



PROCUREMENT OF A DESIGN AND BUILD CONTRACTOR TO CONDUCT STUDIES, PREPARE DESIGNS, CONSTRUCT, MONITORING AND CLOSE-OUT OF ALTERNATIVE BUILDING TECHNOLOGY (ABT) PROJECT IN FIGROVE, FAURE AND VAN DEL STATIONS	
BID NUMBER: CRES/ABT/WCR/01/07/2021	

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PROCUREMENT OF A 6GB OR 6CE OR HIGHER DESIGN AND BUILD CONTRACTOR TO CONDUCT STUDIES, PREPARE DESIGNS, CONSTRUCT, MONITORING AND CLOSE-OUT OF ALTERNATIVE BUILDING TECHNOLOGY (ABT) PROJECT IN FIGROVE, FAURE AND VAN DEL STATIONS

CLOSING DATE	24 AUGUST 2021
CLOSING TIME	12:00
BID DOCUMENTS DELIVERY ADDRESS	PASSENGER RAIL AGENCY OF SOUTH AFRICA PRASA CRES, 1ST FLOOR CMOC, TOWER BLOCK, CAPE TOWN STATION, CAPE TOWN
BIDDER NAME
BID RETURN ADDRESS	PASSENGER RAIL AGENCY OF SOUTH AFRICA PRASA CRES, 1ST FLOOR CMOC, TOWER BLOCK, CAPE TOWN STATION, CAPE TOWN

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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,

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reproduced, 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;

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- Call a respondent to provide additional documents which PRASA may require which have not been submitted to PRASA.
- 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 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.

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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.

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

Should the preferred bidder fail to sign or commence with the contract within a reasonable period after being requested to do so, PRASA reserves the right to award the business to the next ranked bidder, provided that he/she is still prepared to provide the required goods at the quoted price. Under such circumstances, the validity of the bids of the next ranked bidder(s) will be deemed to remain valid, irrespective of whether the next ranked bidder(s) were issued with a Letter of Regret. Bidders may therefore be requested to advise whether they would still be prepared to provide the required goods at their quoted price, even after they have been issued with a Letter of Regret.

PRASA will not reimburse any Respondent for any preparatory costs or other work performed in connection with its Proposal, whether or not the Respondent is awarded a contract.

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1 LIST OF APPENDICES

INVITATION TO BID PART A	Form A
TERMS AND CONDITIONS FOR BIDDING PART B	Form B
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STATEMENT OF WORK SUCCESSFULLY CARRIED OUT BY BIDDER	Form E
SECURITY SCREENING FORM	Form F
SBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017	
SBD 4 DECLARATION OF INTERESTS	
SBD 8 DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES	
SBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION	

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2 LIST OF ANNEXURES

Project List Items	Annexure A
Guidance on the calculation of Local Content SATA 1286 2011 addition1	Annexure B
Local Content Declaration Summary schedule	Annexure C
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RFP Clarification form	Annexure H
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3 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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4 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 taken into account 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 with regard to 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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5 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 compulsory 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.

“PROJECT” MEANS THIS PROJECT FOR REQUEST FOR THE PROCUREMENT OF A **6GB OR 6CE OR HIGHER** DESIGN AND BUILD CONTRACTOR TO CONDUCT STUDIES, PREPARE DESIGNS, CONSTRUCT, MONITORING AND CLOSE-OUT OF ALTERNATIVE BUILDING TECHNOLOGY (ABT) PROJECT IN FIGROVE, FAURE AND VAN DEL STATIONS

“RFP” means the Request for Proposals issued by PRASA for this tender; and

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5.14 "Scope of Work" means the scope of work for this project as detailed out in the RFP technical specifications.


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	
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 23 JULY 2021
ISSUE DATE	23 JULY 2021
NON-COMPULSORY VIRTUAL BRIEFING SESSION	05 AUGUST 2021 AT 10H00
CLOSING DATE AND TIME	At 12h00 on 24 AUGUST 2021 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 working Days from Closing Date 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	10 AUGUST 2021
CLOSING DATE FOR RESPONSES	13 AUGUST 2021
CONTACT PERSON	SIYASANGA NYWEBA

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2 FORMAL BRIEFING

A non-compulsory virtual briefing session on Microsoft Teams will be held **on 05 August 2021 at 10h00**. This will be followed by a site visit subject to adherence to COVID 19 protocols. The date and time for the site inspections will be communicated to all bidders at the non-compulsory virtual briefing.

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDqwZTE3ZDAtYTkWmi00YmZkLTk0NGUtOTI4ZDhkMjM2YzZI%40thread.v2/0?context=%7b%22Tid%22%3a%22ef089e05-fa66-4ce1-99c1-feb47ce02989%22%2c%22Oid%22%3a%22dffaa1fd-72d0-4e9a-a84b-e058c95bc85b%22%7d

3 BRIEFING SESSION MINUTES AND NOTES

3.1 PRASA will provide clarification answers to the questions asked via Annexure 2 on the date stipulated in the RFP document.

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.

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:

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Description of Bid : REQUEST FOR PROPOSAL FOR PROCUREMENT OF A **6GB OR 6CE OR HIGHER** DESIGN AND BUILD CONTRACTOR TO CONDUCT STUDIES, PREPARE DESIGNS, CONSTRUCT, MONITORING AND CLOSE-OUT OF ALTERNATIVE BUILDING TECHNOLOGY (ABT) PROJECT IN FIGROVE, FAURE AND VAN DEL STATIONS

Closing date and time: 24 AUGUST 2021 at 12h00

Closing address: [Refer to options in paragraph 5 below]

5 DELIVERY INSTRUCTION FOR RFP

Delivery of Bid

The sealed bid envelopes must be deposited in the PRASA tender box which is located at the main entrance of 1st floor CMOC Building located at PRASA CRES regional offices, Cape Town Station and must be addressed as follows:


**PRASA WCR, 1st Floor CMOC Building, Tower Block
Cape Town Station,
Cape Town, 8000**

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.

6.1 B-BBEE Joint Ventures or Consortiums

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


Consolidated BBEE certificate for Joint Venture is required. As per the implementation guide preferential procurement regulations 2017 pertaining to the preferential procurement policy framework act no 5 of 2000 march paragraph 9 BROAD BASED BLACK ECONOMIC EMPOWERMENT (B0BBEE) STATUS LEVELCERTIFICATES sub paragraph 9.3 and 9.4staes that:

A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE status Level Verification certificate for every separate tender.

Note: Failure to submit a valid, original and consolidated 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.

6.2 Subcontracting

As an organ of state, PRASA fully endorses Government's transformation and empowerment objectives and when contemplating subcontracting Respondents are requested to give preference to companies which are Black Owned, Black Women Owned, Black Youth Owned,

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owned by Black People with Disabilities, EMEs and QSEs including any companies designated as B-BBEE Facilitators¹.


- an EME or QSE;
- an EME or QSE which is at least 51% owned by Black People;
- an EME or QSE which is at least 51% owned by black people who are youth;
- an EME or QSE which is at least 51% owned by black people who are women;
- an EME or QSE which is at least 51% owned by black people with disabilities;
- an EME or QSE which is at least 51% owned by black people living in rural or underdeveloped areas or townships;
- an EME or QSE which is at least 51% owned by black people who are military veterans; or
- a cooperative which is at least 51% owned by black people.

A bid that fails to meet this pre-qualifying criteria will be regarded as an unacceptable bid. Respondents are required to select suppliers to subcontract to from a list that PRASA will make available listing all suppliers registered on the approved database of National Treasury for the required goods/services in respect of the applicable designated groups.

Respondents are required to submit proof of the subcontracting arrangement between themselves and the subcontractor. Proof of the subcontracting arrangement must include a subcontracting agreement.

Respondents are to note that it is their responsibility to select competent subcontractors that meet all requirements of the bid so that their bid is not jeopardised by the subcontractor when evaluated. Respondents are responsible for all due diligence on their subcontractors.

¹ The Minister of the Department of Trade and Industry has the power to designate certain Organs of State or Public Entities as B-BBEE Facilitators. For example, the South African National Military Veterans' Association (SANMVA) has been designated as a B-BBEE Facilitator. As such they will be treated as having rights of ownership held 100% by Black People, 40% by Black Women and 20% by Black designated groups.

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Respondent/s are discouraged from subcontracting with their subsidiary companies as this may be interpreted as subcontracting with themselves and / or using their subsidiaries for fronting. Where a Respondent intends to subcontract with their subsidiary this must be declared in their bid response.

The successful Respondent awarded the contract may only enter into a subcontracting arrangement with PRASA's prior approval. The contract will be concluded between the successful Respondent and PRASA, therefore, the successful Respondent and not the sub-contractor will be held liable for performance in terms of its contractual obligations.

In terms of **SBD 6.1** of this RFP [the B-BBEE Preference Point Claim Form] Respondents are required to indicate the percentage of the contract that will be sub-contracted as well as the B-BBEE status of the sub-contractor/s.

7 COMMUNICATION

- 7.1 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 **Siyasanga.Nyweba@prasa.com** **021 449 2264** before **10 August 2021**, substantially in the form set out in **Section 6** hereto.
- 7.2 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 briefing session.
- 7.3 After the closing date of the RFP, a Respondent may only communicate in writing with the Bid Secretariat, at telephone number **021 449 6430**, email **Nomsikelelo.Ncamane@prasa.com** on any matter relating to its RFP Proposal.

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7.4 Respondents are to note that changes to its submission will not be considered after the closing date.

7.5 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.

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 BBBEE 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 shall disqualify Bidders who fail to adhere to this requirement.**

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

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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) No Financial Proposal

Volume 2 (Envelope 2/ Package 2)

- **Part C:** Financial Proposal only

Volume 2 Has to be submitted in a separate sealed envelope. Bidders must make their pricing offer in envelop 2/package 2, no pricing and pricing related information should be included in the Volume 1 envelop 1.


- 9.3 Bidders must submit 1 original response, and may submit 1 copy or an electronic version which must be contained in Memory Cards 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.

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- 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.
- 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

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must ensure that the disc copy of their bid submission for the Draft Contract is in word version and not password protected.

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	23 July 2021
Non-Compulsory Virtual Briefing Session for Bidders	05 August 2021
Closing date for Questions	10 August 2021
Closing date for Responses	13 August 2021
Closing Date for Submission of final Bid	24 August 2021
Evaluation of Proposals (Bidders note that PRASA may call for Presentation of bidders offers at any stage of the evaluation process)	26 August 2021
Appointment of the successful Bidder	06 September 2021
Contract negotiations	10 September 2021
Contract signing	15 September 2021
Contract Commencement	01 October 2021

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.

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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.

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 16 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).

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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.

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

BACKGROUND OVERVIEW AND SCOPE REQUIREMENTS

<p>PROCUREMENT OF A DESIGN AND BUILD CONTRACTOR TO CONDUCT STUDIES, PREPARE DESIGNS, CONSTRUCT, MONITORING AND CLOSE-OUT OF ALTERNATIVE BUILDING TECHNOLOGY (ABT) PROJECT IN FIGROVE, FAURE AND VAN DEL STATIONS</p>	
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1 INTRODUCTION AND BACKGROUND

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. Railway 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.

The 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; as well as rehabilitate its Stations (in line with the NSIP Capital Expenditure). This necessarily creates a need for increase capacity and resources to deliver within a 3 year-period for property investments that have not been made.

In this regard PRASA CRES intends to appoint Design and Build contractors to provide engineering, design, architectural, quantity surveying, town planning and health and safety services to deliver the ABT programme. PRASA has identified 8 projects in the region which will be implemented through the ABT programme at the various stations and facilities which have been vandalised and is in need of quick and timeous rectification of these stations.

2 OVERVIEW

PRASA seeks to benefit from this partnership in the following ways:

- 2.1 PRASA must receive reduced cost of acquisition and improved service benefits resulting from the Service Provider's economies of scale and streamlined service processes.
- 2.2 PRASA must achieve appropriate availability that meets user needs while reducing costs for both PRASA and the chosen Service Provider(s).

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- 2.3 PRASA must receive proactive improvements from the Service Provider with respect to provision of Services and related processes.
- 2.4 PRASA's overall competitive advantage must be strengthened by the chosen Service Provider's leading edge technology and service delivery systems.
- 2.5 PRASA end users must be able to rely on the chosen Service Provider's personnel for service enquiries, recommendations and substitutions.
- 2.6 PRASA must reduce costs by streamlining its acquisition of Services, including managed service processes on a Group basis.


3 KEY OBJECTIVES OF THE RFP

This RFP has been prepared for the following purposes:

- 3.1 To set out the rules of participation in the bid process referred to in this RFP.
- 3.2 To disseminate information on the project contemplated in this RFP.
- 3.3 To give guidance to bidders on the preparation of their RFP bids.
- 3.4 To gather information from bidders that is verifiable and can be evaluated for the purposes of appointing a successful bidder.
- 3.5 To enable PRASA to select a successful bidder that is:
 - a) technically qualified and meet the empowerment criteria described in this RFP;
 - b) Carry all the obligations of the Contract.

4. SCOPE OF THE DESIRED SOLUTION

The scope of works included herein is to obtain a Design and Build contractor as a service provider for the design and construction of station facilities using standardized modular Alternative Building Technology (ABT) shipping containers. The Shipping Containers are a preferred ABT as an alternative construction technology for Metrorail staff to perform customer services supporting the travelling commuters such as ticket sales, and other important functions. The shipping containers


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will be delivered to the various sites by the Department of Transport and these containers are to be re-purposed and used as building materials reconfigured to suit PRASA specifications. The ABT projects within the subject region entail the complete delivery of ABT (shipping containers) constructed to provide fully operational station facilities. The works involve the alterations and additions to various stations facilities within the subject region to create the optimal spatial configuration to enable the best possible functionality of the station and to conform to the latest standard specification in terms of the

PRASA - Norms, Guidelines and Standards (NGS) for Station Facilities (2014), the PRASA – Blue Print Specifications 2016, National Building Regulations and Building Standards Act including obtaining Agreement Certificates, Safety Arrangements and Procedural Compliance with the Occupational Health and Safety Act (Act 85 of 1993) and Applicable Regulations (E4E); including any subsequent amendments, and related construction regulations, and guidelines.

Where an Agreement Certificate cannot be obtained then a rational design has to be undertaken to ensure that the necessary building plan approvals are obtained from the Local Authority. All designs to comply with the National Building Regulations and Standards Act and SANS 10400.

The high level scope of work entails; design development of the various station facilities from concept to construction drawings, application and obtaining approvals from the local authorities and other statutory bodies for the construction of the development, the alterations and refurbishment of the shipping containers, provision of water, sewer and electricity and the connection thereof to ensure that the ABT containers are ready for use, ICT equipment, security installations, fencing, paving and parking bays, and renovations of existing facilities as outlined in the scope of work.

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ADDITIONAL SERVICES AND REQUIREMENTS

The service provider will be required to undertake the following responsibilities:

- Develop designs of the shipping containers based on the concept drawings issued by PRASA to the employer's requirements and reconfigure it to be fit for purpose for the operations.
- The service provider shall obtain all necessary permits, certification, authorization, approvals for the construction and occupation of the complete ABT facilities
- The service provider will be required to appoint professional consultants as follows:

No.	Profession	Professional body
1.	Architect	SACAP
2.	Quantity Surveyor	SACQSP
3.	Civil and Structural Engineer	ECSA
4.	Electrical and Mechanical Engineer	ECSA
5.	Town Planner	SACPLAN
6.	OHS Agent	SACPCMP


Table 1: Required Professional Service Providers

- Certified copies of Professional Indemnity insurance for the professional team to be submitted. The certified copies should not be older than 6 months
- The service provider must make provision to undertake a Heritage Impact Assessment where the station is regarded as a heritage site.

4.3 SCOPE OF WORKS

4.3.1 The provision of Design and Build Contractor


The provision of Design and Build contractor to develop the designs of the ABT projects from concept drawings to produce construction drawings and to construct the project in accordance with the

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designs. The design team shall comprise of the following disciplines and appropriately registered with the relevant professional body:

	Profession	Professional body
1.	Architect	SACAP
2.	Quantity Surveyor	SACQSP
3.	Civil and Structural Engineer	ECSA
4.	Electrical and Mechanical Engineer	ECSA
5.	Town Planner	SACPLAN
6.	OHS Agent	SACPCMP

- I. The Lead Consultant should be experienced in the implementation of Design and Build (Turnkey) construction. This resource should be clearly identified and stated in the proposal.
- II. The Turnkey contractor shall make allowance and appoint a Community Liaison Consultant who will initiate, plan, execute and monitor the stakeholder management and consultation with the local communities in relation to the project.
- III. A Community Liaison Officer shall then be appointed as part of the contract during the execution of the project to facilitate the implementation of the local community stakeholder management plan mentioned above.
- IV. The professional should have a minimum Professional Indemnity insurance of R6 500 000.
- V. The contractor shall be registered with the CIDB as CIDB 6GB or 6CE or higher
- VI. The designs shall be in terms of the relevant professional council and standard industry practice to ensure the highest level of quality standards are met.
- VII. The designs must be accompanied by a Hazard and Operability (HAZOP) study to assist PRASA on change management and the management or control of accompanied risks linked to the ABT in the station environment.

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- VIII. A Hazard and Operability Study will ensure a structured analysis of process design to identify process safety incidents that ABT facility is vulnerable to or determine possible failures that could result from operation of the ABT outside of design conditions. This report should be accompanied by a list of necessary actions and recommendation to improve safety and mitigate the consequences of hazards.
- IX. Provision to be made for a Land Surveyor to provide surveyor's drawings of the site including boundaries, elevations and contours for the sites.
- X. The design and build contractor shall submit to the Employer for review and approval all construction documents. These shall include plans, drawings, surveys, programme, Bill of Quantities, cashflow projections, specifications, Method statements, Health and Safety plan, permits, Local Authority Approval Plan, Stakeholder Engagement Plan and Quality Management Plan, etc
- XI. The design and build contractor to apply and obtain all necessary permits, approval and authorization for the project. This shall include the Site Development Plan and Building Plans approval by the relevant Local Authority in terms of the National Building Regulations.
- XII. The design and build contractor shall obtain approvals from the Safety Railway Regulator (RSR) for the Concept, Design Development and Construction stages of the project (per station). Refer to Annexure G for the documentation required for approval.
- XIII. Where feasible the designs should endeavour to achieve the requirements for local production, where only locally manufactured goods that meet stipulated minimum threshold for local production and content may be used as per requirements of the Department of Trade and Industry (DTI).
- XIV. The design and build contractor is required to use local suppliers for all local content designated materials and services. The designation and threshold from DTI is hereto attached as Annexure F.

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XV. The design and build contractor shall complete the local content declaration documentation when the designs are completed.

4.3.2 Location of the project


The project targeted by this procurement is located at the Figrove, Faure and Van Del Stations **in the Western Cape Region.**

4.3.3 The design of the various ABT stations shall be in accordance with the set requirements of PRASA. These designs shall use the concept drawings as provided by PRASA as the basis for the development of the plans. The designs shall comply with the PRASA - Norms, Guidelines and Standards (NGS) for Station Facilities (2014) and the PRASA – Blue Print Specifications 2016 which are attached hereto as **Annexure J and K**. The construction which includes the alterations and refurbishment of the shipping containers and the renovations of existing facilities will be based on the abovementioned designs. The modular designs shall ensure that the station is self-contained complete station that provides for the following needs:

- I. Ticket Sales/ administration office
- II. Mess rooms
- III. Ablutions for staff
- IV. ICT and Security
- V. Guard House

4.3.4 The modular designs should allow for:

- I. Standardisation
- II. Reduced construction schedules
- III. Modular and smart designs
- IV. Environmental sustainability
- V. Predictable construction costs
- VI. On and off-site construction

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VII.COVID-19 Protocols in the work environment and office layout, for commuter facilities including the waiting areas, queuing provisions, ablutions, etc.

4.3.5 The shipping container units currently exist and are to be provided by Department of Transport (DOT) and PRASA will make these containers available to successful bidders. The sizes of the containers are as follows: 2.5m in width, with standard lengths varying from 3 to 12m. Manufacturing process of the containers need to comply with ISO 9001:2015 and OSHAS 18001:2007, with a minimum rated lifespan of 20 years. The used containers are to be refurbished and repurposed to be in a good working condition functionally and aesthetically.

4.3.6 Alterations and refurbishment of shipping containers

- I. Refurbishment of containers (Wire brush, prime and paint containers), treatment of containers for corrosion and provide 20 years warranty against corrosion. Corrosion protection shall be done in terms of SANS 1200 HC or SANS 2001 CSI
- II. Configuration of the shipping containers shall be in terms of **Annexure I**
- III. Completed container to be wind and water proof (Waterproof testing to be done in accordance with the Quality Management Plan and witnessed by PRASA official/Engineer on the project)
- IV. Bullet resistant doors
- V. Bullet resistant glass
- VI. Ticketing counters
- VII. Steel lined walling for treasury
- VIII. Insulation wall and ceiling
- IX. Vinyl flooring
- X. Air Conditioning
- XI. Roller shutter for windows and doors – electronic
- XII. Electrical work – 220V wiring in conduits, DB and main connection
- XIII. DB Board with earth leakages & circuit breakers
- XIV. Fluorescent lights, Bowl light - JD 90, Single plug points, Double plug points, Light switches and External lights – Bulkhead

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- XV. Branding and signage (Based on PRASA's Blueprint Document)
- XVI. Directional and Statutory signage
- XVII. Fire Extinguishers and fire protection
- XVIII. Drop in Safe/Walk-in Safe for safe cash handling
- XIX. Sink and built-in taps and cupboards with a hydroboil
- XX. Ablutions
- XXI. A solar system to provide back-up power to ensure station operations continue during power outages

4.3.7 ICT, Telecoms and Security Requirements *(indicative, to be determined per design)*


No.	Item	Item Specification
1	48-port POE+ Switch	<ul style="list-style-type: none"> • Gigabit access switching with 48X10/100/1000 BaseT ports • PoE+ support up to 740W • 2 x 1G SFP uplink interfaces • Layer 2 access switching • Non-blocking switch backplane with at least 80 Gbps • bandwidth support • Should have at least 60Mpps Packet Forwarding Throughput • Form factor 1U and 19" Rack mountable. Rack mount kit to be provided • 3-year hardware warranty
2	10Kva UPS with 2-hour backup time at full load	10KVA On-Line UPS System, Single Phase Input & Single Phase output complete with batteries to provide backup time as per following requirements and technical specifications including battery rack & connecting loops with three years warranty on UPS & batteries

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3	ICT Station Equipment Cabinet 43U with cooling	<p>Cabinet 43U - (H 2200mm x W 750mm x D 1000mm)</p> <ul style="list-style-type: none"> - Lockable - Dedicated cooling - 12,000 BTU Air conditioner - Power distribution – PDU (Power Distribution Unit)
4	LTE Gateway for primary and/or failover connectivity	<ul style="list-style-type: none"> • Must support 4G LTE/3G/2G (South African frequency bands) • ICASA Approved • 10/100 Base-T RJ45 Ethernet port • VPN <ul style="list-style-type: none"> ○ IPsec, GRE, and SSL VPN Client ○ Support at least 3 concurrent tunnels ○ Split Tunnel
		<ul style="list-style-type: none"> ○ Dead Peer Detection (DPD) ○ Multiple Subnets ○ VPN Failover □ Security <ul style="list-style-type: none"> ○ Remote Authentication (LDAP, RADIUS and TACACS+) ○ DMZ ○ Inbound and outbound port filtering ○ Inbound and outbound Trusted IP ○ MAC Address Filtering <p>3-year warranty</p>
5	<p>Wi-Fi APs</p> <p>(to be managed by existing Cisco controller) for integration purposes</p>	<ul style="list-style-type: none"> • Cisco AIR-AP1832I-E-K9 - 802.11ac Wave 2; 3x3:2SS; Int Ant; E Reg Domain or similar • Mounting brackets • 3-year warranty

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6	Security Requirements	<div style="background-color: #00AEEF; color: white; padding: 2px; margin-bottom: 5px;">Camera deployment</div> <ul style="list-style-type: none"> ○ The ticket sales office will have two static bullet cameras on every top corner, and a fisheye camera on each ticket selling counter and another fisheye on the Drop-off safe.; Three (3) metre mast where a PTZ camera will be deployed to assist in the tracking and tracing of suspects in the event of an incident. <div style="background-color: #00AEEF; color: white; padding: 2px; margin-bottom: 5px;">Access Control</div> <p>Biometric readers will be installed on all doors, and this will be: -</p> <ul style="list-style-type: none"> ○ Main Entrance- Gate. ○ Entrance door into the ticket sales ○ Entrance door into the security office ○ Entrance door into the ICT office ○ Gate moevator
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- All access control systems must be compatible and be able to integrate into existing PRASA BABYLON system
- All CCTV must be compatible and be able to integrate into existing PRASA Dallmeier system.
- Provision has been made to house electronic equipment in a 19-inch rack.

4.3.8 Existing facilities improvement

- I. Improvement/renovations of existing commuter ablutions to be determined per site. These facilities to be fully functional including all sanitary fittings, doors, windows, roof, floors, walls, gutters and gulleys, fascia boards, ceilings, lighting, electrical switches, etc.
- II. Renovation of existing pathways and pedestrian walkways
- III. Painting of platform lines to be in accordance with **Annexure J and K.**
- IV. Reinstating bulk electrical, sewer, and water supply and connections to facilities V. Reinstating platform lights to ensure visibility
- VI. Provision of station fencing/reinstatement of damaged station fencing. Where a new fence is constructed, this shall be constructed of a face brick material and 3m in height.

4.3.9 External Works

- I. The various sites will have different requirements in relation to earthworks and levelling. The design and build contractor to familiarise himself with the site condition in order to design and include the cost associated with this element in the pricing schedule for the works.

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- II. Stone gabion walls to be used to support embankments where there is a level change
- III. Landscaping and paving shall be included to provide walkways and parking spaces

4.3.10 Access points

- I. Renovate/improve access points into station facilities to ensure that fair evasion is minimised
- II. Provide appropriate signage at the access points to provide relevant information to commuters
- III. The designs for the access points to be in terms of **Annexures J and K**.

4.3.11 Signage


- I. Stations signage to be renovated or replaced to be in terms of the PRASA standards (refer to Annexure J and K)
- II. Provide directional signage and Occupational Health and Safety signage such fire escape, fire signage, and assembly points to comply with Local Authority requirements and Act 85 of 1993 requirements
- III. Provide information boards for commuters and customers per station. The number to be in terms of the **Annexure J and K**.

4.3.12 Commuter facilities

- I. Provide commuter waiting area per platform adequate for the station size as per the criteria and categories contained in **Annexure J and K**.
- II. Waiting areas to have adequate sitting facilities which are appropriately designed to be robust and vandal proof.
- III. Provision to be made for dustbin/waste bins on which are fixed at appropriate intervals

4.3.13 Project timelines

The Design and Build contractor to provide a programme of works as part of the methodology and approach. These timelines shall form the basis for the negotiations and agreement on the final Time for Completion which will form part of the contract.

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4.3.14 Compliance with Statutory Requirements

The Design and Build contractor shall comply with the following statutory requirements

- I. Occupational Health and Safety Act (85 of 1993)
- II. Construction Regulations
- III. Railway Safety Regulator
- IV. SANS standards especially 10400, 1200 and 2001 V. National Building Regulations and Standards Act
- VI. Council for Built Environment Act (43 of 2000)

4.3.15 Briefing Session

- I. The non-compulsory briefing session will be conducted virtually and the details of such briefing will be shared in the advertisement
- II. The virtual briefing session will be followed by an on-site inspection of the project wherein COVID19 protocols will be enforced and adhered to. The details of which shall be shared with the bidders during the virtual briefing session.

4.4 TARGETED AREA BY THIS PROJECT

The project will cover the following key areas of a passenger railway station environment:


- (a) Zone 1: Access and Interchange Zone (Access and Arrival)
 - Non-Motorised Transport Space/Area
 - Car Park for Staff and Passengers
 - Minibus/Taxi Drop-off zone
 - Pedestrian Walkways
 - Special needs persons/Universal Accessibility Considerations
 - Information boards

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- Signage
- Lighting
- (b) Zone 2: Facilities Zone (Passenger Amenities)
 - Station Management facilities
 - Ablution Facilities
 - Ticket Sales Office
 - Access Gates
 - Queuing Facilities
 - Information boards
 - Signage
 - Lighting
- (c) Zone 3: Platform Zone
 - Boarding and alighting
 - Staff facilities
 - Information boards
 - Signage
 - Lighting
 - Platform Shelters
 - Passenger Seating
 - Waste Bins
 - Safe Zone

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- Ablution Facilities

4.5 EXTENT AND COVERAGE OF THE PROPOSED PROJECT

The extent of the areas to be covered by the project are as follows:

- Staff facilities, offices and buildings
- Staff parking
- Platforms and commuter ablutions
- Fire and electrical compliances
- Security, communication and CCTV surveillance
- Fencing
- Demolishing

4.6 ALTERNATIVE BUILDING TECHNOLOGY (ABT) PROJECT LIST PER REGION


The list of projects targeted by this procurement event is attached hereto as **Annexure A** for the Western Cape Region. 5 OTHER RELATED PROJECTS

There are various projects on the National Station Improvement Projects targeting particular stations however these exclude the stations earmarked for ABT projects.

4.7 SPECIFICATION OF THE WORK OR PRODUCTS OR SERVICES REQUIRED

4.7.1 Refer to concept drawings for a halt, small and intermediate stations which are attached hereto as **Annexure I**.

4.7.2 The contract will be a FIDIC Conditions of Contract for Plant & Design and Build. The Contract Data is attached hereto as **Annexure G1**.

PROCUREMENT OF A DESIGN AND BUILD CONTRACTOR TO CONDUCT STUDIES, PREPARE DESIGNS, CONSTRUCT, MONITORING AND CLOSE-OUT OF ALTERNATIVE BUILDING TECHNOLOGY (ABT) PROJECT IN FIGROVE, FAURE AND VAN DEL STATIONS	 prasa <small>PASSENGER RAIL AGENCY OF SOUTH AFRICA</small>
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4.8 CONTRACT PERIOD

The duration of the contract is envisaged to be for a 90 days period.


5. EVALUATION METHODOLOGY

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 at all times be paramount.

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 to close in terms of points awarded.
Approval	Approval and notification of the final Bidder.

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5.1 EVALUATION CRITERIA

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 construction work for the project.

EVALUATION CRITERIA	WEIGHTING
Stage 1A- Pre qualification requirements	Declaration Certificate for Local Production and Content (SBD 6.2) together with 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	Mandatory Basic Compliance
Stage 1C: Non – Mandatory Compliance Requirements	Non – Mandatory Basic Compliance
Stage 2	Technical/Functionality
Technical/Functional Requirements	Threshold of 70%
Stage 3	Price and BBBEE

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Price	80
BBBEE	20
TOTAL	100

Figure 9.1: Evaluation criteria for the selection of a potential bidder


STAGE 1 - Compliance Requirements

9.2 Stage 1A: Pre- qualification

Declaration document for local content and production SBD 6.2 must be completed, duly signed and submitted.
Annexure C – Local Content Declaration – Summary Schedule must be completed, duly signed and submitted.

Stage 1B : Mandatory Compliance Requirements

NO.	DESCRIPTION OF REQUIREMENT	TICK (X)
a)	Price Schedule and Bid/Tender form (Bidders must ensure that they only include these financial document/ information in the second envelop)	
b)	Completion of ALL RFP documentation (includes ALL declarations, SBD documents/ forms and Commissioner of Oath signatures required)	
c)	Proof of active CIDB grading level of 6GB or 6CE or Higher	

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d)	All professionals to be registered with Professional Bodies: - Architect Pr Arch (SACAP) Quantity Surveyor Pr QS (SACQSP) Civil & Structural Engineer Pr Eng (ECSA) Electrical & Mechanical Engineer Pr Eng (ECSA) Town Planner (SACPLAN) Health & Safety Consultant (SACPCMP) Certified copies of the professional registration should be submitted and valid for a period of 6 months.	
e)	Letter of Good Standing (i.e COIDA)	
f)	Joint Venture / Consortium agreement / Trust Deed/ 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 (if applicable))	

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

Stage 1 C: Non - Mandatory Compliance Requirements

The following documents are non-mandatory and where not submitted, PRASA may request all the documents and must be made available at the time of request within a stipulated period:


NO.	DESCRIPTION OF REQUIREMENT	TICK (X)
a)	Company Registration Documents (Proof of Registration), Certificate of Incorporation or CK1.	

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b)	Valid B-BBEE certificate from SANAS accredited rating agency (Original or Certified copy)/DTI B-BBEE Certificate (Original or Certified copy) or Sworn Affidavit signed and stamped by the commissioner of Oath.	
c)	Copies of Directors' ID documents;	
d)	Valid Tax Clearance Certificate and Valid Tax Pin letter (must be valid on closing date of submission of the proposal) issued by SARS.	
e)	CSD Summary report / CSD reference number	
f)	Proof of UIF registration	
g)	Proof of Bank Account (i.e. cancelled cheque of Letter issued by the Bank)	
h)	Annexure D – Imported Content Declaration – Supporting Schedule to Annex C	
i)	Annexure E – Local Content Declaration – Supporting Schedule to Annex C	

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j)	Fidic Contract data, Particular Conditions, Employers Requirements, Concept Design, Norms, Guidelines and Standards and Blue Print= Annexure G, G1, G2, G3, J and Annexure K	
K)	Concept Design Drawing (Annexure I)	

Stage 2 : Technical Evaluation

Summary of the technical/functional requirements are presented in the table 9.2 below.

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.


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Table 9.2: Technical Evaluation Criteria

CRITERIA FOR PROFESSIONAL TEAM EVALUATION			
COMPANY EXPERIENCE			
Proof of number of similar projects implemented by the company to be directly responsible for implementation of this project for each discipline (Bidders to provide list and relevant appointment letter and reference letter per project in order for the submission to be complete per project on a company letterhead and have contactable references). Similar project will be building related projects.			
CRITERIA	SCORES	SUB-	CRITERIA
		WEIGHTS	WEIGHT
Architect	5 points - Five (5) and above proof of similar projects 4 points - Four (4) proof of similar projects 3 points - Three (3) proof of similar project 2 points - One (1) - Two (2) proof of similar project 1 point - No submission (0) and unrelated Projects	2%	20%
Quantity Surveyor	5 points - Five (5) and above proof of similar projects 4 points - Four (4) proof of similar projects 3 points - Three (3) proof of similar project 2 points - One (1) - Two (2) proof of similar project 1 point - No submission (0) and unrelated Projects	2%	

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Health and Safety	<p>5 points - Five (5) and above proof of similar projects</p> <p>4 points - Four (4) proof of similar projects</p> <p>3 points - Three (3) proof of similar project</p> <p>2 points - One (1) - Two (2) proof of similar project</p> <p>1 point - No submission (0) and unrelated Projects</p>	2%	
Electrical and Mechanical Engineer	<p>5 points - Five (5) and above proof of similar projects</p> <p>4 points - Four (4) proof of similar projects</p> <p>3 points - Three (3) proof of similar project</p> <p>2 points - One (1) - Two (2) proof of similar project</p> <p>1 point - No submission (0) and unrelated Projects</p>	2%	
Civil Engineer and Structural Engineer	<p>5 points - Five (5) and above proof of similar projects</p> <p>4 points - Four (4) proof of similar projects</p> <p>3 points - Three (3) proof of similar project</p> <p>2 points - One (1) - Two (2) proof of similar project</p>	2%	
	<p>1 point - No submission (0) and unrelated Projects</p>		

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Lead Consultant <i>(Bidder to indicate the lead consultant)</i>	5 points - Five (5) and above proof of Design and Build (Turnkey) projects 4 points - Four (4) proof of Design and Build (Turnkey) projects 3 points - Three (3) proof of Design and Build (Turnkey) projects 2 points - One (1) - Two (2) proof of Design and Build (Turnkey) projects 1 point - No submission (0) or irrelevant submission	10%	
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Years of experience (post qualification) and professional registration of the key personnel to be directly responsible for implementation of this project for each discipline (Bidders to provide CVs with originally certified professional registration certificates not older than six (6) months):

	Required professional registration	Professional Body	
	Professional Architect	SACAP	
	Professional Quantity Surveyor	SACQSP	
	Town Planner	SACPLAN	
	Health and Safety Agent	SACPCMP	

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Professional Electrical and Mechanical Engineer	ECSA		
Professional Civil and Structural Engineer	ECSA		
CRITERIA	SCORES	SUB-WEIGHTS	CRITERIA WEIGHT
Architect	<p>5 points - Five (5) years and above experience on similar projects</p> <p>4 points - Four (4) years experience on similar projects</p> <p>3 points - Three (3) years experience on similar projects</p> <p>2 points - One (1) – Two (2) years experience on similar projects</p> <p>1 point - No submission (0) and unrelated projects or irrelevant submission</p>	4%	20%

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Quantity Surveyor	<p>5 points - Five (5) years and above experience on similar projects</p> <p>4 points - Four (4) years experience on similar projects</p> <p>3 points - Three (3) years experience on similar projects</p> <p>2 points - One (1) – Two (2) years experience on similar projects or irrelevant submission</p> <p>1 point - No submission (0) and unrelated projects or irrelevant submission</p>	2%	
Town Planner	<p>5. Five (5) years and above experience on similar projects</p> <p>4. Four (4) years experience on similar projects</p> <p>3. Three (3) years experience on similar projects</p> <p>2. One (1) – Two (2) years experience on similar projects</p> <p>1. No submission (0) and unrelated projects or irrelevant submission</p>	2%	

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<p>Health and Safety Agent</p>	<p>5 points - Five (5) years and above experience on similar projects</p> <p>4 points - Four (4) years experience on similar projects</p> <p>3 points - Three (3) years experience on similar projects</p> <p>2 points - One (1) – Two (2) years experience on similar projects</p> <p>1 point - No submission (0) and unrelated projects or irrelevant submission</p>	<p>2%</p>	
<p>Mechanical Electrical and Engineer</p>	<p>5 points - Five (5) years and above experience on similar projects</p> <p>4 points - Four (4) years experience on similar projects</p> <p>3 points - Three (3) years experience on similar projects</p> <p>2 points - One (1) – Two (2) years experience on similar projects</p> <p>1 point - No submission (0) and unrelated projects or irrelevant submission</p>	<p>2%</p>	

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<p>Civil Engineer and Structural Engineer</p>	<p>5 points - Five (5) years and above experience on similar projects</p> <p>4 points - Four (4) years experience on similar projects</p> <p>3 points - Three (3) years experience on similar projects</p> <p>2 points - One (1) – Two (2) years experience on similar projects</p> <p>1 point - No submission (0) and unrelated projects or irrelevant submission</p>	<p>3%</p>	
<p>Lead Consultant (<i>Bidder to indicate the lead consultant</i>)</p>	<p>5 points - Five (5) and above proof of Design and Build (Turnkey) projects</p> <p>4 points - Four (4) proof of Design and Build (Turnkey) projects</p> <p>3 points - Three (3) proof of Design and Build (Turnkey) projects</p> <p>2 points - One (1) - Two (2) proof of Design and Build (Turnkey) projects</p> <p>1 point - No submission (0) or irrelevant submission</p>	<p>5%</p>	

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<p>BID NUMBER: CRES/ABT/WCR/01/07/2021</p>	

C: 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 and construction supervision and close out specific to the particular ABT project	10%
<p>Detailed technical approach and methodology is provided that is aligned to the scope of work/ highlighting the following elements:</p> <ul style="list-style-type: none"> • risk/s and mitigation measures associated with the project • project schedule which shows estimated start and finish dates • major milestones • information on project execution, integration and redundancy for unforeseen delays or occurrences 	<p>5= Detailed technical approach and methodology that is aligned to the scope of work highlighting all 4 elements</p> <p>4 = Detailed technical approach and methodology that is aligned to the scope of work highlighting 3 elements</p> <p>3 = Detailed technical approach and methodology that is aligned to the scope of work highlighting 2 elements</p> <p>2 = Detailed technical approach and methodology that is aligned to the scope of work highlighting 1 element</p> <p>1 = No Submission or irrelevant information provided</p>	

	CRITERIA FOR TECHNICAL EVALUATION OF CONTRACTOR
	Years of experience of key personnel to be directly responsible for implementation of this project. (please provide CVs with certified qualifications valid for a period of 6 months). Similar projects shall include building related projects:

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<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</i>)</p>	<p>5 points - Five (5) years and above experience on similar projects</p> <p>4 points - Four (4) years experience on similar projects</p> <p>3 points - Three (3) years experience on similar projects</p> <p>2 points - One (1) – Two (2) years experience on similar projects</p> <p>1 point - No submission (0) or irrelevant submission</p>	<p>4%</p>	<p>20%</p>
<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</i>)</p>	<p>5 points - Five (5) years and above experience on similar projects</p> <p>4 points - Four (4) years experience on similar projects</p> <p>3 points - Three (3) years experience on similar projects</p> <p>2 points - One (1) – Two (2) years experience on similar projects</p> <p>1 point - No submission (0) or irrelevant submission</p>	<p>4%</p>	
<p>General Foreman with minimum N2 and experience in the Built Environment</p>	<p>5 points - Five (5) years and above experience on similar projects</p> <p>4 points - Four (4) years experience on similar</p>	<p>2%</p>	

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<p>experience.</p> <p><i>(If a candidate does not possess a minimum N2 then it will be considered irrelevant submission)</i></p>	<p>projects</p> <p>3 points - Three (3) years experience on similar projects</p> <p>2 points - One (1) – Two (2) years experience on similar projects</p> <p>1 point - No submission (0) or irrelevant submission</p>		
<p>Health and Safety Officer</p>	<p>5 points - Five (5) years and above experience on similar projects</p> <p>4 points - Four (4) years experience on similar projects</p> <p>3 points - Three (3) years experience on similar projects</p> <p>2 points - One (1) – Two (2) years experience on similar projects</p> <p>1 point - No submission (0) or irrelevant submission</p>	<p>2%</p>	
<p>Welding Artisan with a National Certificate in Welding Qualification</p> <p><i>(Experience must be post apprenticeship)</i></p>	<p>5 points - Five (5) years and above post apprenticeship experience on similar projects</p> <p>4 points - Four (4) years post apprenticeship experience on similar projects</p> <p>3 points - Three (3) years post apprenticeship experience on similar projects</p> <p>2 points - One (1) – Two (2) years post apprenticeship experience on similar projects</p>	<p>8%</p>	
	<p>1 point - No submission (0) or irrelevant submission</p>		

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Company's experience in the execution and completion of similar projects. Similar projects shall be Alternative Building Technology projects using shipping containers. (Provide appointment letters and letter of completion per project on a company letterhead, and have contactable references)

Proof of experience executing and completion of 5 similar projects	5 points	20%	
Proof of experience executing and completion of 4 similar projects	4 points		
Proof of experience executing and completion of 3 similar projects	3 points		
Proof of experience executing and completion of 2 similar projects	2 points		
Proof of experience executing and completion of 1 similar projects or no submission or irrelevant submission	1 point		

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

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<p>Financial Capability</p>	<p>Financial Capacity: Operating cash flow</p> <p>The operating cash flow ratio measures a company's short-term liquidity. Formula: Operating Cash Flows Ratio = Cash Flows From Operations/Current Liabilities.</p> <p>Bidder should submit a complete set of financial statements</p> <p>(Recent 2 years' financial statements prepared by a registered professional)</p>	<p>5 = Operating Cash Flows Ratio $X \geq 1$</p> <p>4 = Operating Cash Flows Ratio $0.5 > X < 1$</p> <p>3 = Operating Cash Flows Ratio $0 > X < 0.5$</p> <p>2 = Operating Cash Flows Ratio $X < 0$</p> <p>1 = No Submission of financial Statement</p>	<p>10%</p>
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Note: For the purposes of evaluating, building related works shall defined as construction works primarily concerned with steel, brick & mortar, concrete, timber, prefab, etc. application in the development, extension, installation, maintenance, removal, renovation, alteration or dismantling of building infrastructure or permanent shelter for its occupants. This shall include among others domestic, industrial, institutional or commercial occupancies.

STAGE 3: PRICING AND B-BBEE

SBD 6.1 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

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NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF BBBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

GENERAL CONDITIONS

1.1 The following preference point systems are applicable to this bid:

- the 80/20 system for requirements with a Rand value from R50 000 000 and below (all applicable taxes included).

1.2

- a) The value of this bid is estimated below R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) The 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

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2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

7.1.2 (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based

Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the BroadBased Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents. (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

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3. POINTS AWARDED FOR PRICE

7.1.3

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where:

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

P_t = Rand value of the tender under consideration; P_{in} =

Rand value of the lowest acceptable tender.

POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

DECLARATION

Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

B-BBEE Status Level of Contributor: =(maximum of 20 points)


(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

SUB-CONTRACTING

Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If yes, indicate:

- i) What percentage of the contract will be subcontracted.....% ii) The name of the subcontractor.....
- iii) The B-BBEE status level of the subcontractor.....
- iv) Whether the sub-contractor is an EME or QSE (**Tick applicable box**)

YES		NO	
-----	--	----	--

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
	√	√
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

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DECLARATION WITH REGARD TO COMPANY/FIRM

7.1 Name of company/firm:.....

7.2 VAT registration number:.....

7.3 Company registration number:.....

- 7.4 TYPE OF COMPANY/ FIRM
- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited
- [TICK APPLICABLE BOX]

7.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES
.....
.....
.....


- 7.6 COMPANY CLASSIFICATION
- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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7.7 Total number of years the company/firm has been in business:.....

7.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

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(e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

4 VALIDITY PERIOD

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

5 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 may not be disqualified and will score 0 points out of 20 for B-BBEE.

6 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.

7 BEST AND FINAL OFFER

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

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- 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.

8 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).

9 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/ BOQ Form C (Volume 2 /Envelop 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.

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- 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;
 - 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 PERFORMANCE AND BID BONDS (NOT APPLICABLE)

- 3.1. The preferred Bidder shall where applicable provide PRASA with a performance bond which shall be 10% of the value of the entire Project price offered and it shall be issued with 30 days of receipt of notice of appointment. The Performance Bond shall be valid for the Contract period.

4 OWNERSHIP OF DESIGN

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4.1. The plans and design developed and to be provided by PRASA shall at all times remain the property of PRASA.]

5 SERVICE LEVELS

5.1. 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.

5.2. PRASA will have quarterly reviews with the Service provider’s account representative on an on-going basis.

5.3. 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.

5.4. 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.

5.5. The Service provider must provide a telephone number for customer service calls.

5.6. 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	
-----	--

6.TOTAL COST OF OWNERSHIP (TCO)

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- 6.1. 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).
- 6.2. 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.

6 FINANCIAL STABILITY

Respondents are required to submit their latest financial statements prepared and signed off by a professional accountant for the past 2 years 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 _____

Name _____

SIGNATURE OF RESPONDENT’S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

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7 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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8 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 _____ 2....

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

PROCUREMENT OF A DESIGN AND BUILD CONTRACTOR TO
CONDUCT STUDIES, PREPARE DESIGNS, CONSTRUCT,
MONITORING AND CLOSE-OUT OF ALTERNATIVE BUILDING
TECHNOLOGY (ABT) PROJECT IN FIGROVE, FAURE AND VAN DEL
STATIONS




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Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

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9 GENERAL CONDITIONS

10.1 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.

10.2 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.

10.3 PRECEDENT


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

10.4 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 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;

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- 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 requires 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.


10.5 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.

10.6 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

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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.

10.7 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.


10.8 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.

10.9 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 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.

10.10 COLLUSION AND CORRUPTION


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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).

10.11 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.


10.12 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.

10.13 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

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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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10 CONDITIONS OF TENDER

General

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| 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 |


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it 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:

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| 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 | 8 | Attend a site visit and/or clarification meeting at which <i>tenderers</i> may familiarise themselves with the proposed work, services or supply, |


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| meeting | 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. |
| 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> |

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with the alternative requirements the *tenderer* 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.
- 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 as an original plus 1 copy and an electronic version which must be contained in CDs or Memory Cards 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". 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**.
- 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

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misplacement or premature opening of the tender if the outer package is not sealed and marked as stated.

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> |

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| Clarification of tender after submission | 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 permitted except as required by PRASA's <i>Representative</i> to confirm the correction of arithmetical errors discovered in the evaluation of tenders. The total of the Prices stated by the <i>tenderer</i> as corrected by PRASA's <i>Representative</i> with the concurrence of the <i>tenderer</i> , shall be binding upon the <i>tenderer</i> |
| 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 |


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PRASA's *Representative* shall notify the extension to all *tenderers*.

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| 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 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. |

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| 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 | <p>Check responsive tenders for arithmetical errors, correcting them as follows:</p> <ul style="list-style-type: none"> • 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 <i>tenderer's</i> addition of prices, the total of the Prices, if any, will be corrected. |
| | 12 | Reject a tender if the <i>tenderer</i> 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 <i>tenderers</i> or any other person. |
| Clarification of a tender | 14 | Obtain from a <i>tenderer</i> 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 <i>tenderer</i> before the expiry of the <i>validity period</i> , 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 <i>tenderer</i> . |
| Notice to unsuccessful | 16 | After the successful <i>tenderer</i> has acknowledged PRASA's notice of |

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| tenderers | <p>acceptance, notify other <i>tenderers</i> that their tenders have not been accepted, following PRASA's current procedures.</p> |
| Prepare contract documents | <p>17 Revise the contract documents issued by PRASA as part of the <i>tender documents</i> to take account of</p> <ul style="list-style-type: none"> • Addenda issued during the tender period, • inclusion of some of the <i>tender returnables</i>, and • other revisions agreed between PRASA and the successful <i>tenderer</i>, before the issue of PRASA's notice of acceptance (of the tender). |
| Issue final contract | <p>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.</p> |
| Sign Form of Agreement | <p>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.</p> |
| Provide copies of the contracts | <p>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.</p> |