & whb)	1	No		
2.6.1	Female Ablutions					
	WC Pans	8	2	No	An additional 6 WCs are required	
	WHB	5	1	Yes	An additional 4 whb are required	
	MIP	1 note if placed (subtract 1 wc & 1 whb)	0	No		
6.2	Unisex Disabled Toilet	1 note if placed (subtract 1 wc & 1 whb from Female Ablutions)	0	No		
6.3	Unisex Baby Changing Station	1	T.B.C	Pending	Please advise if the following space is existing and if the station requires it	

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- **COMMUNITY LIAISON OFFICER (CLO)**

The successful bidder will be required to appoint and work with a Community Liaison Officer (CLO) as they implement the project.

A Community Liaison Officer (CLO), sometimes referred to as a local liaison officer, communicates and coordinates activities between an organization and a community. Typically, this might be required where an organization such as PRASA has a significant interaction with the general public.

The specific role of a CLO will vary depending on the nature of the project, but typical responsibilities might include:

- Gathering and sharing project information with the community and vice versa.
- Fostering an environment that encourages and supports community involvement in the project and engagement
- Giving presentations to community organizations about the project at hand
- Hosting or attending community meetings, allowing attendees to express concerns and raise issues.
- Collating a list of skills and resources available in the community for use by the contractor
- Building a ‘community spirit’ around a project
- Monthly reports to be prepared and submitted to the contractor by the CLO

15. CONTRACT PERIOD

The construction duration shall be **9 months** from start of site hand-over up to works completion.

CONTRACTING METHODOLOGY

The contracting methodology will be based on the Principal Building Agreement Edition 6.2 - May 2018 and related Contract Data

16. EVALUATION METHODOLOGY

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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 always be paramount.

16.1 TRANSFORMATION PROCUREMENT

PRASA may transform its procurement spend by utilising the following:

- i. PPPFA allows organs of state to utilize prequalification criteria for preferential procurement.
- ii. PPPFA allows organs of state to use objective criteria and stipulate same in the tender document.

NB: Tenderers are required to meet minimum stipulated threshold for local production and content for designated sectors for construction in accordance with the Preferential Procurement Regulation, 2017.

All annexures relating to local content are stipulated in SBD 6.2 form

The PPPFA Regulations, 2017, prescribe how Local Production and Content is to be measured in public sector Bids. In terms of these regulations when issuing bids involving designated sectors, PRASA must advertise such bids with a specific bid condition that only locally produced or manufactured Goods or Services which meet a stipulated minimum threshold for local production and content will be considered. For example, if the stipulated minimum threshold for LOCAL CONTENT is 70%, this means that 70% of the bid price must be spent on LOCAL CONTENT (i.e. everything that is not included in Imported Content.)

- i. Designated sectors, sub-sector or industry or product, are those sectors which in accordance with national development and industrial policies have been designated by the DTI in consultation with National Treasury, for Local Production and Content. The National Treasury must inform organs of state of any designation made through a circular / instruction note. The circulars/instructions issued by NT on designated sectors must always be strictly adhered to when bids in these sectors are issued. Refer to NT's website for the latest list of designated sectors. Further please refer to the circulars/instructions issued by NT as certain sectors have designated sub-sectors/components in addition to the overall thresholds.
- ii. PRASA, its Divisions and Subsidiaries are to note that local content is applicable to all

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designated products irrespective of the value unless indicated otherwise in the specific Instruction/Circular.

- iii. PRASA, its Divisions and Subsidiaries must be aware that certain Bidders may have approach the DTI to be exempted from meeting all LOCAL CONTENT requirements. Where such exemption has been received by a Bidder, Procurement must request a copy of such exemption from the Bidder with their Bid submission.
- iv. Based on the results above the GCPO must engage the DTI to seek exemption from the LOCAL CONTENT requirement. The application for an exemption must be accompanied by a report of the outcome from the above exercise, as proof of the status of the market. Should an exemption be granted, the exemption must be referred to in the Bid document.
- v) Where, after the contract has been awarded, a bidder can no longer meet the LOCAL CONTENT requirements, Procurement and the end user must deal with such a bidder in terms of the contractual terms and conditions relating to non-performance. However, there are National Treasury Instruction Notes that were issued with a clause which affords bidders an opportunity to approach the DTI with a request for exemption. In this regard, Procurement and the end-user must always verify if exemption is applicable against that specific Instruction Note.

LOCAL CONTENT Requirements in Bid Documents

It is a requirement that the following documents be listed as mandatory returnable documents, whenever a minimum threshold for LOCAL CONTENT is required:

- i. Declaration Certificate for Local Production and Content [SBD 6.2]; and
- ii. Annexure C – Local Content Declaration: Summary Schedule.
- iii. The following documents are supporting schedules and may be requested as essential returnable documents if PRASA would like to verify them for a bid:
- iv. Annexure D – Imported Content Declaration: Supporting Schedule to Annexure C; and
- v. Annexure E – Local Content Declaration: Supporting Schedule to Annexure C.

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17. 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 Evaluation of Technical	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 for technical evaluation is 70%, any bidder who fails to meet the minimum requirement will be disqualified and not proceed with the evaluation of Price and B-BBEE.
B-BBEE	Evaluate B-BBEE
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
Best and Final Offer	PRASA may go into the Best and Final Offer process in the instance where no bid meets the requirements of the RFP and/or the Bids are too close in terms of points awarded.
Approval	Approval and notification of the final Bidder.

17.1. EVALUATION PROCESS

Interested bidders for this project shall be evaluated in terms of their business credentials, financial standing, empowerment, technical capacity and experience. The evaluation committee shall use the following Evaluation Criteria depicted in Table 1 for the selection of the preferred bidder that shall execute cleaning services work for the project. The evaluation will be done in three stages, which are as follows:

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EVALUATION PROCESS	
Stage 1	
Compliance	Stage 1a: Pre-qualification compliance
	Stage 1b: Mandatory compliance
	Stage 1c: Non-mandatory/Basic compliance
Stage 2	
Technical/Functional Criteria	Testing of capacity – meet minimum threshold of 70%
Stage 3	
Preference Points	
Price	80
BBBEE	20
TOTAL	100

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

17.2 STAGE 1: COMPLIANCE REQUIREMENTS

Bidders must comply with the following requirements and failure to comply will lead to immediate disqualification.

Mandatory Requirements

Stage 1 A: Pre-Qualification Requirements

Pre-Qualification Criteria – Bidders who fail to meet the below mandatory requirements will be automatically disqualified:

No.	Description of requirement	Tick (X)

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a)	Declaration document for local content and production SBD 6.2 must be completed, duly signed and submitted by the tenderer at the closing date and time of the tender.	
b)	Annexure C – Local Content Declaration – Summary Schedule must be completed, duly signed and submitted by the tenderer at the closing date and time of the tender.	

Stage 1B: Mandatory Compliance Requirements

Failure to submit the following documents - your Bid Proposal will be disqualified automatically:

No.	Description of requirement	Tick (X)
a)	Bidders to fill and sign the closing/ Submission register on submission of tender documents. Failure to comply will result into disqualification.	
b)	Submission of a signed Briefing session Form D and signed briefing session attendance register. (Compulsory briefing session will be held on site).	
c)	Price Schedule and Bid/Tender Form C (Bidders must ensure that they only include this financial documents / information in the second envelope	
d)	Completion of ALL RFP documentation (includes ALL declarations, SBD documents/ forms and Commissioner of Oath signatures required)	
e)	Active CIDB grading level of 6GB or Higher. Bidder to ensure that their CIDB status is active on the system throughout the validity of the tender	

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	Note: A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated CIDB grading Verification Certificate for every separate tender.	
f)	Joint Venture / Consortium agreement / Trust Deed/ Confirmation in writing of their intention to enter into a JV or consortium agreement signed by all parties and clearly indicate the LEAD CONTRACTOR (if applicable)	
g)	Valid original or certified Letter of Good Standing (i.e. COIDA)	

Stage 1 C: Non - Mandatory Compliance Requirements

If you do not submit the following basic compliance documents and should an award be made, these basic compliance documents must be made available within seven (7) days, failing of which the award will be recalled.

No.	Description of requirement	Tick (X)
	Valid B-BBEE certificate from SANAS accredited rating agency (Original or Certified copy)/DTI / Companies and Intellectual Property Commission B-BBEE Certificate (Original or Certified copy) or Sworn Affidavit signed and stamped by the commissioner of Oath. Note: A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Certificate.	
a)	Company Registration Documents (Proof of Registration), Certificate of Incorporation or CK1.	
b)	Copies of Directors' ID documents;	
c)	Valid Tax Clearance Certificate and Valid Tax Pin letter (must be valid on closing date of submission of the proposal) issued by SARS.	

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d)	CSD Summary report / CSD reference number	
e)	Proof of UIF registration	
f)	Proof of Bank Account (i.e. cancelled cheque or Letter issued by the Bank)	
g)	Annexure D – Imported Content Declaration – Supporting Schedule to Annex C	
h)	Annexure E – Local Content Declaration – Supporting Schedule to Annex C	

STAGE 2 - Technical / Functionality Evaluation

NOTE: The Technical or Functionality criteria must be guided by the project scope of works and area of focus.

Qualifying bidders shall be evaluated on technicality / functionality after meeting all compliance requirements outlined above. The minimum threshold for the technical/functionality requirements is 70%. Bidders who score below the minimum requirement shall not be considered for further evaluation in stage 3.

Summary of the technical/functional requirements are presented in the Table 1: Technical Evaluation Criteria, below

ITEM	CRITERIA	WEIGHT
1	Technical Approach and Methodology	15
2	Years of Experience of Key Personnel	30
3	Company's Experience	30
4	Financial Capability	25
	TOTAL	100

Table 1: Technical Evaluation Criteria

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CRITERIA FOR TECHNICAL EVALUATION OF A CONTRACTOR

TECHNICAL APPROACH AND METHODOLOGY

Proposed methodology should demonstrate thorough understanding of PRASA’s objectives and required deliverables as outlined in the Scope of Work and meeting PRASA’s requirements.

A detailed plan for the project management, design, quality management, construction supervision and close out specific to the particular project listed herein.

<p>Detailed technical approach and methodology is provided that is aligned to the scope of work/ highlighting, but not limited, to the following elements:</p> <ul style="list-style-type: none"> • risk assessment/identification relating to working within the rail environment in this project • risk mitigation measures associated with the project • project schedule which shows estimated start and finish dates • Project schedule to clearly indicate the delivery of functionality works within 30days of appointment and overall 	<p>5 = Detailed technical approach and methodology that is aligned to the scope of work highlighting all 5 elements</p> <p>4 = Detailed technical approach and methodology that is aligned to the scope of work highlighting 4 elements</p> <p>3 = Detailed technical approach and methodology that is aligned to the scope of work highlighting 3 elements</p> <p>2 = Detailed technical approach and methodology that is aligned to the scope of work highlighting 2 elements</p> <p>1 = Detailed technical approach and methodology that is aligned to the scope of work highlighting 1 element</p> <p>0 = No Submission or irrelevant information provided</p>	<p>15%</p>
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<p>improvement works will be for the rest of the project</p> <ul style="list-style-type: none"> information on project execution, integration and redundancy for unforeseen delays or occurrences 	
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YEARS OF EXPERIENCE OF KEY PERSONNEL

Years of experience of key personnel to be directly responsible for implementation of this project. *Please provide CV's which clearly indicates the role of the specialists required below with certified qualifications valid for a period of 6 months. Similar projects shall include building related projects, CV to Detail Similar projects.*

<p>Qualified Construction Manager with a qualification in Civil Engineering or Construction Management or Building Science (<i>Qualifications are National Diploma or B-Tech or Degree or Higher</i>)</p>	<p>5 points - Above Four (4) years' experience on similar projects</p> <p>4 points - Above Three (3) to Four (4) years' experience on similar projects</p> <p>3 points – Above Two (2) to Three (3) years' experience on similar projects</p> <p>2 points - One (1) to Two (2) years' experience on similar projects</p> <p>1 point - Below One (1) years' experience</p> <p>0 points - Non submission (0) or irrelevant submission.</p> <p>Note: The following instances will be regarded as non- submissions or irrelevant submission</p> <ul style="list-style-type: none"> CV provided without Certified Qualification 	<p>10%</p>	<p>30%</p>
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	<ul style="list-style-type: none"> • Uncertified Qualification provided • Qualification provided without CV • Role of the Specialist not specified 		
<p>Qualified Site Agent with a qualification in Civil Engineering or Construction Management or Building Science <i>(Qualifications are National Diploma or B-Tech or Degree or Higher)</i></p>	<p>5 points - Above Four (4) years' experience on similar projects</p> <p>4 points - Above Three (3) to Four (4) years' experience on similar projects</p> <p>3 points – Above Two (2) to Three (3) years' experience on similar projects</p> <p>2 points - One (1) to Two (2) years' experience on similar projects</p> <p>1 point - Below One (1) years' experience</p> <p>0 points - No submission (0) or irrelevant submission.</p> <p>Note: The following instances will be regarded as non- submissions or irrelevant submission</p> <ul style="list-style-type: none"> • CV provided without Certified Qualification • Uncertified Qualification provided • Qualification provided without CV • Role of the Specialist not specified 	<p>5%</p>	

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<p>General Foreman with minimum N2 or NQF Level 3 qualification in built environment qualification and experience in the Built Environment.</p>	<p>5 points - Above Four (4) years' experience on similar projects</p> <p>4 points - Above Three (3) to Four (4) years' experience on similar projects</p> <p>3 points – Above Two (2) to Three (3) years' experience on similar projects</p> <p>2 points - One (1) to Two (2) years' experience on similar projects</p> <p>1 point - Below One (1) years' experience</p> <p>0 points - No submission (0) or irrelevant submission.</p> <p>Note: The following instances will be regarded as non- submissions or irrelevant submission</p> <ul style="list-style-type: none"> • CV provided without Certified Qualification • Uncertified Qualification provided • Qualification provided without CV • Role of the Specialist not specified 	<p>5%</p>	
<p>Health and Safety Officer <i>(Qualifications are National Diploma or B-Tech or Degree or Higher)</i></p>	<p>5 points - Above Four (4) years, experience on similar projects</p> <p>4 points - Above Three (3) to Four (4) years' experience on similar projects</p> <p>3 points – Above Two (2) to Three (3) years' experience on similar projects</p>	<p>10%</p>	

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	<p>2 points - One (1) to Two (2) years' experience on similar projects</p> <p>1 point - Below One (1) years' experience</p> <p>0 points - No submission (0) or irrelevant submission.</p> <p>Note: The following instances will be regarded as non- submissions or irrelevant submission</p> <ul style="list-style-type: none"> • CV provided without Certified Qualification • Uncertified Qualification provided • Qualification provided without CV • Role of the Specialist not specified 		
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COMPANY'S EXPERIENCE	<p>Bidders should indicate the experience of previous work done within the building construction industry in the last 10 years. Only projects with a minimum value of R4.5 million will be considered.</p> <p>Evidence required:</p> <p>The bidders are to submit the following documents:</p> <ul style="list-style-type: none"> • Provide appointment letter/contract for each project. • Provide a reference letter or Completion certificate relating to the appointment letter/contract provided. The reference letter to indicate the following: company name, 	<p>5 Points: Successfully completed 5 or more projects</p> <p>4 Points: Successfully completed 4 projects</p> <p>3 Points: Successfully completed 3 projects</p> <p>2 Points: Successfully completed 2 projects</p> <p>1 Point: Successfully completed 1 project</p>	<p>30%</p>
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	<p>contact person and confirmation that work was completed</p> <ul style="list-style-type: none"> One of the provided documents must indicate value of the contract. <p>Points will be awarded only if both documents are submitted.</p>	<p>0 Point: No submission or irrelevant submission</p>	
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FINANCIAL CAPABILITY

Financial Capability of the Bidder (*Bidder to submit complete set of financial statements*)

<p>Financial Capability</p> <p>The operating cash flow ratio measures a company's short-term liquidity.</p> <p>Use the formula below:</p> <p>Operating cash flow ratio = Net Cash flow from operations/Current liabilities</p>	<p>Demonstration of financial capability of the company.</p> <p>Recent year's set of financial statements: current and preceding financial years.</p> <p>Financials prepared and signed by an independent registered accounting professional and signed by the company director.</p> <p>Financial statements must include cashflow statement and balance sheet.</p> <p>Incomplete Financial Statements will not be considered</p>	<p>5 = Operating Cash Flows Ratio $X \geq 1.5$</p> <p>4 = Operating Cash Flows Ratio $1 > X < 1.5$</p> <p>3 = Operating Cash Flows Ratio $0.5 > X < 1$</p> <p>2 = Operating Cash Flows Ratio $0 > X < 0.5$</p> <p>1 = Operating Cash Flows Ratio $X < 0$</p> <p>0 = No Submission or Incomplete Financial Statement.</p>	<p>25%</p>
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Bidders should submit a complete set of recent financial statements for the company	Note: In case of a trust, consortium or joint venture (including unincorporated consortia and joint ventures) a LEAD CONTRACTOR must submit the financial statements.		
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STAGE 3: PRICING AND B-BBEE

The following formula, stipulated in the approved PRASA conditions of contract, shall be used by the Bid Evaluation Committee to allocate scores to the interested bidders on pricing:

$$P_s = 80 \left[1 - \frac{P_t - P_{min}}{P_{min}} \right]$$

Where:

P_s = Points scored for the price of tender under consideration;

P_t = Rand value of the tender under consideration;

P_{min} = Rand value of the lowest acceptable tender.

The minimum qualifying criteria for pricing is 80 points as per the standard Evaluation Criteria. The B-BBEE component of the evaluation process is weighted at 20 points in Table 1 of the standard Evaluation Criteria outlined above. Bidders will be awarded points based on the level of their BBEE status in their B-BBEE Certificate issued by an approved agency certified by SANAS.

Details of the allocation of points by the Evaluation Committee are presented in Table 1 below:

B-BBEE STATUS LEVEL OF CONTRIBUTOR	NUMBER OF POINTS (80/20 SYSTEM)
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1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-Compliant Contributor	0

18. VALIDITY PERIOD

This RFP shall be valid for **[90 days]** calculated from Bid closing date.

19. B-BBEE REQUIREMENTS

A Bidder must submit proof of its B-BBEE status level contributor, a Bidder failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE will be disqualified.

20. POST TENDER NEGOTIATION (IF APPLICABLE)

PRASA reserves the right to conduct post tender negotiations with a shortlist of Respondent(s). The shortlist could comprise of one or more Respondents. Should PRASA conduct post tender negotiations, Respondents 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 80/20.

21. BEST AND FINAL OFFER

PRASA reserves the right to embark on the Best and Final Offer (BAFO) Process where:

- a) None of the proposals meet the RFP requirements;
- b) None of the responses to RFP are affordable and demonstrate value for money; and
- c) There is no clear preferred Response to this RFP.

Upon the decision by PRASA to embark on a BAFO process it shall notify the response to RFP.

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22. FINAL CONTRACT AWARD

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

23. 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

PRICING AND DELIVERY SCHEDULE

Respondents are required to complete the Pricing Schedule **Annexure: 4** (Volume 2 /Envelope 2)

1 PRICING

- 1.1. Prices must be quoted in South African Rand, inclusive of VAT.
- 1.2. Price offer is firm and clearly indicate the basis thereof.
- 1.3. Pricing Bill of Quantity is completed in line with schedule if applicable.
- 1.4. Cost breakdown must be indicated.
- 1.5. Price escalation basis and formula must be indicated.
- 1.6. 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.
- 1.7. 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.
- 1.8. Respondents are to note that if price offered by the highest scoring bidder is not market related, PRASA may not award the contract to the Respondent. PRASA may:
 - 1.8.1. negotiate a market-related price with the Respondent scoring the highest points or cancel the RFP;

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- 1.8.2. if that Respondent does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the second highest points or cancel the RFP; and
- 1.8.3. if the Respondent scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the third highest points or cancel the RFP.
- 1.8.4. If a market-related price is not agreed with the Respondent scoring the third highest points, PRASA must cancel the RFP.

2 DISCLOSURE OF PRICES QUOTED

Respondents are to note that, on award of business, PRASA is required to publish the tendered prices and preferences claimed of the successful and unsuccessful Respondents inter alia on the National Treasury e-Tender Publication Portal, (www.etenders.gov.za), as required per National Treasury Instruction Note 01 of 2015/2016.

3 SERVICE LEVELS

- 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.
- PRASA will have quarterly reviews with the Service provider's account representative on an on-going basis.
- 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.
- 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
 - b) On time delivery.

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- The Service provider must provide a telephone number for customer service calls.
- 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	
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1. TOTAL COST OF OWNERSHIP (TCO)

*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).

*Respondents 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.

2. FINANCIAL STABILITY

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

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

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

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Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

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3. VALIDITY OF RETURNABLE DOCUMENTS

The successful Respondent 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 Respondent 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 Respondent.

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

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

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4. CERTIFICATE OF ACQUAINTANCE WITH RFP TERMS & CONDITIONS & APPLICABLE DOCUMENTS

By signing this certificate the Respondent 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 Respondent 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 |

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

<p>APPOINTMENT OF A CONTRACTOR FOR THE REFURBISHMENT, ALTERATIONS, AND ADDITIONS AT CORRIDOR 3 – (CLUSTER) PHEFENI AND MZIMHLOPHE STATIONS IN THE SOUTH GAUTENG REGION TO BE DONE OVER 9 MONTHS CONSTRUCTION PERIOD</p>	 <p>prasa PASSENGER RAIL AGENCY OF SOUTH AFRICA</p>
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1 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

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5. GENERAL CONDITIONS

7.1 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.

5.2 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.

5.3 PRECEDENT

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

5.4 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

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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:

- 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.

5.5 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.

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.

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5.6 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.

5.7 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.

5.8 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 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.

5.9 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

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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.

5.10 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 Biding or with reasonable appreciation that, collusive any agreement, arrangement or understanding or any such like may result in or have the effect of collusive Biding. 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).

5.11 CONSORTIUM CHANGES

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:

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- 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.

5.12 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.

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.

5.13 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.

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6. CONDITIONS OF TENDER

General

- | | | |
|--|---|---|
| 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. |
| 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 |

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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:

- | | | |
|---|---|---|
| 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. |
| 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. |

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| 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> . |
| | 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. |

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- 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 PRASA Tender Forms and SBD forms provided with the tender. Failure to submit all the required documentation will lead to disqualification**
- 20 **Submit the tender proposal as an "ORIGINAL" and 1 USB for Volume/Envelope 1; "ORIGINAL" and USB " for Volume/Envelope 2 and an electronic version which must be contained in USB 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.**
- 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" for Volume/Envelope 1 & "ORIGINAL" and "COPY" for Volume/Envelope 2. 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-way envelope system, tenderers must further indicate in the package whether the document is **envelope 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 must 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.

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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.

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| Closing time | <p>25 Ensure that PRASA has received the tender at the stated address with the Scope of work / specification no later than the <i>deadline for tender submission</i>. 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.</p> <p>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.</p> |
| Tender validity | <p>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>.</p> <p>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.</p> |
| Clarification of tender after submission | <p>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</p> |

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permitted except as required by PRASA's *Representative* to confirm the correction of arithmetical errors discovered in the evaluation of tenders. The total of the Prices stated by the *tenderer* as corrected by PRASA's *Representative* with the concurrence of the *tenderer*, shall be binding upon the *tenderer*

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| 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. |
| | 32 Where an agent on behalf of a principal submits a tender, an authenticated copy of the authority to act as an agent must 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 |

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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 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 <ul style="list-style-type: none"> • meets the requirements of these Conditions of Tender, • has been properly signed, and • is responsive to the requirements of the <i>tender documents</i>.
	8	Judge a responsive tender as one which conforms to all the terms, conditions, and specifications of the <i>tender documents</i> without material deviation or qualification. A material deviation or qualification is one which, in PRASA 's opinion would <ul style="list-style-type: none"> • detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Contract Data, • change PRASA's or the <i>tenderer's</i> risks and responsibilities under the contract, or • affect the competitive position of other <i>tenderers</i> 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:

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

12 Reject a tender if the *tenderer* 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 *tenderers* or any other person.

Clarification of a tender

14 Obtain from a *tenderer* 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 *tenderer* before the expiry of the *validity period* 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 *tenderer*.

Notice to unsuccessful tenderers

16 After the successful *tenderer* has acknowledged PRASA's notice of acceptance, notify other *tenderers* that their tenders have not been accepted, following PRASA's current procedures.

Prepare contract documents

17 Revise the contract documents issued by PRASA as part of the *tender documents* to take account of

- Addenda issued during the tender period,
- inclusion of some of the *tender returnables*, and

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- other revisions agreed between PRASA and the successful *tenderer*, before the issue of PRASA's notice of acceptance (of the tender).

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.