

TRANSNET SOC LTD

TENDER NUMBER: TNPA/2023/02/0012/23053/RFP

DATED: 24/11/2023

The following questions and answers were received regarding the above-mentioned tender:
Please find below questions and answers that were addressed for the tender contract.

1. Due to contractual requirements associated with creating an accurate and competitive bid we humbly request that TNPA humbly consider extending closing date for the tender – **Tender closing date has been extended to 31 January 2024.**

Does TNPA consider the experience from the specialist sub-contractor for functionality for the following sub criteria (listed below) towards score. – **In the event of JV's, the experience of all members will be considered.** Sub contractor's experience will only be considered if the sub contractor(s) are listed on Form T.2.2.14

2. Tenderers are required to demonstrate construction experience within Mechanical/Marine Engineering projects, inclusive of pressure vessels, piping, tanks, etc. – 5 – **This portion is closely related to the main scope, outsourcing this would be outsourcing a large portion of the works. It will be considered given that it complies with Subcontracting rules.**
3. Tenderers are required to demonstrate construction experience within Naval Architecture and Structural, inclusive of Class certification, fabrications to class standards, ballasting and marine application steel fabrications and coatings, etc. – 7? – **Where the contractor does not have in-house professional services, these would usually be outsourced. This portion of the works will be evaluated if the Professional Service Providers are listed on form T.2.2.14 (ie sub contractors). Please note that it is a CIDB requirement that ALL members of a JV are registered with CIDB. Since Professional Service Providers cannot register with CIDB – these resources should be sub-contracted rather than brought in as a JV member**
4. We were advised that the attendance register will be used to verify attendance to the briefing. We would advise TNPA to reconsider as the system allows 1 individual to sign on behalf of several companies. We suggest TNPA utilises T2.2-08 as already required in the tender document instead. – **Noted. However it is also possible for various contractors to give their Attendance forms to one individual who then attends on their behalf. The Criteria is ATTENDANCE, either directly or by a representative. Either signing of the attendance register, or submission of a completed Form T2.2.08 will be acceptable proof of attendance.**
5. We would like TNPA to reconsider the requirement of 5 comparable projects in the last 5 years, we suggest extending the 5 years to at least 10 years as this project is allowed for 24 months.

For the moment – the 5-year requirement remains. The Sourcing Team will be asked to reconsider this criteria and if considered that it will improve the quality of tenders – will be officially issued as an addendum.

6. –
7. Tenderers are required to demonstrate performance in comparable projects of similar size and nature, condition, and circumstances to the scope of works in the last 5 years. Company should have a minimum 5 years' experience, and should demonstrate experience in at least 5 similar projects in the following:
 - Please confirm that PMI is also considered for authorised body . NO, only SACPCMP registration will be considered.
8. The tenderer's project team must include the following personnel, Professionally Registered with relevant experience:
Evidence to be provided, including Curriculum Vitae, proof of qualification, Authorised body registration (ECSA, SACPCMP, etc), Track record on similar works, with references with 5 or more years' experience.
 - o Project manager, SACPCMP registered, with construction experience. [5]
- Please confirm that candidate registrations are also accepted – **No, Candidate registrations will NOT be considered. Only registration in the "Pr" category will be considered,**
 - “iii. CR8.1 Construction Manager Registered **SACPCMP**,
 - v. CR8.5 Construction Health & Safety Manager/ Officer Registered **SACPCMP** ”
9. The promotion of supplier development through sub-contracting or JV for a minimum of 30% of the value of a contract to South African Companies which are: 30% Black Women, 51%Black Youth and 51% Black people with disabilities. Entities with a specified minimum B- BBEE level (1and 2) EMEs and/or QSEs who are 51% black-owned - Sub-contracting agreements and Declaration / Joint Venture Agreement and CIPC – B-BBEE Certificate / Sworn- Affidavit / B-BBEE CIPC Certificate as per DTIC guideline.
 - Please confirm what is required as Sub-contracting agreements and declaration - **The required document is the agreement between subcontractors and contractors which states that the subcontractor will complete work on behalf of the contractor. In addition, the agreement summarizes the payment terms, the scope of work, and the obligations of each party concerned.**
10. Kindly note herewith request based on: **1.** The scope of the tender, **2.** The large amount of certified maritime specialized and civil / construction engineering required for this construction, **3.** The requirement to submit approved and fit for contract subcontractor details and JV contractual and compliance requirements. These include Equity terms as well as back-to-back NEC agreements with subcontractors. **4.** And as well as the consideration that all civil/construction and maritime construction yards close for the builders break on 12 December and only reopen on 10 January 2023. **5.** Including the holiday closure of procurement stakeholders and supply chain pricing for 2023. We therefore ask that you consider an extension of the closure date of this **tender to 28 February 2023.** The extension time will allow tenderers sufficient time to prepare a well-engineered, cost effective and workable solution for TNPA which will be in line with our Government's transparency and equity targets. **The closing date will be extended to 31 January 2024.**

11. Please advise why TNPA has opted for a mandatory registration of all JV partners to the CIDB?
– **It is a CIDB requirement.**

Please advise why registration to the CIDB of one JV partner for this tender is not sufficient? -
It is a CIDB requirement that all JV partners must be registered with CIDB.

Kindly consider advising that only 1 (one) JV partner must be registered as a mandatory JV requirement instead of 2 (two) / both partners to the JV. – **No, It is a CIDB requirement that ALL members of a JV must be registered with CIDB. If you require “JV Members” in order to gather sufficient experience in order to pass the functionality section – then sub-contractors experience will also be considered as long as those sub-contractors are listed on the Form 2.2.14 and the necessary sub-contracting pre-tender agreements are in place.**

12. Please advise why there are no references for supplier to certify vessel construction according to class instead of being registered via CIDB? Please advise as the class requirements do not require registration of members but merely compel tenderers to meet class requirements. The Employer (TNPA) unnecessarily restricts the possibility / number of tender submissions by creating unnecessary red tape as the construction required is a floating construction. – **The caisson is not subject to class, however TNPA is enforcing that the fabrication works be align to class specifications. Yes, the caisson is a floating structure, but it is not self-propelled and is not sea-going therefore there is no definitive class requirement. The End user wishes to comply with class fabrication requirements, to ensure the longevity and proper quality control of the works. As part of the main contractor’s scope, the contractor must appoint an AIA to ensure class adherence and quality adherence.**

Furthermore, TNPA is governed by the PFMA and needs to comply various legislative requirements - CIDB being one of them. The CIDB requirement is derived from the large structural and mechanical related works on the caisson gate and given the complexity of the works requires a level of certification to be able to undertake these works.

13. Kindly explain why has TNPA opted to exclude maritime construction personnel qualifications from the list of experience required? Why have alternative experience within the maritime space not been included as options for mandatory experience? The Employer (TNPA) unnecessarily restricts the possibility / number of tender submissions by creating industry specific and preferred supplier submission as the construction required is a floating construction / maritime specialisation product. – **The caisson can be argued to be a maritime specialist project, however, as to not limit the potential contractor pool, the approach was taken to look at the caisson as a largely mechanical and structural entity. Your argument is more limiting than the criteria currently set out in the tender document – which broadens the potential target market. Also, company previous experience on marine structures is included in the technical evaluations under previous experience, however it is not made mandatory.**

14. In the scope of work, it is mentioned that there is dive work but and the groove must be sealed but there is nothing in the bill of quantities that covers the dive work and fixing the groove, there nothing specific even in the tender document. Where must allowance be made for that in

the BOQ? - **In the NEC contract there is a differentiation between the SOW and the BOQ, the Scope of work is contractual and the BOQ is a pricing document. The SOW states that the contractor is required to undertake diving services. The way in which you price for this will be determined by your pricing strategy. Suffice to say the SOW is what will be used to determine the work that must be done, the BoQ will be used to make payment. The contractor must ensure that he has adequately priced to repair the groove.**

15. On the last slide you mentioned Primavera and MSP, is the same points or for Primavera you get more points? – **The points are the same for Primavera and Microsoft Projects (MSP).**

16. It was mentioned earlier that if you have a shorter programme you get more points, you get one point for start date and completion date as started in the programme and does not exceed 20 months. No nowhere does it give you any point to have a shorter programme. – **It is there, on the first scoring. For example, starting date and completion date is 18 months that is the 100 points.**

17. Will the TNPA calendar be made available and in what format? – **The calendar follows the standard calendar. Contractors need to take note of the following when submitting their Programme:**

- **Mon to Fridays are Working days.**
- **Saturdays and Sundays are Non-Working days**
- **All South African Public Holidays are Non-Working days.**
- **Builders break for Calendar year 2023/2024 is from 18 December 2023 to 5th of January 2024 then Calendar year 2024/2025 will be from the 17 December 2024 to 3rd of January 2025**

18. What will happen if, in terms of starting and completion date the programme shows shorter duration but realistically the durations become longer. – **Monthly progress meetings will be held with the awarded bidder to monitor the Programme and any deviations. There will be delay charges base-lined before the start of the project.**

19. If you have a subcontractor who will be involved in the fabrication work that will be part of the organogram with the CVs, qualification and experiences, will that count towards the functionality for scoring? – **Yes, however subcontractors to be evaluated must be listed on the Schedule of Proposed Subcontractors, T2.2-14.** Sub-contractor agreements must be in place as stipulated in the tender document.

20. Was is not a mistake to give half of the functionality points (50 points) for Previous experience versus the actually work like quality, programme etc? The focus is on the previous experience and not on the actual work that needs to be done. BBB-EE companies might be at a disadvantage as they might not have the required experience to achieve higher points are at disadvantage.

- **There are different elements of Quality which are critically important to building this type of work as well as the Programme but ultimately the company's experience demonstrates the capabilities of executing the work and**

that is why TNPA has taken the stand to emphasize on looking at the resources as well as the company itself and the systems that they possess over the years.

- The reason why company experience is quite critical is the type of an environment where the work is going to be done and the type of risks that come with it are abnormally high. So, it is quite reasonable to look at this type of work and the risks that are associated with it and type of performance that needs to be achieved with this vessel to say if you have one this similar work in this environment you should stand some good chance because you have proven that you can do this.
 - Experience is further broken down into subcomponents,.
21. Are Joint ventures required to submit separate Safety files as each entity has its own personnel as far as key appointments are concerned? - **One Safety file must be submitted as per roles and responsibilities stated in the JV agreement. (One Safety file for the tendering entity). The main contractor, with their sub-contractors will need to comply with the safety requirement of the construction regulations.**
22. On the preferential points on sub-contracting, part of the evidence is a sub-contracting agreement and in returnable schedule T2.2.14 it is stated that the Tenderer must agree to subcontract 30% which is a subcontracting agreement. Is that the evidence required for as evidence? – **On the tender document you must complete the relevant forms, and we require a signed contract between the main contractor and the sub-contractors as part of the submission.**
23. Just on general procurement, the 60 points minimum requirement for functionality and 90/10 for pricing and specific goals. In nowhere in the stages is you find out that a contractor that has tendered a good price is complied with everything but maybe there something that is not there, like an ID copy, is there no where in the process where that you can contact the Tenderer to tell them about the missing document?
- As a rule, the tender submitted must be complete. If Mandatory information is not submitted – this may result in the tenderer's submission not being considered further. Where essential documents are not submitted, the tenderer may not be disqualified but if the essential document is required in any part of the evaluation (scoring) this may prejudice the tenderer, and TNPA may not request these documents. –. Tenderers may not improve their tenders by submission of additional documents.**
24. What about a Joint Venture agreement – **A joint venture agreement is required. .** Other key JV documents required are:
- a. JV Consolidated CIDB certificate – if not submitted – tender will be passed over
 - b. JV BBBEE consolidated certificate – if not submitted will result in no points being allocated.