

CIDB DOCUMENT FOR CIVIL CONTRACTS

(SAICE GENERAL CONDITIONS OF CONTRACT FOR CONSTRUCTION WORKS – GCC 2015)
[delete in the final Contract Document]



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

TENDER NO. 145Q/2023/24

SCM – 509

Approved by Branch Manager:

Version: 6.1

Page 1 of 159

CONTRACT DOCUMENT

FOR THE

CONSTRUCTION OF NON-MOTORISED TRANSPORT FACILITIES IN HANOVER PARK

VOLUME 1: TENDERING PROCEDURES

NOTE:

- The Form of Offer and Acceptance (C1.1) is on **page 35-36** of this document
- Table 1: Preference Schedule (is on **page 104** of this document)

ISSUED BY:
DIRECTOR: DEPARTMENT TRANSPORT INFRASTRUCTURE IMPLEMENTATION URBAN MOBILITY CITY OF CAPE TOWN Tower Block, Civic Centre 12 Hertzog Boulevard CAPE TOWN 8001

COMPILED BY:
Civil Design Equilibrium (Pty) Ltd 5 DJ Wood Way BELLVILLE 7530

For official use.
TENDER SERIAL No.:
SIGNATURES OF CITY OFFICIALS AT TENDER OPENING
1.
2.
3.

OCTOBER 2023

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

FILE REFERENCE NO:

CITY OF CAPE TOWN

TRANSPORT INFRASTRUCTURE IMPLEMENTATION URBAN MOBILITY

CONTRACT NO. 145Q/2023/24

CONSTRUCTION OF NON-MOTORISED TRANSPORT FACILITIES IN HANOVER PARK

General Tender Information

TENDER ADVERTISED	:	26 January 2024
ESTIMATED CIDB CONTRACTOR GRADING DESIGNATION	:	7CE or higher
CLARIFICATION MEETING	:	12h00 on 06 February 2024 (Not compulsory, but strongly recommended)
VENUE FOR CLARIFICATION MEETING	:	Boardroom A, 14th Floor, Bay Side, Civic Centre, 12 Hertzog Boulevard, Cape Town
CLOSING DATE	:	01 March 2024
CLOSING TIME	:	10h00
TENDER BOX & ADDRESS	:	Tender Box 173 at the Tender & Quotation Box Office , 2 nd Floor (Concourse Level), Civic Centre, 12 Hertzog Boulevard, Cape Town.
	:	The Tender Document (which includes the Form of Offer and Acceptance) completed in all respects, plus any additional supporting documents required, must be submitted in a sealed envelope with the name and address of the tenderer, the tender No. and title, the tender box No. and the closing date indicated on the envelope. The sealed envelope must be inserted into the appropriate official tender box before closing time.
		If the tender offer is too large to fit into the abovementioned box or the box is full, please enquire at the public counter (Tender Distribution Office) for alternative instructions. The onus remains with the tenderer to ensure that the tender is placed in either the original box or as alternatively instructed.

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

CITY OF CAPE TOWN

TRANSPORT INFRASTRUCTURE IMPLEMENTATION URBAN MOBILITY

CONTRACT NO. 145Q/2023/24

CONSTRUCTION OF NON-MOTORISED TRANSPORT FACILITIES IN HANOVER PARK

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CITY OF CAPE TOWN

TRANSPORT INFRASTRUCTURE IMPLEMENTATION URBAN MOBILITY

CONTRACT NO. 145Q/2023/24

CONSTRUCTION OF NON-MOTORISED TRANSPORT FACILITIES IN HANOVER PARK

T1.1 Tender Notice and Invitation to Tender

The **CITY OF CAPE TOWN, TRANSPORT INFRASTRUCTURE IMPLEMENTATION URBAN MOBILITY**, invites tenders for Tender No. **145Q/2023/24: CONSTRUCTION OF NON-MOTORISED TRANSPORT FACILITIES IN HANOVER PARK**.

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

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

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

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

The physical address for collection of tender documents is:

Tender Distribution Office, 2nd Floor (Concourse Level), Civic Centre, 12 Hertzog Boulevard, Cape Town.

Documents may be collected during working hours between 08:30 – 15:00 from **26 January 2024**.

A non-refundable tender fee of R300.00 payable by cash or EFT made out in favour of the City of Cape Town, is required on collection of the tender documents.

Any enquiries relating to any issues in these documents may be made to e-mail scm.urbanmobility1@capetown.gov.za

A non-compulsory but strongly recommended clarification meeting with representatives of the Employer will take place in the Boardroom A, 14th Floor, Bay Side, Civic Centre, 12 Hertzog Boulevard, Cape Town. (Refer to Locality Plan – Clarification Meeting Venue overleaf) on 06 February 2024 starting at 12:00.

The closing time for receipt of tenders is **10:00 on 01 March 2024**.

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

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

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



CITY OF CAPE TOWN
CONTRACT NO. 145Q/2023/24
CONSTRUCTION OF NON-MOTORISED TRANSPORT FACILITIES IN HANOVER PARK

LOCALITY PLAN – CLARIFICATION MEETING VENUE

CITY OF CAPE TOWN

TRANSPORT INFRASTRUCTURE IMPLEMENTATION URBAN MOBILITY

CONTRACT NO. 145Q/2023/24

CONSTRUCTION OF NON-MOTORISED TRANSPORT FACILITIES IN HANOVER PARK

T1.2 Tender Data

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

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

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

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

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

The Employer is the City of Cape Town, represented by the Director: TRANSPORT INFRASTRUCTURE IMPLEMENTATION URBAN MOBILITY.

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

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

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

VOLUME 6 : The SANS Standardised Specifications for Civil Engineering Construction prepared by Standards South Africa. These publications are available and tenderers must obtain copies at their own cost from Standards South Africa, Private Bag X191, PRETORIA, 0001.

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

C.1.4	Communication and employer's agent
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Delete the first sentence of the clause and replace with the following:

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

The Employer's agent is:

Name:

Address: **Civil Design Equilibrium (Pty) Ltd**
5 DJ Wood Way
Bellville
7530

Tel:

Fax:

E-mail: scm.urbanmobility1@capetown.gov.za

C.1.5 Cancellation and Re-Invitation of Tenders

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

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

C.1.6.2 Competitive negotiation procedure

Add the following to C.1.6.2.1:

A competitive negotiation procedure will not be followed.

C.1.6.3 Proposal procedure using the two-stage system

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

A two-stage system will not be followed.

Add the following after C.1.6.3.2.2

C.1.6.4 Nomination of Standby Supplier

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

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

C.1.6.5.1 Disputes, objections, complaints and queries

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

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

C.1.6.5.2 Appeals

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

C.1.6.5.3 Right to approach the courts and rights in terms of Promotion of Administrative Justice Act, 3 of 2000 and Promotion of Access to Information Act, 2 of 2000

The sub- clauses above do not influence any affected person's rights to approach the High Court at any time or its rights in terms of the Promotion of Administrative Justice Act and Promotion of Access to Information Act.

C.1.6.5.4 All requests referring to sub clauses C.1.6.5.1 and C.1.6.5.2 must be submitted in writing to:

The City Manager - C/o the Manager: Legal Compliance Unit, Legal Services Department, Corporate Services Directorate

Via hand delivery at: 20th Floor, Tower Block, 12 Hertzog Boulevard, Cape Town 8001

Via post at: Private Bag X918, Cape Town, 8000

Via fax at: 021 400 5963 or 021 400 5830

Via email at: MSA.Appeals@capetown.gov.za

C.1.6.5.5 All requests referring to clause C.1.6.5.3 must be submitted in writing to:

The City Manager - C/o the Manager: Access to Information Unit, Corporate Services Directorate

Via hand delivery at: 20th Floor, Tower Block, 12 Hertzog Boulevard, Cape Town 8001

Via post at: Private Bag X918, Cape Town, 8000

Via fax at: 086 202 9982

Via email at: Access2Info.Act@capetown.gov.za

C.1.6.5.6 **The minimum standards regarding accessing and 'processing' of any personal information belonging to another in terms of Protection of Personal Information Act, 2013 (POPIA).**

The Employer, its employees, representatives and sub-contractors may, from time to time, Process the Contractor's and/or its employees', representatives' and/or sub-contractors' Personal Information, for purposes of, and/or relating to, the tender, this agreement, for research purposes, and/or as otherwise may be envisaged in the Employer's Privacy Notice and/or in relation to the Employer's Supply Chain Management Policy or as may be otherwise permitted by law. This includes the employers due diligence assurance provider and the Appeal Authority

C.1.6.5.7 **Compliance to the City's Appeals Policy.**

"In terms of the City's Appeals Policy, a fixed upfront administration fee will be charged. In addition, a surcharge may be imposed for vexatious tender related appeals.

*The current approved administration fee is R300.00 and may be paid at any of the Municipal Offices or at the Civic Centre in Cape Town using the GL Data Capture Receipt . Alternatively, via EFT into the City's **NEDBANK** Account: **CITY OF CAPE TOWN** and using Reference number: **198158966**. You are required to send proof of payment when lodging your appeal.*

Should the payment of the administration fee of R300.00 not be received, such fee will be added as a Sundry Tariff to your municipal account.

In the event where you do not have a Municipal account with the City, the fee may be recovered in terms of the City's Credit Control and Debt Collection By-law, 2006 (as amended) and its Credit Control and Debt Collection Policy."

C.1.7 **City of Cape Town Supplier Database Registration**

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

Tenderers who wish to register on the City of Cape Town's Supplier Database may collect registration forms from the Supplier Management Unit located within the Supplier Management / Registration Office, 2nd Floor (Concourse Level), Civic Centre, 12 Hertzog Boulevard, Cape Town (Tel 021 400 9242/3/4/5). Registration forms and related information are also available on the City of Cape Town's website www.capetown.gov.za (follow the Supply Chain Management link to Supplier registration).

C.1.8 **National Treasury Web Based Central Supplier Database (CSD) Registration**

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

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

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