

# TENDER NOTICE

## EMPLOYER'S REPRESENTATIVE SERVICES FOR THE EPC/TURNKEY PROJECT FOR DESIGN AND CONSTRUCTION OF MOTHERWELL/BETHELSDORP EAST TO WEST BULK WATER TRANSFER PIPELINE (E-WP)

CONTRACT NO: CDC/88/24

The Coega Development Corporation (CDC) is headquartered in the City of Gqeberha, Nelson Mandela Bay Municipality, South Africa, with a strategic operational footprint in South Africa and beyond the borders on the African continent. The CDC's vision is to be the leading catalyst for the championing of socio-economic development. This it seeks to achieve through the development and operation of the 9 003-hectare Coega Special Economic Zone (SEZ), a transshipment hub and a leading investment destination in Africa, providing highly skilled competence and capacity for the execution of complex infrastructure and related projects throughout South Africa and selected markets on the African continent, and advisory on the development of industrialisation and logistics zones. The CDC's advanced capabilities are successful enablers in sustainable economic zone development and management, real assets management, infrastructure planning and development, technology integration while realising related socio-economic impact areas such as skills and SMME development. The CDC's high-performance ethos is grounded in its commitment to sustainable development, the protection of its people and the planet, and the delivery of infrastructure solutions that support a just social and economic transition to a low-carbon, resource efficient, and climate resilient future. The foundational culture of the CDC's approach, backed by its core values, is innovation and continuous improvement.

The CDC's appointment by the Nelson Mandela Bay Municipality to provide Implementing Agency Services on the Design and Construction of Motherwell / Bethelsdorp East to West Bulk Water Transfer Pipeline is in line with this strategic intent.

### INVITATION & SCOPE OF SERVICES

The Coega Development Corporation (CDC) is inviting capable and competent Service Providers with proven experience and track-record in performing the Employer's Representative Services for the design and construction of large Bulk Water Pressure Conveyance Pipe Systems to submit their Proposals for the Employer's Representative Services for the Design and Construction of the Motherwell / Bethelsdorp East to West Bulk Water Transfer Pipeline (E-WP), in Gqeberha (Port Elizabeth), Eastern Cape Province. The E-WP Project entails design, constructing and commissioning of the East-West Bulk Water Transfer Pipeline.

The Bidders are required to provide services of the Engineering Council of South Africa (ECSA) Professionally Registered Civil Engineer with the requisite Assistant/s.

#### PROJECT SCOPE OF WORKS:

The project scope of work entails providing Employer's Representative Services for the design and construction of the Motherwell/Bethelsdorp East-West Bulk Water Transfer Pipeline and associated works by the EPC/Turnkey Contractor. The length of the new pipeline is approximately 9.5km. The proposed bulk transfer pipeline will run on the existing servitude between Jose Pearson Hospital and Old Uitenhage Road (approximately 5.7 km) and balance of approximately 3.8km will be on the road reserve of Mission Arterial Road and R75 Provincial Road/SANRAL.

The Services required from the successful Bidder are divided into the following distinct phases, as defined by the ECSA Guidelines:

- Stage 5: Administration and monitoring of the Works; and
- Stage 6: Administration during the Defects Notification Period up to the return of the EPC/Turnkey Contractor's Performance Security.

#### (a) Stage 5: Administration and monitoring of the Works to be carried out by the successful Bidder includes the following:

- (i) Fulfill all the functions of the Employer's Representative in accordance with the 2017 FIDIC Silver Book Conditions of Contract;
- (ii) Conduct administration of Contract Documents for the EPC/Turnkey Contractor's Works;
- (iii) Establish supervisory personnel on site;
- (iv) Monitor the Works Contract; and
- (v) Provide transport for site supervisory staff and additional services.

#### (b) Stage 6: Administration during the Defects Notification Period up to the return of the EPC/Turnkey Contractor's Performance Security:

The successful Bidder shall administer the Works Contract during the period subsequent to the issuing of the Taking-Over Certificate of the Works up to and including the issuing of the Performance Certificate to the EPC/Turnkey Contractor. Such administration shall be in accordance with the following requirements and guidelines:

- (i) The Contract Documents as issued for the Works Contract;
- (ii) The Employer's pro-forma project document and standard requirements; and
- (iii) Current industry good practice.

The successful Bidder shall undertake a full inspection of the Works to identify any defects or non-conformance prior to the issuing of the Performance Certificate to the EPC/Turnkey Contractor. The inspections shall be undertaken by the Engineer and Resident Engineer for the Works.

### CONDITIONS OF TENDER

- (a) Respondents must comply with the CDC's Procurement Policy & Procedures.
- (b) The following legislation shall apply:
  - (i) Public Finance Management Act (PFMA) (Act No. 1 of 1999);
  - (ii) Preferential Procurement Policy Framework Act (PPPFA), 2000;
  - (iii) The Preferential Procurement Regulations 2022.
  - (iv) National Treasury Regulations.
  - (v) The National Qualifications Framework Act (Act No. 67 of 2008);
  - (vi) The National Qualifications Framework Amendment Act (Act No. 12 of 2019);
  - (vii) The Skills Development Act (Act No. 97 of 1998);
  - (viii) Occupational Health and Safety Act and Regulations Act (Act No. 85 of 1993);
  - (ix) Compensation for Occupational injuries and disease Act (Act No.130 of 1993);
  - (x) National Environmental Management Act, NEMA (Act No. 107 of 1998);
  - (xi) National Water Act, NWA (Act No. 36 of 1998);
  - (xii) National Heritage Resources Act, NHRA (Act No. 25 of 1999);
  - (xiii) Disaster Management Act (Act No. 57 of 2002);
  - (xiv) Board-Based Black Economic Empowerment (BBBEE) Act (Act No. 53 of 2003), as amended by Act No. 46 of 2013;
  - (xv) Competition Act (Act No. 89 of 1998);
  - (xvi) Protection of Personal Information Act (Act No. 4 of 2013); and
  - (xvii) Any other applicable legislation.
- (c) The **80/20** preference point system will be used where points allocation will be as follows:
  - (i) Price - **80**
  - (ii) Specific goal - **20**
- (d) The CIDB Standard for Developing Skills Through Infrastructure Contracts (March 2023) shall apply to this contract (see **Annexure PI-C** of the RfP).
- (e) Bidders must confirm their company registration with Companies and Intellectual Property Commission (CIPC) (formerly CIPRO) as CDC will not award any bid to any business that appears on the CIPC List of de-registered businesses.
- (f) As per amended construction codes, companies with less than 51% black shareholding (QSEs & Generics) are to submit a valid SANAS Accredited B-BBEE Verification Certificate (with the full applicable B-BBEE elements). QSE with at least 51% or 100% black shareholding and EMEs with an annual turnover of above R1.5 million are required to submit a B-BBEE verification certificate from a SANAS accredited verification agency as they have to comply with the 40% sub-minimum requirement on the QSE Skills Scorecard to avoid being discounted a level. EMEs with a turnover of less than R1.5 million are exempt from complying with the subminimum requirement and may submit an affidavit or a certificate issued by CIPC, confirming their ownership and annual turnover.
- (g) Proof of registration with Treasury's Centralized Supplier Database (CSD) or provide a Treasury CSD registration number e.g. MAAAO...
- (h) The CDC will only award the tender to a bidder who is tax compliant. The tax compliance status of the bidders will be verified through CSD and South African Revenue Services (SARS) website. Prospective bidders must ensure that they are Tax Compliant throughout the validity period of the bid in review.
- (i) Bidders must be Value Added Tax (VAT) registered and bids must be submitted VAT inclusive. Non-VAT vendors who submit bids for contracts that would, if successful, take their annual turnover above the threshold of R 1 million are obliged to include VAT in the prices quoted and must therefore immediately upon award of the contract register with the SARS as VAT vendors. The award of contract would be conditional pending the successful Bidder submitting proof of registration as a VAT vendor with SARS.
- (j) Bidders will be evaluated on functionality and are expected to meet the minimum of 70% threshold in order to be evaluated further. The evaluation criteria for assessing the quality/functionality and weight of each criterion are provided under Section 11.3 of the RfP document.
- (k) The CDC will not award more than five (5) active projects to one bidder, unless one project has reached 80% completion stage and beyond. Capacity assessment may be conducted in an event that the recommended Bidder is the only responsive service provider and has already been awarded five contracts.
- (l) The performance of the Bidders on projects they have been awarded (past and current projects) shall be reviewed and evaluated on an on-going basis by the CDC Project Manager. Poor performance on awarded projects may result in a bidder not being awarded future projects by the CDC as per the CDC Service Provider Performance Management System (SPPMS).
- (m) Bidders must complete and sign the POPI Act Consent Form.
- (n) Public servants are prohibited from doing any form of business with organs of state, whether in their own capacity as individuals or through companies in which they are directors.
- (o) Verification will be done, and Bidders will be disqualified should they be found to be in contravention with the Regulations. If the Bidder has been granted permission by Treasury, the letter must be provided with the bid document.
- (p) Bidders are required to note the following:
  - (i) The Employers Representative must be an ECSA professionally registered Civil Engineer;
  - (ii) Included in the pricing must be Assistant/s, suitably qualified and registered with ECSA/SACPCMP (as required for duties to be performed);
  - (iii) Must provide Level 1 Supervision (as per ECSA, Guideline Professional Fees (Part 4 of 4) Gazetted on 26 March 2021, No. 44333; and
  - (iv) Must have experience in administering a FIDIC Orange Book/Yellow Book/Gold Book/Silver Book Contract.
- (q) The successful Bidder will be required to comply with the Occupational Health and Safety Act and Regulations, Act (85 of 1993), Compensation for Occupational Injuries and Disease Act (Act No. 130 of 1993), National Environmental Management Act (Act No. 107 of 1998) and Disaster Management Act (Act No. 57 of 2002) and, all relevant legislations throughout the duration of the contract.
- (r) Submissions from a Bidder which did not attend the Compulsory Briefing Meeting will be disqualified and not evaluated.
- (s) It is incumbent upon and the responsibility of the Prospective Bidders to submit their full and correct contact details when they download the Request for Proposal (RFP) Document to enable any communication that the CDC might need to issue to all the Prospective Bidders during the bidding process to be realised. The CDC will not be accountable for any such omission or failure by the Prospective Bidders.
- (t) The bid validity period shall be **twelve (12) weeks** from the RFP closing date. The bid validity will expire on 26 June 2024.

The RFP documents will be available for download from the CDC website ([www.coega.co.za](http://www.coega.co.za)) at no cost from **Friday, 08 March 2024 at 10h00**. Potential bidders will be required to provide their email addresses on the CDC website before downloading the documentation for correspondence purposes. Potential bidders must therefore ensure that the email addresses are correct.

A **compulsory briefing meeting** will be held at **Enkundleni Boardroom, First Floor, CDC Head Office (i.e., at the Coega Business Centre, Cnr Alcyon Rd and Zibuko Street, Zone 1, Coega SEZ, Gqeberha), on Friday, 15 March 2024, at 10h00** and the **NON-COMPULSORY site visit** will commence at **12:00 on Friday, 15 March 2024** for the prospective Bidders to familiarise themselves with the site conditions.

**Directions to site:** Site visit will commence close to Jose Pearson TB Hospital on Mission Road Coordinates (Latitude 33° 53' 30.19" S; Longitude 25° 28' 03.48" E)

Queries relating to this RFP may be addressed to Ms. Zine Mtanda, Unit Head: Supply Chain Management strictly via e-mail: [tendersCDC8824@coega.co.za](mailto:tendersCDC8824@coega.co.za) between the period of **08 March 2024 to 26 March 2024**. No new queries received after **26 March 2024** will be considered.

The closing date and time for the receipt of complete bid documents is **12h00, Wednesday, 03 April 2024. One original completed bid document and one flash drive** (with electronic version of the bid) shall be placed in a sealed envelope clearly marked:

**"CDC/88/24 - EMPLOYER'S REPRESENTATIVE SERVICES FOR THE EPC/TURNKEY PROJECT FOR DESIGN AND CONSTRUCTION OF MOTHERWELL/BETHELSDORP EAST TO WEST BULK WATER TRANSFER PIPELINE (E-WP)."**

Bids are to be handed in at the Document Control Office on the Ground Floor at the **CDC's Main Office in the Coega Business Centre, Cnr Alcyon Rd and Zibuko Street, Zone 1, Coega SEZ, Gqeberha (Port Elizabeth)**. Bids will not be opened in public, and no late submissions will be considered.

Telegraphic, telexed, tipped, facsimiled or e-mail submissions will not be accepted.

**No telephonic or any other form of communication relating to this Bid with any other ISO 9001 member of the staff, CDC Agent, CDC Client, or any other role players will be permitted.**

**All enquiries regarding this bid must be in writing only, and must be directed to:**

Ms Zine Mtanda, Unit Head: Supply Chain Management; e-mail address: [tendersCDC8824@coega.co.za](mailto:tendersCDC8824@coega.co.za).

***There shall be no disclosure, other than to the Bidder and technical advisors of the tender and its contents, to any other Bidder nor to any parties who have not submitted tender documents. The CDC reserves the right not to accept the lowest proposal in part or in whole or any proposal.***

TIP-OFFS ANONYMOUS HOTLINE:  
STOP: THEFT / FRAUD / DISHONESTY / BRIBERY /  
BLACKMAIL / INTIMIDATION  
Call Toll-free TODAY: 0800 007 035 and remain anonymous.



• right PLACE • right TIME • right CHOICE

BBBEE LEVEL 1 CONTRIBUTOR  
ISO 9001:2015 • ISO 14001:2015 • ISO 45001:2018  
ISO 20000-1:2018 • ISO 27001:2013

